

MINUTES
RED BANK BOARD OF ADJUSTMENT
August 19, 2021

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday August 19, 2021 at 6:30 pm, via Zoom in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Lauren Nicosia called the meeting to order at 6:30 pm. The Board saluted the flag. A roll call showed the following members were in attendance: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy, Anne Torre, Sharon Lee, Robert Frikker, Bruce Maida, Kevin Kennedy, Esq., Board Attorney, Ed Herrman, PE and Shawna Ebanks, Director of Community Development.

Kevin Kennedy read the Open Public Meeting Statement Act. An Adequate and electronic notice with the time, place and matter was posted in the two newspapers, with the Borough Clerk's office, the Borough website and posted outside the Red Bank Meeting room and on the front door of Borough Hall. Mr. Kennedy also announced the login information was advertised as well. Mr. Kennedy announced that if the public needed to contact us they could raise their electronic hand, call Maria Graziano or send her email at mgraziano@redbanknj.org.

Lauren Nicosia opened the meeting to the public for non-agenda items of which there were none.

Applications:

The Parker Family Health Center; 211 Shrewsbury Avenue; Block 74, Lot 7.02 Z14334

Lauren Nicosia and Bruce Maida recused themselves. Greg Gitto, PE, was sworn. Anne Torre stated you previously was employed by the applicant in the past. There were no issues.

The following Exhibits were entered: A-1; Application for Development Permit: A-2; Denial: A-3; Survey: A-4; Architectural Plans prepared by Ed O'Neill (3 sheets): A-5; Resolution 2/3/2000: A-6; Resolution 3/2/2000: A-7; T&M Review Letter.

Ed McKenna, Esq. represented the applicant. They are seeking an addition. They see many patients per month and the space is very small. The existing medical use is not permitted, which is why they need a d(2) variance. They would be adding 1 conference room, 4 offices/patient room. They were able to negotiate with the neighbor next door to secure 4 parking spaces. This will replace the 3 spaces they are losing plus add an additional space. Most patients coming to the center walk or come by taxi or car service, so parking has not been an issue. They also have negotiated a deal with Uber to provide rides at no cost to patients coming to the center.

Ed O'Neill, PP and Architect, was sworn and accepted as an expert witness. He described the proposed application to provide the expansion of the non-conforming use.

The building and facility is a beneficial inherent use. They provide free medical care to the residents, who meet the requirements. The expansion is in the parking area. This is an anchor that has been here for many years.

Richard Angowski, if it is inherently beneficial, then the Board would be inclined to approve. Therefore, there is no need to review the positive/negative criteria.

There were no questions from the Public.

A motion was made by Ray Mass, seconded by Eileen Hogan to approve the application. Ayes: Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy, Anne Torre and Sharon Lee. Nays: none. There is an application for a grant currently in progress, so there is a time constraint. If qualified, it will greatly off-set the financial requirements.

A motion was made by Ray Mass, seconded by Anne Torre to approve the Resolution. Ayes: Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy, Anne Torre and Sharon Lee. Nays: none.

Park Valley Monmouth, LLC.; 120 Monmouth Street; Block 33, Lot 9.01

Greg Gitto, PE, was sworn. Lauren Nicosia recused herself.

Kevin Kennedy explained the application is a continuation from a prior meeting. The following Exhibits were entered: B-1; Certification of Sean Murphy listening to the May meeting: A-20; Site Plans 10/1/20: A-21; Engineering Plans 4/8/21: A-22; Architectural Plans 4/20/21; A-23; Revised Site Plans: A-24; Architectural Plans 8/6/21.

Ed Mckenna, Esq. thanked the Board and explained the 3 bedroom COAH unit has been added to the on-site plans. They revised the gate back, so that an additional car can get on-site when turning in. They will pre-wire for a future electric charging facility.

Mike Simpson, Architect, was sworn. He explained the revised plans, which include several changes at the street level. The rolling gate was moved back 12 feet. There is a single-one lane traffic flow. The 4 spaces on the south side will be pre-wired for EV charging spaces. The parking count was not reduced. On the second floor, about 237 square feet of green space was removed to enable the addition of the 3-bedroom COAH unit on-site.

Eileen Hogan questioned if the set-back is where the existing fence is on the property. Mike Simpson explained the building will be set-back in areas ranging from 9.24 feet off to 12 feet. The Engineer can better address her question.

Anne Torre clarified there will be 5 COAH units provided. This meets the requirements.

Sharon Lee clarified the EV capability will be set, but not officially provided. There was some discussion regarding charging stations.

Cindy Burnham, 71 Wallace Street, was sworn. She was concerned with the set-back on the south side of the building. From the building to the sidewalk there is no green space proposed. There are two existing tree spaces and they will plant trees there. She feels this would appear like another Station Place. She would like green space proposed for the tenant walking their dogs. Also the proposed lot coverage is 91%, when 45% coverage is permitted.

Maryellen Mess, 95 Hudson Avenue, was sworn. She agreed with Cindy Burnham regarding the size and density issues. She understands that Red Bank is a hot area now for people re-locating from northern areas.

It is her understanding the habitable size of some of the units are smaller than the required size. Mr. Simpson explained that most of the units are meeting the requirements. She feels there should be more open space provided.

Mr. McKenna explained the neighboring sites, such as the Popkin project at 170 Monmouth Street and West Side Lofts. He noted they are near the train station. He also stated that some of the residents in West Side Lofts are residents who have sold their homes in town and moved into those apartments. Mr. Simpson explained the Master Plan and transit over-lay zone. He noted the prior uses for this site and impervious coverage.

