

MINUTES
RED BANK BOARD OF ADJUSTMENT
October 7, 2021

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday October 7, 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, Christine Irwin, Sean Murphy, Anne Torre, Sharon Lee, Joan Rothwell, Bruce Maida, Marc Leckstein, 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.

A motion was made by Sean Murphy, seconded by Lauren Nicosia to approve the minutes for the following meetings: 1/7/21, 1/21/21, 2/4/21, 2/18/21, 3/18/21, 4/1/21, 4/15/21, 5/6/21, 5/20/21, 6/3/21, 6/17/21, 7/15/21 and 8/5/21. Ayes: Lauren Nicosia, Eileen Hogan, Sharon Lee and Bruce Maida. The following members abstained: Ray Mass, Anne Torre and Joan Rothwell. Nays: none.

A motion was made by Bruce Maida, seconded by Ray Mass to approve the minutes from the Executive Session of 9/16/21. Ayes: Lauren Nicosia, Ray Mass, Sean Murphy, Sharon Lee and Bruce Maida.

A motion was made by Sean Murphy, seconded by Ray Mass to approve the Resolution of Dismissal Without Prejudice for the application of The Parker at Red Bank. Ayes: Lauren Nicosia, Ray Mass, Christine Irwin, Sean Murphy, Anne Torre, Joan Rothwell, Sharon Lee and Bruce Maida. Nays: none.

Applications:

Edge Builders; 22 High Street; Block 17, Lot 15 Z14127

Dante Alfiore, Esq. represented the applicant.

The following Exhibits were entered: A-1; DPA & Denial: A-2; Survey: A-3; Proposed Plan consisting of 1 sheet: A-4; Review Letter from Shawna Ebanks.

Al Shashias, Architect, was sworn and accepted as an expert witness. The property owner/builder previously converted the second floor from 3 bedrooms to 2 bedrooms. They would like to make the existing ½ story attic into a full-story with a third bedroom and a bathroom. A gable dormer will be added to accommodate this. The house will have a total of 3 bedrooms and 2 ½ bathrooms.

A new parking space in the rear of the property, will also be added. They will add a 4-foot high white picket-fence.

The public portion was closed.

A motion was made by Ray Mass, seconded by Lauren Nicosia to approve the application. Ayes: Lauren Nicosia, Ray Mass, Christine Irwin, Sean Murphy and Anne Torre, Sharon Lee and Joan Rothwell. Nays: none.

96-98 West Front Street, LLC., 96-98 West Front Street, Block 8, Lots 2 & 3 Z14062

Richard Healy, Esq. represented the applicant. This was continued from July 15, 2021.

The applicant did re-notice for this meeting.

The following Exhibits were entered: B-1; Certification of Joan Rothwell listening to the prior meeting. A-14; Environmental Impact Statement: A-15; Colorized Rendering of the Rooftop.

Andrew Comi, PE, discussed with Lauren Nicosia the issue regarding the maintenance of the trees. The Borough would have to grant an access easement to the applicant, in order from them to access the trees. Mr. Leckstein noted that this Board does not have control over this issue and only the Council can make that decision. Therefore, if the easement were not granted, then the trees would not be maintained by the applicant.

Bruce Maida had previously requested a holistic approach to address Storm-Water Management.

Mr. Comi explained that they are not a major development and therefore, they are not required to do anything. They are providing clean-roof area and there should be minimal impact to the river.

He feels once the project is developed, there should not be an issue. There has been no contact from the Environmental Commission regarding this issue.

Sean Mass clarified there are no issues during construction. There will be a soil-erosion plan in place, as required.

Mr. Comi noted that Ed Herrman had previously stated the application was maximally prepared.

Lauren Nicosia confirmed there are measures in place to address this issue, until construction begins.

Marc Leckstein clarified this application was previously approved by the Planning Board. He confirmed since there are no changes regarding the issue at hand, that the previous approval from that Board, would still be approved.

Nancy Blackwood, 34 Chestnut Street, was sworn. She represents the Environmental Commission. They had a question regarding the buildable coverage. Lot coverage is 24.6%. She understands the formula is different in the water-front area. Mr. Comi was not aware of this difference.

Mr. Comi was not sure if the Green Application Checklist was submitted for this application.

She wanted to know if the plantings proposed were on the approved list from the Shade Tree Committee and the Environmental Commission. The applicant will confirm they are.

The sidewalk located in the front does not meet the requirement for ADA compliance. They will address this. This property is located in a wet-lands area and all pre-cautions will be taken to keep run-off to a minimum.

Cindy Burnham, 71 Wallace Street, was sworn.

She stated that the developer had purchased the property and the prior owner received approval for an application from the Planning Board. She clarified the requested variances for this application include a

use variance, a design waiver for parking, a waiver for the bedroom count, a landscaping variance and a density variance. The Navesink River Rowing Group uses this area and she clarified that the water will be piped to Maple Avenue. Mr. Comi confirmed they have a plan to address this. The trash enclosure will be along Maple Cove parking lot.

Mike Monroe, Architect, was previously sworn. He explained the prior application, that received approval.

