

**MINUTES**  
**RED BANK BOARD OF ADJUSTMENT**  
**September 16, 2021**

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday September 16, 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 6:40 pm. The Board saluted the flag. A roll call showed the following members were in attendance: Lauren Nicosia, Ray Mass, Eileen Hogan, 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.

Lauren Nicosia 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.

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

**Applications:**

**The Parker @ Red Bank; 234 & 240 Shrewsbury Avenue; Block 78, Lots 11-14 Z13729**

Ed Herrman was sworn in.

This is the fourth meeting for this application. The applicant has re-noticed and all members are eligible to vote.

William Poku stated his concerns with the notification of people outside of the 200-feet of the property and remote meetings versus live meetings. He felt the Zoom meetings were easier to attend. Kevin Kennedy addressed his concerns and everything was followed as required by law.

The following Exhibits were entered: A-19; Bifurcated Application 5/7/21 (5 sheets): A-20; Architectural Plans dated 9/2/21: A-21; T&M Review Letter 9/15/21: A-22; Architectural Plans dated 6/30/21 (these were superseded by the later plans).

Kevin Kennedy addressed a concern from a prior meeting where it was stated that no large applications should be heard until the Master Plan is revised. He explained the Zoning Board is a quasi-judicial agency, they must act like a court, they deal with the applications presented to them and they do not have the luxury to restrict what applications heard. It is not legal and they must act in the required time, otherwise an automatic approval is given.

Craig Giannetti, Esq. reviewed the application. He discussed the concerns presented to them from the residents. In effect there is redevelopment being proposed. "Small r" redevelopment is what is here. They are not using the tax abatements available with "Big r" redevelopment. Therefore; economic feasibility rules this application. They could not just remove upper stories of the building, as this would not make this project work. They can work with certain items regarding the look of the building. He noted that some people did question why don't you just build what is permitted there.

Exhibit A-23; Power Point Presentation was entered.

Roger Mumford, Property Owner, was previously sworn. He reviewed the application, which consists of 4 lots. When he obtained the properties, he had reviewed the desires of the town with the prior Zoning Officer, so he would know what to develop. He reviewed the application, which includes retail, residential and office space. The proposed plaza was discussed.

He discussed a photo taken this past week via a drone. The Architect was able to show a depiction of the proposed building in this photo. He explained using painted brick and graphite color windows would soften the look of the building, instead of being white. He discussed the financial aspects of how much money is invested into the properties versus the number of units proposed. When he develops properties, he keeps them and maintains them. He has provided 19 COAH units in the past 2 years to Red Bank. He reviewed the floor plans.

He explained they can build what is in accordance with what is permitted in the zone, but that may not be the best thing for the area.

Anne Torre confirmed the units would be rentals.

Bruce Maida questioned if he would consider a duplex. Mr. Mumford did not feel this made sense for this property.

Linda Clark, 207 River Street, was sworn. She took offense to a statement referring to the area as dead bank. She discussed with Mr. Mumford the projects on the west-side.

Lydia Settles, Bank Street, was sworn. She clarified with Mr. Mumford why he wants to build on these properties. As a developer, he is interested in the west-side. The market-units would rent for about \$2,000 - \$2,500 for the one-bedroom units and about \$2,600 for the two bedroom units.

William Poku, was previously sworn. He clarified with Mr. Mumford that the properties are located in the 80-34 census track. The median income for this area is \$49,000. He questioned if that income can support those rents. Mr. Mumford did not feel they did, but that is not required, when developing a property.

Maryellen Mess, 95 Hudson Avenue, was sworn. She clarified the bi-furcated application approval process.

The size of the units will be about 750-800 square feet for the 1-bedroom units and 1,150 square feet for the 2-bedroom units, which will also have 2 baths. One dumpster container will be located in the rear of the property. The maximum height permitted in the zone is 35 feet; whereas, 48 feet is proposed.

Mr. Mumford explained there are currently 2 vacant lots on these 4 properties. The other 2 properties currently have 4 apartments. He is proposing 20 units. The proposed lot coverage is 26.32, which includes the building, not the parking area, as per the Ordinance. This was confirmed by Brian Decina, PE, previously sworn.

Alecia Wilkerson, was sworn. She clarified where the driveway would be located. It would be on River Street. There will be refuse compactors in the buildings.

Lysette Ramos, 128 Bank Street, was sworn. She clarified with Mr. Mumford why he doesn't just want to fix up the existing buildings. If he were to do that, it would not make sense for the investment he has in these properties. She questioned the possible displacement of a tenant. Mr. Mumford replied that the property manager handles this, but if someone in one of his buildings was affected by this, they can talk with them and be assured they will be treated with respect. He has never displaced any tenants in town.

Susan Viscomi, 25 Cedar Street, was sworn. If there were a fire, is there access, down the long narrow driveway. Mr. Mumford stated the property would have readily available accesses for emergency services.

Sean Murphy questioned if the applicant spoke with the neighbors. Mr. Mumford has reached out to those within the 200 feet. There are people in attendance

Kenneth McGhee, Mechanic Street and Pastor Calvary Baptist Church, was sworn. He questioned about the proposed pedestrian plaza and the impact on Shrewsbury Avenue and River Street. Mr. Mumford explained it provides an area to sit and also depends on the retail uses going in on the first floor. He clarified there would be nothing inhibiting the passage way for cars in the area.

