

MINUTES
RED BANK PLANNING BOARD
July 10, 2024

The Red Bank Planning Board held a public meeting on July 10, 2024, at 7 PM in the Municipal Building, first floor, Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Dan Mancuso called the meeting to order at 7:00 PM. A roll call showed the following members were in attendance:

Mayor Portman	Absent	Megan Massey	Absent
Greg Fitzgerald	Absent	Louis DiMento	Present
Dan Mancuso	Present	Kristina Bonatakis	Present
Thomas Welsh	Absent	Barbara Boas	Present
Frederick Stone	Present	Wilson Beebe	Present
Itzel Hernandez	Present	Brian Parnagain	Present

Also present were Kevin Kennedy, Esq., Acting Board Attorney; Jacqueline Dirmann, P.E, P.P., Board Engineer; and Shawna Ebanks, P.P, A.I.C.P., Director of Community Development.

Chair Mancuso read the Open Public Meeting Statement Act. In addition, an 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.

Regular Meeting Minutes: May 8, 2024

Motion: Approved as presented
Moved by: Frederick Stone
Seconded by: Dan Mancuso
Ayes: Kristina Bonatakis, Dan Mancuso, Barbara Boas, Itzel Hernandez, Frederick Stone, and Brian Parnagain
Nays: None
Abstained: Louis DiMento and Wilson Beebe

Regular Meeting Minutes: June 12, 2024

Motion: Approved as presented
Moved by: Dan Mancuso
Seconded by: Barbara Boas
Ayes: Dan Mancuso, Louis DiMento, Barbara Boas, Itzel Hernandez, and Brian Parnagain.
Nays: None
Abstained: Kristina Bonatakis, Wilson Beebe, and Frederick Stone.

P15624: 26 West Front Street, Block 8, Lot 15

Dan Mancuso motioned to carry the application to the August 14, 2024, meeting without further notice, and Frederick Stone seconded.

Ayes: All in favor

Nays: None

Abstained: None

P15188: 54 North Bridge Avenue: Block 2, Lot 18

The applicant, Two River Greens LLC, was represented by Edward Mainardi, Esq.

Michael Convery Esq., representing Sylvia Constantino, in opposition to the application.

The following opposition witnesses were sworn in for the presentation:

Sylvia Constantino – Owner of 58 Rector Place

Lee D. Klein, PE, PTOE - Klein Traffic Consulting, LLC

Michael J Pessolano, PP, AICP - MJP Land Use Planning LLC

The following applicant witnesses were sworn in for the presentation:

Peter G. Steck, P.P.- Community Planning Consultant

Exhibits B-1 to B-2 were marked and presented.

B-1: Wilson Beebe's certification of transcript dated July 10, 2024.

B-2: Planning Memo titled Section 490-119 Conditional Use: Findings; Intent; Guiding Standards and Principles, prepared by Shawna Ebanks, PP, AICP, Director of Community Development, dated July 7, 2024.

Exhibits A-30 to A-32 were marked and presented.

A-30: Amendment to Formation Name from Two River Greens LLC to Floro RB LLC, dated May 22, 2024.

A-31: Peter G. Steck, P.P.'s professional qualifications as a licensed professional.

A-32: Reproduction of a data chart from the 6th Edition of the ITE manual.

Exhibits O-Constantino-1 to O-Constantino-5 were marked and presented.

O-Constantino-1: Survey prepared by Charles O'Malley dated August 15, 2015.

O-Constantino-2: Photo taken by Sylvia Constantino, dated April 17, 2024.

O-Constantino-3 (A-I): A: Photo taken by Sylvia Constantino dated April 21, 2024.

B: Photo taken by Sylvia Constantino, dated April 17, 2024.

C: Photo taken by Sylvia Constantino, dated April 17, 2024.

D: Photo taken by Sylvia Constantino, dated April 21, 2024.

E: Photo taken by Sylvia Constantino, dated April 17, 2024.

F: Photo taken by Sylvia Constantino, dated April 17, 2024.

G: Photo taken by Sylvia Constantino, dated April 21, 2024.

H: Photo taken by Sylvia Constantino, dated April 17, 2024.

I: Photo taken by Sylvia Constantino, dated April 21, 2024.

0-Constantino-4: Photo taken by Sylvia Constantino, dated April 23, 2024.

0-Constantino-5: Cannabis Location restriction map provided by Sylvia Constantino.

Sylvia Constantino testified that she chose to locate her law practice in Red Bank because it seems like a safe area for her clientele. She further detailed the history she has with the existing operator of the site and the negative impacts of the laundromat on her building mechanical equipment and employee's health. There is concern that the new business will operate in the same manner as disrupting her business operation and the safety of her and her clients.

