

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
May 19, 2022

The Red Bank Zoning Board of Adjustment held a public meeting on Thursday, May 19, 2022, at 6:30 PM via Zoom video conferencing call.

Chair Lauren Nicosia called the meeting to order at 6:45 PM. A roll call showed the following attendance:

Lauren Nicosia	Present	Sean Murphy	Present
Ann Torre	Present	Sharon Lee	Present
Richard Angowski	Present	Joan Rothwell	Absent
Ray Mass	Present	Robert Friker	Absent
Eileen Hogan	Present	Vincent Light	Present
Christine Irwin	Absent		

Also present were Kevin Kennedy, Esq., Board Attorney; Ed Herrman, P.E., Borough Engineer; and Shawna Ebanks, P.P., AICP, Director of Community Development.

Chair Nicosia read the Open Public Meeting Statement Act. In addition, adequate and electronic notice of time, place, and matter was posted in two newspapers, the Borough Clerk's Office, the Borough's website, outside the council chambers, and on the front door of Borough Hall.

Administrative Matters

Resolution of Approval - 85 Shrewsbury Avenue; Block 40, Lot 3

Motion: Approved as presented
Moved By: Anne Torre
Second By: Ray Mass
Ayes: Ann Torre, Ray Mass, Eileen Hogan, Sean Murphy, Sharon Lee, and Vincent Light
Abstain: Lauren Nicosia and Richard Angowski

Resolution of Approval - 36 Harrison Avenue; Block 14, Lot 16

Motion: Approved as presented
Moved By: Eileen Hogan
Seconded By: Sean Murphy
Ayes: Ann Torre, Ray Mass, Eileen Hogan, Sean Murphy, Sharon Lee, and Vincent Light
Abstain: Lauren Nicosia and Richard Angowski

Appointment of Acting Board Secretary

Motion: Appoint Shawna Ebanks as acting Board Secretary
Moved By: Lauren Nicosia
Seconded By: Anne Torre

Ayes: All in favor
Nays: None
Abstain: None

Z14285: 30 Monmouth Street; Block 31, Lot 10.04

Elias Abilbeira, Esq., represented the applicant, D&D Bar and Restaurant LLC.

Kevin Kennedy informed the Board that the application is an appeal of the Historic Preservation Commission's denial of the alterations to the Dublin House, which is listed on the Borough's history inventory. Mr. Kennedy advised that the conditions/ruling of the Commission would be considered as de novo by the Board. The Board must consider the application based on the zoning concept of undue hardship, negative criteria, and other factual and legal issues.

Exhibits A-1 through A-7 were marked and presented, including rendering and site plans:

A-1: Application for a Development Permit, dated June 17, 2021

A-2: Denial of Development Permit

A-3: Document entitled Red Bank Historic Preservation Commission comments (regarding 30 Monmouth Street, the Dublin House)

A-4: Resolution of the HPC (Denial of Certificate of Appropriateness), dated May 18, 2022

A-5: Communication from the Applicant's Attorney to the Red Bank Zoning Board of Adjustment, dated April 26, 2022

A-6: Transcripts from the Red Bank Historic Preservation Commission Hearings of August 18, 2021, October 20, 2021, and January 29, 2021

A-7: Elevations and Floor Plans, prepared by Michael Savarese, Architect, dated May 19, 2020, consisting of 6 sheets

The following expert witnesses were sworn in for the presentation:

Eugene Devlin - Principal of D&D Bar and Restaurant LLC

Michael Savarese, R.A – Michael Savarese Associates

Michael Savarese provided testimony on the proposed alteration to the front façade of the existing restaurant, which included enclosing the second-floor balcony and outdoor bar area for the courtyard.

Chair Nicosia asked about the enclosure for the second-floor balcony and the reason for the work. Mr. Savarese responded that the enclosed balcony would provide additional interior dining space.

Eugene Delvin testified that the modifications would not change much of the exterior appearance of the Dublin House but would make the restaurant more accommodating to patrons. The upgrade to the structure was overdue but would maintain the existing character and charm of The Dublin House. In addition, the added space created by the enclosure would allow other building rooms to be used for storage.

Sean Murphy asked if the existing columns would remain. Mr. Delvin replied yes. Mr. Murphy commented that the columns were an essential feature of the structure.

Mr. Abilbeira asked Mr. Delvin if the railings on the second-floor balcony were original to the building. Mr. Delvin replied that it was added to the building during its restoration.

Chair Nicosia asked whether Mr. Delvin received approval from the Historic Preservation Commission to install the railings. He replied yes, he worked with the Historic Committee at the time of the restoration of the building when they purchased it.

Mr. Kennedy asked Mr. Delvin when he acquired the property. He replied in March 2004.

Mr. Kennedy asked Ms. Ebanks if the structure was listed on the national historic register. She replied that it is listed on the local registry.