William Poku questioned what owner in equity means. Kevin Kennedy explained that is another way of saying he is a Managing Member of the LLC that owns the property. Mr. McGregor, is a partner in ownership to one of the properties. Mr. Poku discussed about lots merging and 2 properties being located in the AH overlay zone. Mr. Giannetti referred to the review letter from T&M and it was noted that these properties are not in the AH zone.

Christine Nazzaro Cofone, PP, was previously sworn. She reviewed the NB zone and what is permitted. 2 family homes are not permissible. You can have 16 units on these lots, and with that, there would be no COAH requirement. They are trying to reinvent the properties, which would be more beneficial to the neighborhood. One advantage of this application is providing 2 COAH units. Currently the units are not deed restricted and there would be no credit given for providing an affordable unit. They prepared a revised architectural look, at the concerns of the Board and residents. The 2019 Master Plan revision states to provide the highest quality of design in the Borough and to encourage dense residential housing. There is not a radical departure of what is encouraged by the Zoning Plan. She discussed the Affordable Housing zone and the requirements. She stands by her testimony and explained, if the use is approved, they would return for the site plan hearing. She is confident they can meet with the neighbors to come up with a mutually agreed upon architectural look for the building. Planning is about a balance.

Mr. Giannetti clarified with Ms. Cofone that being near a train station reduces the parking demand. Also, 14 of the units are 1-bedroom, therefore, further reducing the requirement.

Alecia Wilkerson, was previously sworn. She clarified the parking provided was increased and the demand was reduced. Mr. Mumford stated that statistically a 2-bedroom residence may only be rented by a single person. This particular project has the best parking of all the projects he has developed.

William Poku discussed with Ms. Cofone if she was aware of the Mt. Laurel Doctrine.

Mr. Giannetti objected to Mr. Poku asking questions about items that have not been entered for this application. He wanted to know what the impact is of this project on affordable housing. Ms. Cofone explained the advantage of the on-site deed restricted units being proposed. She further explained the Board must create a balance of the concerns of the residents and do what is good for the town. Ms. Cofone confirmed an example of scarce resource constraints, such as having reduced water/sewer capacity. Red Bank did a vacant land adjustment for the COAH requirements, as there is not enough land available to meet their requirements.

Ms. Mess clarified that there are some communities that have met their affordable housing obligations. She also wanted to know if families would live in an affordable unit. It is possible. The affordable units would probably be one (1) bedroom and one (2) bedroom.

Mr. Giannetti confirmed with Ms. Cofone that there could be 16-units (four on each of the four lots) and that there would be no COAH requirements to provide housing. Just a contribution would have to be made.

Henry Tindal, resides on the west-side, was sworn. He feels the town is booming, but feels that it would be better to have residential houses built, instead of apartments and retail. Traffic is already heavy in that area. He stated no one from the west-side would be able to afford the rents.

Alecia Wilkerson stated that she took offense to a prior statement made referring to the area as dead bank. She feels the rents are not affordable by people in this area

Rose Sestito, East Bergen Place, was sworn. When the Board decides on a variance, keep in mind that the Borough has already set the parameters. Also, what will happen when the residents move out, because they want to start a family and then the town is inundated with vacant one-bedroom apartments.

Maryellen Mess moved to Red Bank years ago, because of the diversity. The Shrewsbury Avenue corridor is vibrant. She reviewed her reasons why she feels this application should not be approved, including the Opportunity Zone being implemented and being near the train station.

Ms. Settles understands that Mr. Mumford is a businessman and he wants to make money. She does not feel the building is good for this area. It is not attractive.

Quanasia Frost, Bank Street, was sworn. She is a lifelong resident of Red Bank. She feels this project should not be approved. It does not agree with the zoning. This building is not an improvement to the area. There are sewer issues, on this side.

Pastor McGhee wanted the Board to keep in mind their neighbors, when they make the decision on this application. What better neighbor would you be knowing you are allowing your neighbor to keep a roof over their heads. There are people who come to him discussing their financial issues with regard to Covid and how they may have just returned to work.

William Poku described that he was the prior head of the Red Bank NAACP. The community has been severely impacted. He doesn't want to encourage developers to overpay for properties, then grant them variances, which don't benefit the neighborhood.

Linda Clark, previously sworn, wants to take into account the climate change. She has nothing against Mr. Mumford, he does nice work. She wants him to be concerned with residents being displaced.

Tiffany Harris, 1 Cedar Crossing, was sworn. No one has discussed the school located down the street and the impact this application would have on the traffic. She feels we should cater to families.

The public portion was closed.

Mr. Mumford stated he is withdrawing the application. He would like to know how to work with Red Bank. How should a developer get insight as to direction the town wants to go

A motion was made by Lauren Nicosia, seconded by Richard Angowski to accept the withdrawal of the application without prejudice. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy and Anne Torre.

Anne Torre made a motion to adjourn the meeting, seconded by Bruce Maida. The meeting was adjourned at 9:40pm.

Respectfully submitted,  
Dina Anastasio