

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
April 19, 2018

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, April 19, 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: Lauren Nicosia, Ray Mass, Christine Irwin, Richard Angowski, Sean Murphy, Anne Torre and Sharon Lee. Also present were Dominick Manco, Esq., substituting for Board Attorney Kevin Kennedy, Glenn Carter, Director of Planning & Zoning and Dina Anastasio, Board Secretary. At the workshop meeting the Board discussed the evening's agenda.

Chair Lauren Nicosia called the meeting to order at 6:33 pm. She 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:

Ray Mass motioned to approve the minutes of the April 5, 2018 meeting; seconded by Sean Murphy. Ayes: Anne Torre. Nays: none.

Public Hearings:

Seeview Remodeling, LLC., 218 Broad Street, Block 102, Lot 23, Z12692

The application was not heard and will be carried until May 3, 2018, with no further notice required, at the request of the applicant.

HABCORE, Inc.; 119 River Street, Block 78, Lot 2, Z12443

The applicant was represented by John Anderson, Esq.

The following exhibits were entered: A-1; DPA: A-2; Narrative of Development: A-3; Denial Letter: A-4; Statement of Variances: A-5; Review Letter by Glenn Carter: A-6; Survey of Property by CC Widdis: A-7; Intent to Proceed with Associated Disclosures: A-8; Plans prepared by Eric Wagner dated 8/15/17 (3 sheets): A-9; Rendered Site Plan Board: A-10; Power Point Presentation (51 slides): B-1; Photos taken by Glenn Carter; B-2; 1992 Zoning Board Interpretation.

Dominick Manco, Esq. confirmed the notice was reviewed by Kevin Kennedy and all is in order.

John McMahon, Esq. represents Cherokee Realty, who is objecting the application. The principal is Jay Wolfkind, who owns 2 properties in the neighborhood. They are 56 Bank Street and 124 Leighton Avenue.

John Anderson listed the members of the HABcore Board. Anne Torre disclosed she has been friends with the board President, Ms. Mullarky, for several years, but feels she can impartially hear this application. There is no financial gain involved and the application has not been discussed. After thorough discussion and questioning brought forth from Mr. Anderson, as well as Mr. McMahon, it was determined there was no conflict for Anne to hear the application. John Anderson requested if the application is approved that there be no objection as a result of Anne's participation. There were no other objectors.

John Anderson explained the application, which consists of the addition of 4 more units to the existing non-conforming two family dwelling. They will be located to the rear of the property and be just under 600 square feet.

The application presented is an inherently beneficial use and they must only prove the negative criteria. They are excused from proving the positive criteria. He referred to the 1989 case of Home of Hope vs. Mt. Holly.

Steve Heisman, Executive Director of HABcore, was sworn. He has been with the organization for 30 years, Director for 19 years. It was started in 1988, as the result of an unfortunate incident. Meals were being served at a local soup kitchen facility and they realized some of the recipients were homeless. That winter was cold and 3 people froze to death. They provide permanent housing support to those in need. They have several boarding homes throughout Monmouth County with about 300 residents. The local facility has 21 residents. There are also facilities located in Asbury, Beechwood, Eatontown and Keansburg. They are staffed 24 hours. Meals are provided. The goal is to get the residents graduated to a more independent living style and assigned a case worker. They may have physical or mental disabilities. They are required to pay a monthly rent based on income, which is calculated from the Department of Consumer Affairs and is below market value.

Lauren Nicosia confirmed there are men and women in the facilities and they are served 3 meals daily. There are no priorities for veterans. The residents are responsible for maintaining the exterior of the property, unless it is contracted out.

They received referrals from the county social services, CBC Behavioral Health and local hospitals.

Potential residents must go through an application process including an interview, screening and background assessment. A resident can stay as long as they want.

Sharon Lee confirmed there is currently a waiting list of about 400 people.

Richard Angowski questioned the disqualifying factors, such as types of offenses, that would deny residence. They review each applicant on an individual basis, including their

history. If there were a criminal record, they would review the circumstances, how long ago the incident occurred and the details. They feel everyone deserves a second chance. Sean Murphy questioned if the applicant has researched other towns for their proposal. Mr. Heisman confirmed they are always looking and are currently seeking opportunities in Howell and Farmingdale. They were also offered a facility in Fort Monmouth a while ago and have resumed discussions for an opportunity there. John Anderson confirmed the obligation to provide affordable housing is 482; whereas, 56 are currently provided.

