

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
March 15, 2018

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, March 15, 2018 in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

A workshop meeting was held at 6:00 pm. The following members were in attendance: Ray Mass, Christine Irwin, Sean Murphy, Anne Torre, Richard Angowski, Sharon Lee and Kate Triggiano. Also present were Glenn Carter, PP, Director of Planning/Zoning, Kevin Kennedy, Esq., Board Attorney and Dina Anastasio, Board Secretary. At the workshop meeting the Board discussed the evening's agenda.

Vice Chair Ray Mass called the meeting to order at 6:30 pm. He announced that notice of the meeting was mailed to the Asbury Park Press, Two River Times, and the Star Ledger; was filed with the Borough Clerk; and posted on the Municipal Bulletin board. A roll call showed the same members in attendance.

The Board saluted the flag and opened the meeting to the public for non-agenda items of which there were none.

Administrative Matters:

Sean Murphy motioned to approve the minutes of the March 1, 2018 meeting; Anne Torre seconded. Ayes: Ray Mass, Richard Angowski, Sharon Lee and Kate Triggiano. Nays: none.

Sean Murphy motioned to approve the Resolution for YellowBrook Property Company, seconded by Richard Angowski. Ayes: Ray Mass, Christine Irwin and Anne Torre. Nays: none.

Public Hearings:

70 East Front Street Office Condominium Corp.; 70 East Front Street, Block 27, Lot 9.01. Z11485 – Extension Request

The applicant was represented by Susan Rubright, Esq. Glenn Carter was sworn. She explained the requested extension for the applicant to obtain construction permits is due as a result of unforeseen obstacles they have incurred. These include issues from the building department, as well as state agencies.

As was presented in their original application to the board in 2016, the construction of the stairwell is mandatory for the medical tenants to continue to receive medicare status. They are therefore requesting an 18-month extension until August 4, 2019.

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

Ray Mass motioned to approve the Resolution of the extension approval, seconded by Sean Murphy. Ayes: Christine Irwin, Richard Angowski, Anne Torre, Sharon Lee and Kate Triggiano. Nays: none.

Melissa & Stephen Houck, 60 Locust Avenue, Block 39, Lot 5 Z12615

Glenn Carter was sworn. The applicant was represented by Rick Brodsky, Esq. He explained the application consists of an oversized lot and applicants' proposal to create 2 additional lots with single family dwellings. The requested variances include those for lot width (40 and 43 feet proposed; whereas, 50 feet required) and the existing side yard set-back of 3.6 feet (4 required).

The following Exhibits were entered: A-1; DPA and Denial: A-2; Disclosure of Ownership and Intent to Proceed: A-3; Proposed Minor Subdivision Plans prepared by Matt Cronin, revised 2/26/18 (4 sheets): A-4; Survey and Plot Plan prepared by Lakeland Surveying revised 2/16/18 (1 sheet): A-5; Review Letter from Glenn Carter dated 1/5/18, revised 2/19/18 and 2/27/18: A-6; Resolution Z6608 dated 5/2/2004: A-7; Photos taken by Glenn Carter: A-8; Survey Board dated 2/16/18 (previously submitted with the application): A-9 and A-10-; Illustrated Elevations (previously submitted with the application).

Kevin Kennedy reviewed the unique issue with this application, as it was originally going to be heard by the Planning Board. It was determined the prior use variance granted for the garage structure in 2004 resulted in this application returning to the Zoning Board. The applicants re-noticed and Zoning Board has jurisdiction to hear the application.

Matt Cronin, Architect, was sworn and accepted as an expert witness.

The 34,890 square foot size lot is almost 10 times larger than the required lot size. It measures 100 feet X 339 feet. The existing house sits to the rear of the property and has a front yard set-back of 189 feet and 121 foot rear yard set-back, with a height of about 25 feet and 12.06% lot coverage (40% permitted). They are proposing to create lots 5.1 (west) and 5.2 (east).

Lot 5.1 will measure 40 X 100 for a total of 4,000 square feet. The house will cover about 27% of the property. They have added 3 feet to the driveway to lot 5.2, due to the concern of the neighbor. This results in the creation of a property measuring 43 X 100. The proposed houses will have gable roofs, covered porches, traditional style windows and high-end siding consistent with the neighborhood.

Glenn Carter clarified a (technical) parking variance was needed for the tandem style parking provided.

Stephen Houck, property owner, was sworn. He clarified for Anne Torre their intent is to rent the houses. He explained he has been a resident in Red Bank and the family owns multiple properties in town and he manages them.

There was discussion regarding clarification for the Board to vote on this application for the subdivision and the plans proposed. Glenn Carter confirmed if the applicant submits plans to build something substantially different than what the Board approves, the information would be referred to the Board for their approval.

James Higgins, PP, was sworn and accepted as an expert witness.

Exhibits A-11; (2) Photos of homes across the street and driveway entrance to the property dated 3/14/18: A-12; Neighboring apartments/townhomes: A-13; Compilation of tax maps of the surrounding area prepared by Matt Cronin dated 3/15/18.

Mr. Higgins explained the neighboring lots directly across the street consist of lots between 40 – 50 feet wide (some are even narrower).

Lot 5 was approved for a (d) variance for 2 principal structures (the primary residence and the garage) back in 2004. The garage houses 6 vehicles and will continue to function as is, with no change in intensity. The homestead lot will be about 26,890 square feet and the new lots will be about 8,300 square feet. The main lot will still be 7 times larger than the 3,500 required minimum.