Barbara Boas asked when the existing issues with the subject property started. Ms. Constantino replied that she had noticed these issues when she acquired the property.

Ms. Constantino distributed the pictures of damage to her property which were marked into evidence, including a picture of the existing HVAC system for the subject structure. Chair Mancuso commented that the HVAC replacement is a condition of approval.

Ms. Constantino further commented that the proposed carbon filters did not seem sufficient to eliminate any possible cannabis odor. She also added that the proposed security plan and the infrared cameras will invade her property and customers' privacy.

Regina Perrine, 50 Rector Place, was concerned about the traffic and is in support of Ms. Constantino's opposition.

Christopher Fabricant, 35 Rector Place, had concerns about the safety of the children.

Lee D. Klein provided traffic testimony, disputing the applicant's traffic testimony. He conducted a site visit on May 8, 2024, and observed vehicles coming in and out of the laundromat. He noticed some illegal turns on several occasions. The exit driveway on Rector Place was blocked more than 50% of the time, and when the queue cleared out, vehicles continued to come, and it was challenging to make a left turn out of there.

Chair Mancuso asked Mr. Klein during his site visit what the average time of the queuing for cars. He replied that it was about 20 to 30 seconds, sometimes a little longer.

Wilson Beebe asked if the traffic generation for the proposed site would be equivalent to a convenience store. Mr. Klein replied that if the dispensary succeeds, it could generate more traffic than a convenience store.

Ms. Boas asked if Mr. Klein had observed the existing cannabis store in Red Bank. He replied no.

Mr. Klein concluded that based on the size of the site, the number of parking spaces, the orientation of the circulation, and the parallel parking spaces, the site is very tight and, therefore, unsafe because people cannot circulate within it.

Michael J. Pessolano provided professional planning testimony on behalf of the opposition. He testified that since the Police Department provided no comments on the security plan, a condition of the conditional use standards, the applicant needs a D variance. Shawna Ebanks commented that the Police Department reviewed the security plan but did not provide any comments. Based on past applications, there would be no response if there were no concerns, which usually means it is accepted.

Mr. Pessolano reviewed the T&M review memo and the Borough's Planning and Development Regulations. In his professional opinion, the applicant did not satisfy the conditional use standards, and the subject site is unsuitable for the proposed use.

Peter Steck provided professional testimony as a professional planner on behalf of the applicant. To prepare for his testimony that he observed the traffic activity of the other cannabis establishment within 100 feet of the subject location. He explained based on everything the applicant proposes, all the conditions have been met; the proposed business is permitted to use the zone. When speaking about the nonconforming conditions, Mr. Steck explained that all these conditions are preexisting.

Mr. Steck explained that based on the ITE analysis done by the applicant's traffic expert, the proposed eleven (11) parking spaces would be conformably with the peak parking demand.

Jacqueline Dirmann commented that T&M's review letter maintains the parking spaces requirement at twenty-six (26) spaces would meet the needs for the proposed use.

Chair Mancuso asked Mr. Steck if he thinks eleven (11) parking spaces are sufficient. Mr. Steck replied yes.

Mr. Steck further testified that if the Governing Body wanted to put constraints on the proximity to another cannabis business, they would have included restrictions in the ordinance.

Kristina Bonatakis asked if the proposed parking spaces are adequate for the four employee spaces. Mr. Steck replied that the study does not distinguish between employees and customers parking.

Mr. Klein added that the parking demand is calculations include the geometry, layout, and distance from the driveway. There is one space for every 160 square feet, which is fourteen (14) parking spaces on average for the proposed use.

Victor Tudorov, 41, Rector Place, commented that the proposed business is not ideal for the neighborhood and has concerns over the impact on families and children.

Hugh Giordano, a representative of the United Food and Commercial Workers Union, voiced support for the proposed business, which has a union agreement for its employees.

Dan Mancuso motioned to carry the application to September 11, 2024, without further notice, and Wilson Beebe seconded.

Ayes: All in favor

Nays: None

Abstained: None

Shawna Ebanks explained that the Health in All Policies and Community Equity and Diversity Profile reports should be used by the Board as a tool in the decision-making process to evaluate how development impacts the community. The reports were provided to the Board in their agenda folders.

Itzel Hernandez motioned to adjourn the meeting, and Barbara Boas seconded.

Ayes: All in favor

Nays: None

Abstained: None

The meeting adjourned at 9:44 PM.

Respectfully submitted,

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Board Secretary