Dr. Christopher Fabricant was sworn in as the Historic Preservation Committee representative. He identified himself as the acting chair of the Commission. He provided testimony as to how the Commission decided to deny the application to alter the existing façade of the building. Dr. Fabricant stated that the applicant proposed to change many features that would not be in keeping with the historical standards for renovations. He pointed out that the applicant was not preserving the existing doors, windows, walls, façade, etc. Therefore the Commission denied the certificate of appropriateness application.

Chair Nicosia asked Dr. Fabricant if the Commission preferred the subject building to revert to its original look when it was known as the "Allen House," and he replied yes.

Mr. Murphy asked Dr. Fabricant whether he knew what the building looked like before the current owners restored the structure. He replied no. Mr. Murphy stated that the building was in disrepair before it became "The Dublin House" and complimented the current owners for their restoration efforts and the maintenance building.

Edward McKenna, 229 Broad Street, stated he agrees with Mr. Delvin's testimony and disagrees with the Commission's denial. He further commended the owners on their restoration efforts and how the Dublin House is a jewel of the Borough.

Cindy Burnham, 71 Wallace Street, commented that she opposed the applicant's proposal to enclose the second-floor balcony.

Mr. Savarese added that the enclosure would match the existing façade of the building and would complement the historical architecture.

Ray Mass commented that the Borough is excellently preserving the existing local landmarks.

Eileen Hogan commented on how important it is to preserve open porches for residential structures; however, since the Dublin House is a commercial property, enclosing the porch would benefit.

Richard Angowski stated that the Board carefully considers all decisions made by other Borough Boards. In the case of this specific application, the Board has reviewed the HPC's reason for denying the application. Additionally, the Board considered all facts and statements made by the public, the HPC representative, and the applicant's professionals to decide on the application.

Sean Murphy motioned to overturn the HPC's denial and approve the application as presented, seconded by Anne Torre.

Ayes: Lauren Nicosia, Ann Torre, Richard Angowski, Ray Mass, Eileen Hogan, Sean Murphy, and Sharon Lee

Nays: None

Abstain: None

A 5-minute break was given, and the Board returned at 8:33 PM. A roll call was taken, and all members were present except for Chair Nicosia and Richard Angowski, who recused themselves from the application for 121 Monmouth Street.

Z13489: 121 Monmouth Street; Block 42, Lots 7, 8, 9, 10 & 11.01

Edward McKenna, Esq., represented the applicant 121 Monmouth, LLC.

Exhibits A-12 through A-15 were marked and presented, including rendering and site plans:

A-12: Preliminary and Final Major Site Plan, Prepared by Kennedy Consulting Engineering dated May 28, 2021, revision, dated April 25, 2022, consisting of 8 sheets

A-13: Architectural plans, prepared by SOME Architects, revised May 22, 2022, consisting of 8 sheets

A-14: Stormwater Management Report, prepared by Kennedy Consulting Engineering, revised April 25, 2022

A-15: T&M Second Engineering Review dated May 17, 2022

Mr. McKenna provided details on the revisions to the plans since the February 17 presentation, which included the elimination of the fifth and the parking on Pearl Street and retaining the residential houses on Oakland Street. Also, the Oak Street houses will contain three-bedroom affordable housing units with access to the same amenities as the tenants in the proposed development. Therefore, the property manager will maintain them. Furthermore, six affordable housing units will be located in the proposed development.

Michael Simpson provided testimony on the proposed design of the proposed development.

Ray Mass asked about the size of the affordable housing units. Mr. Simpson replied that the affordable second-floor units would be slightly different from those on the other floors, which

will have the same layout and design. Mr. McKenna also added that the affordable units' programming is still being determined.

Sharon Lee asked how the tenants from the houses on Oakland Street will have access to the garage and amenities in the proposed development. Mr. Simpson replied that there would be a walkway to the main structure.

Eileen Hogan commented that the density went up and the parking number of spaces changed; Mr. Simpson explained the reason for that change and differed it from the traffic testimony.

Kevin Asadi, Esq., opposition attorney for Station Place at Monmouth-First Realty State Investment Trust of NJ, questioned Mr. Simpson on the location of the trash enclosure. Mr. Simpson confirmed that the trash enclosure would be separate from the principal building. He also differed any questions relating to the trash operation to Mr. Salerno's testimony.

Mr. Asadi inquired about the proposed development meeting required unit size for the zone. Mr. Simpson replied that the units conform to the Borough's ordinances.

Mr. Asadi also questioned the light plan for the site, and Mr. Simpson referred him to Sheet A100GL.

Eileen Hogan motioned to carry the application to June 2, 2022, second by Vincent Light. All were in favor. There will be no further notice required. Mr. McKenna consented to extend the time the Board has to act on the application.

The meeting was adjourned at 9:33 PM.

Respectfully Submitted
Chris Ann DeGenaro
Board Secretary