They changed the design reducing the retail/office space to 600 square feet, which reduced the parking requirement. They are putting a less intense use onto the property. They reduced the parking to one-level. They have more than what is required for the green-roof. He explained their goal is to not contribute any water into the large pipe that currently exists in that area. There is a retaining wall on the property enabling any water to return to their property. The proposed building will be set at an angle, providing more landscaping. There will be a more pleasurable view for those entering into town. A pedestal system is proposed for the roof. There are terraces planned for the building. A lot of planning went into this application to address concerns. There is enough parking for guests. He explained you can't just look at the numbers, you need to look at the site plans to understand the application.

Lauren Nicosia confirmed the 600-foot space will be commercial/office, whatever is permitted. There is nothing planned at this time. They will comply with the T&M requirements.

Ray Mass wanted to see a rendering of the building from West Front Street. They reviewed front building elevations. Mr. Leckstein explained the Board can request to see a color rendering of the building.

Sharon Lee clarified the slope ratio to the entrance will not change.

Bruce Maida clarified they were approved for 8 apartments and this application is for 10 apartments. This is a cleaner application. He asked if it is possible to gravel the parking lot down by Maple Cove. Mr. Leckstein explained the applicant does not own that property, so that is not permissible to impose that request to the Board.

Sean Murphy stated some of the variances are because of the landscaping/accessory structure. They are technical variances. Density and FAR are the main variances.

Ray Mass confirmed there COAH requirement is a monetary requirement. There is no unit required.

Ann Ciabitonni, 66 Peters Place, was sworn. She clarified the parking requirement with regards to the retail/office space. Mr. Monroe stated the requirement would be 3 for either use. They can park in the rear or on the street. She expressed her concern with someone using the library parking lot. Mr. Monroe explained it is such a small footprint, he doesn't anticipate a problem.

Cindy Burnham confirmed there will be a small roof-top pool. It is not visible from the street or the river and it will be set-back. The pool will be 8 feet by 16 feet and 3 feet in depth. Mr. Monroe clarified if the pool was drained, it would go into the river. He stated any amount of chlorine would not be an issue, as it would dissolve quickly. These units will be condominiums for purchase. The association will have someone on-site daily and they can make sure no one is using the library parking lot. He does not

anticipate any issues. The office space will also be a condo unit. She is concerned with parking in the Maple Cove lot. It was explained that that parking lot is a public lot.

Nancy Blackwood clarified there will be 3 electric charging stations provided.

Mr. Healy confirmed the c variances are the same bulk variances already granted. Mr. Leckstein stated there were some changes, so the variance is different.

John Rea, Traffic Engineer, was sworn and accepted as an expert witness.

He reviewed the change in traffic and parking for this revised application. The prior application had a lot more commercial space, resulting in a larger parking requirement. The previous requirement was about 40 spaces. The revised requirement is 24 spaces and they are providing 28.

The trips per hour with the previous application was 18 for the morning peak and 18 for the evening peak. The revised application are 8 trips for the morning peak and 6 for the evening peak. This is essentially half the traffic.

Christine Nazzaro Cofone, PP, was sworn.

She explained they are before the Board to request for two (d) variances; however, she feels they may only need one. She read the Ordinance and feels they qualify for the FAR, as per credits that can be applied.

With regards to the density, they are at 16.39 units, whereas; 16 are permitted. It is very close. One property over would put them into a different zone; which permits 40 units per acre.

With regards to the c variances, she feels they have eliminated a variance for parking. She referred to Resolution # 2018-09. She feels the site can support the application and can support the excess density. The burden of proof can be attributed to the following criteria: Criteria E; appropriate population densities, also the benefit of collecting COAH fees to pay into the Borough; Criteria I; providing curb appeal for an appealing visual environment and Criteria G; providing a variety of uses in the space. This application is an improvement from the previously approved prior application. This is a solid application. It meets a guideline of the Master Plan, which states to provide a high-quality design. She feels they have satisfied their burden of proof.

Cindy Burnham stated her concern with regards to the river and the people that use the area for the river. She is concerned with any run-off going into the river. She doesn't want Maple Place lot to be used as a staging area. She voiced her concern about providing green space for dogs. She would like to see the project before it is approved.

Mark Leckstein reviewed the options the Board has tonight.

A motion was made by Lauren Nicosia, seconded by Sean Murphy to have a resolution prepared for the next meeting on October 21st. All were in favor. Nays: none. The Board did not vote on the application at this meeting, as they want to view the colorized rendering of the proposal.

A motion was made by Anne Torre, seconded by Sharon Lee to carry the application to October 21st, with no further notice. All were in favor. Nays: none.

Some of the conditions of the Resolution will include compliance with the representations provided by the applicant, compliance with COAH and any title 39 requirements, adherence to the prior approvals issued by the Planning Board Resolution, unless specifically changed here, to obtain DEP approval, private trash to be picked up 2 times weekly; to obtain the access to easement for the placement and maintenance of the trees on library lot; to use trees native to the area, RAO, an easement to construct the retaining wall., no one shall park in the library parking lot and there will be 1 space provided for each unit and 2 spaces provided for the penthouse unit. The remaining spaces will be for guest parking.

Ray Mass made a motion to adjourn the meeting, seconded by Bruce Maida. The meeting was adjourned at 8:30pm.

Respectfully submitted,
Dina Anastasio