Ms. Mess clarified this project is not in the project overlay zone. The building height is 50 feet to the cornice and 47 feet to the roof-deck. The zoning permits 40 feet. She reviewed some of the concerns from the agency reports about the project.

The public portion was closed.

AJ Garritto, Engineer, was sworn and accepted as an expert witness. He reviewed the site plan proposed. There is not a lot of civil engineering for this project. He discussed the storm water/sewer system. The applicant will comply with the Borough requirements. There is discussion with the Borough regarding the possible construction of a sewer line. The applicant would participate and pay their share, if that project proceeds. If not, they will tie into the existing sewer lines on Pearl Street.

He discussed the green space proposed. The surrounding properties are typically total lot coverage. This is what you expect in this type of area.

He clarified the sizes of the parking spaces and the one-way circulation pattern.

Greg Gitto had Mr. Garritto review the requested design waivers. They include complying with the electrical vehicles requirement, the size of the compact vehicle spaces, the entrance doorway, curbing along the perimeter of the northerly side, which is required, multi-family set-back requirements, and other set-backs, landscaping requiring a 15-foot buffer and screening plantings and landscaping requirements per open-space area.

Cindy Burnham questioned if there was an Ordinance that the developer is required for any sewer upgrades. She feels it is required. Mr. McKenna clarified that if Public Works requires it, they would comply. This applies to any applicant. Kevin Kennedy confirmed if the application is approved, then the applicant would have to comply with all the requirements.

Keenan Hughes, PP, was sworn and accepted as an expert witness.

Exhibit A-25; RB ZB Ordinance Map was entered.

The property is less than ¼ mile from the train station. It is under-utilized in the down-town area. This is the definition of smart growth planning principles. They are just outside the train station overlay zone. The 2009 Master Plan states there should be an increase in the residential densities in the transit oriented district. Also to provide walkability and a variety of housing types. The intent of the rehabilitation area was also noted. The planning directives were noted to be expanded to Maple Avenue. There are dissimilarities in the Master Plan and the Zoning requirements, which is what triggers the variance requirements. The Master Plan did recommend changing the minimum size per unit.

Density, height and unit size require variances. They are compatible with the height of neighboring buildings. The on-site parking and size are appropriate for this downtown setting. The benefits include more people living in a downtown area within walking distance to the train station, they support commercial businesses, COAH units will be provided on-site and storm-water management. A c variance requires 1.5 spaces per unit be provided. They are providing more than what is required in the next zone, which is right down the street. There are no substantial detriments to the public good for the project. The benefits outweigh any detriments. The approval will truly advance the development in the train station overlay district.

He clarified the 2 EV charging stations required by the State, as a result of the new law recently signed. The applicant will go beyond the requirement and provide 4 stations. The infrastructure will be in place for the future.

Mr. McKenna clarified the conduit will be run for the entire row. Each station will charge two cars.

Maryellen Mess clarified with Mr. Hughes that there are mismatches as to what the Master Plan states and what the Zoning permits. Mr. Hughes stated there are 11 units under the required 1,000 square feet for the 1-bedroom units. Ms. Mess stated that most of the units are undersized, which included the 1, 2 and 3 bedroom units.

Mr. Simpson clarified the sizes of the balconies are 5 and 6 feet deep and most are 8 feet wide, some are 12 feet wide.

Ray Mass clarified the COAH unit sizes. Mr. Simpson explained they will be intermingled, and they haven't determined which units these will be, so they don't know the sizes right now. He did note the 3-bedroom unit that is being provided is in excess of the requirement size. The applicant wants to have the flexibility to determine which spaces are COAH units.

Richard Angowski requested the positive/negative for lot coverage. It goes hand in hand with providing the enclosed parking, which mitigates noise and provides a higher quality project. 90% of lot coverage is normal in a pedestrian walking area.

The public portion was closed.

Mr. McKenna explained as a lifelong resident of Red Bank, that we should all know this property has been a mess since he was in grammar school. He explained neighboring projects with self-contained parking and 100% lot coverage. The COAH element being provided on-site. The applicant had revised the application and he requested the Board to act favorably, as this opportunity is presented now.

Eileen Hogan and Sharon Lee expressed their concerns with the density.

Sean Murphy respectfully disagreed with Eileen and Sharon. He feels the project fits in with the area. He feels it is cleaning up the property.

Richard Angowski stated the property jumps out at you. He feels the planner presented compelling testimony and there is a developer ready to develop this property.

Cindy Burnham she agrees with the current look of this property, but feels you do not have to develop the whole property.

Maryellen Mess agrees the property needs to be developed. She feels it is a buffer between the commercial and residential zones. If the project is approved, she feels the area is going to change. If this project is approved, the next developer will come along and want their project approved. She feels the whole picture should be looked at.

Carl DeAngelis, Principal of the corporation 117-119 Monmouth Street, was sworn. This property has been owned by his family for many years. He supports and encourages this project. It enhances the Monmouth Street corridor.

A motion was made by Sean Murphy, seconded by Anne Torre to approve the application. Ayes: Ray Mass, Christine Irwin, Richard Angowski, Sean Murphy, Anne Torre and Sharon Lee. Nays: Eileen Hogan. Kevin Kennedy reviewed some of the Resolution requirements.

Anne Torre made a motion to adjourn the meeting, seconded by Eileen Hogan. The meeting was adjourned at 9:23pm.

Respectfully submitted,
Dina Anastasio