There was discussion regarding the proof of a hardship. Mr. Higgins stated his belief a hardship exists due to the underutilization of the lot. Richard Angowski clarified that 1 additional lot could be created and no variances would be required.

Mr. Higgins further explained the high intensity area surrounding this property, which consists of apartments/townhomes. They are also in an Affordable Housing Overlay District. The uses proposed are permitted and the intensity is substantially lower than the characteristics of the area. There is sufficient space and approval would provide efficient use of the space.

With regards to the streetscape, the proposal is consistent with the neighborhood.

Mr. Houck clarified they will install a white vinyl fence, 6 feet high in the rear, 4 feet in the front.

There were no questions from the public.

Cynthia and Joseph Secula, 52 Locust Avenue, were sworn. They stated their request for the Board to not approve the application, as they felt it would be a detriment to them and decrease their property value. They currently enjoy unobstructed sunlight and would lose this. They also noted the pictures presented by Mr. Higgins were not a true depiction of the area, referring to Exhibit A-12 to show a strip of land about 15 feet wide near the apartments and their property.

Richard Angowski clarified there would be about 6-8 Locust trees removed. They will replant some trees in the rear of the property.

Sean Murphy does not agree with the hardship previously discussed, but does agree the application fits in with the neighborhood. He motioned to approve the application, seconded by Richard Angowski, as he felt the burden of proof was met. Ayes: Ray Mass, Christine Irwin, Anne Torre, Sharon Lee and Kate Triggiano. Nays: none.

Kevin Kennedy reviewed some conditions to include compliance with all issues presented and Glenn Carter's recommendations, COAH, perfection of the subdivision and tax lots approved by the assessor, utilities, subdivision deed and meets and bounds survey to be approved by Board engineer and attorney, a/c to be placed in the rear of the property, replanting of trees in the rear of the property and installation of vinyl fence.

Sandy River, LLC., 203 Shrewsbury Avenue, Block 74, Lot 1.01. Z12554

The applicant was represented by Balvinder Gill, Esq. She is also the applicant. Glenn Carter was sworn.

The following Exhibits were entered: A-1; DPA and Denial: A-2; Intent to Proceed: A-3; Disclosure of Ownership: A-4; Architectural Plans prepared by SOME Architects dated 1/19/18 (3 sheets): A-5; Review Letter from Glenn Carter dated 2/7/18: A-6; Photos taken by Glenn Carter: A-7; Survey prepared by Control Layouts dated 12/24/02.

Ms. Gill owns the property with her husband Virinder Khera since 2003. When the property was originally purchased, they made significant repairs, including the roof and basement; however, there are still additional improvements needed.

She explained they have been residents of Monmouth County since 1985. They own 6 other properties in Red Bank and this is the only one they have not completed. Their goal is to complete the renovations on this one.

Mike Simpson, PP and Architect, was sworn and accepted as an expert witness. He described the application of this mixed – use property, which was previously Bayshore Charlies on the first floor and apartments on the second floor. The building has been vacant since about 2003 and this creates a vagrancy issue. They hope the improvements will clean up the area and this problem. This application is for a use variance, as this property is the only one fronting on Shrewsbury Avenue that is in the RB Zone and not the NB Zone.

He explained that around 1988 the zone was changed to accommodate for the building of the River Street School.

The proposed hardship application fits into the character of the neighborhood. They are proposing a retail use with a small 450 square foot studio apartment in the rear, which is similar to what was previously there. There is no tenant proposed, at this time.

They will create a barrier free access and trash will be located to the rear of the property. There will be (1) wall sign and (1) projecting sign, placed at a 45 - degree angle, for visibility on both Shrewsbury and Catherine Streets.

The façade will include brick veneer and up-lighting to illuminate the sign, stucco, window and door replacement. 2 of the 3 existing openings will be windows. The 3rd will not be reopened, but covered with stucco. There was some discussion regarding the placement of the windows. Sharon Lee suggested the possibility of placing them higher than street level. She felt if left lower, the business owner might cover them up with merchandise and there will not be that open/airy feeling they are trying to provide. It was determined that the existing brick located inside the building, could not be properly matched, if they relocated the cutouts already in place for the existing openings.

They are working on the issue of window sills, and if they will be utilized. The down-spouts will be placed under the sidewalk to drain the water out to the street. This will be reviewed and approved by the engineer.

There was discussion regarding the asphalt that is elevated. Mr. Simpson is not sure what is underneath, but they plan to address the issue. They intend to mulch and place plants in the rear of the building, once they address the drainage issues. They will replace the fence, but are not sure if they will use black aluminum, as suggested, or a lighter color. They do want visible access.

The placement of the utility meters will most likely be determined by the utility companies.

Sean Murphy was concerned with the small size of the efficiency apartment proposed and did not want to set a standard with future applications. The Resolution can indicate this to be a pre-existing condition of this property.

A motion was made by Anne Torre, seconded by Ray Mass to approve the application.

Ayes: Christine Irwin, Richard Angowski, Sean Murphy, Sharon Lee and Kate Triggiano.

Nays: none.

Kevin Kennedy reviewed some conditions of approval to include compliance with issues presented and Glenn Carter's recommendations, COAH, trash pick-up, as per the municipal requirements, finishing items (including windows) to be addressed in resolution compliance and review by the fire official for ingress/egress requirements.

On a motion made by Ray Mass, seconded by Sean Murphy, the meeting was adjourned at 9:00 pm.

Respectfully Submitted,

Dina Anastasio

Secretary, Red Bank Zoning Board of Adjustment