Richard Angowski clarified there are lease obligations and over the past 2 years there were about 5 people that had to be removed from the facility, as a result of not abiding by their lease. Mr. Heisman said there are no complaints or legal issues currently. There are no drugs or alcohol permitted on the premises. Richard also clarified there are currently no people identified to move to this proposed facility, as it is extremely early in the process, and even if the application were approved, the development procedure takes time.

Mr. McMahon questioned if they had statistics of how often residents failed to comply with their lease. They do keep a management database, but did not have that information available. It is not a lot. The average length of stay is 7 ½ years. There is low turnover.

There is no specific criteria to determine eligibility to graduate from the boarding facility to an independent living facility, as each case is reviewed independently. The associate director is a licensed clinical social worker and has been with the organization for 10 years. It was clarified through an OPRA request of police records, that calls to this location did not reveal any issues, other than health issues.

Allison Gregory, 109 Bank Street, was sworn. She clarified there will be 1 person in each unit and they generally do not own cars. If needed, the driveway can be used for parking. This will be addressed by the planner later.

Alicia Wilkerson, 107 River Street, was sworn. She clarified there will be 8-9 people at the residence. There are currently 5, a (2) bedroom unit downstairs and a (3) bedroom unit upstairs.

Eric Wagner, Architect, was sworn and accepted as an expert witness.

The following Exhibits were entered: A-11; Site Plan Sheet with Parking Alternatives dated 9/26/17; A-12; 1 Sheet Colored Version of Property Survey prepared by CC Widdis; A-13; Site Plan Sheet with Proposed Trash Enclosure/Bike Rack revised 8/15/17; A-14; Site Plan Board; A-15; Colored Rendering of East Side Elevation.

He explained the existing and proposed plan, which will include removing the existing stairs, to improve the set-back. The property grade is slightly higher and will be addressed. Each unit will have their own entrance and there will be one ADA compliant unit. It was also noted a class c boarding home would be a more intense use for the property. The existing chain link fence will be removed. They have started the removal

of the heavy vegetation currently on the property. There are no major exterior changes proposed.

The current curb cut will be widened enabling easier access for a van.

Sharon Lee confirmed the placement of the ADA compliant unit to be on the north side of the new building, south of the existing building. There will be a path from the driveway to the building.

Glenn Carter verified the slope was checked for ADA compliance. There could also be additional variances not originally noted on the review, as a result of amended plans.

At Glenn's recommendation, a bike rack was included on the plans. This will address any issues regarding the storage of bikes. The existing trash area will be enclosed.

The lighting will be minimal with small wall mounted lights located in the path area.

They will have low luminance and pointed downward.

The storm-water will be addressed with a series of drywells.

Sean Murphy clarified the proposed lot coverage to be 44.5%; whereas, 40% is permitted. The view from the street will not change, as the addition is in the rear of the property. He also noted the property has not been properly maintained, as there is a lot of overgrowth of shrubbery.

Anne Torre verified there is foundation landscaping planned and possibly a specimen tree. Sharon Lee clarified there are (2) mature trees located by the fence, which will be removed and not replaced. Those trees located at the rear property line do not require removal.

The interior layout was described. All units will be 576 square feet. As this is new construction, they are able to efficiently create the layout. This size is manageable for the residents. Sean Murphy questioned if there is anything in the neighborhood with comparable size and if all options have been explored, such as using the basement. He feels the application takes up a lot of space. Mr. Wagner explained the lot size is 5,640 square feet. The current building is 1,158 square feet with a 20% lot coverage. If they were to double the size, they would be within the 40% permissible amount. The proposed addition is 1,350 square feet.

Andrew Janiw, Professional Planner, was sworn and accepted as an expert witness. The following Exhibits were entered A-16; Colorized Tax Map: A-17; (5) Photos taken by Andrew Janiw dated 9/26/17: A-18; (7) Photos of Neighboring Properties: A-19; Spreadsheet Showing Similar Projects under Construction: A-20; Aerial View of Subject Property: A-21; Aerial View of Property.

There are 117 units of similar size in the vicinity of the subject property and 4 cottages. There are some 2 families and (1) 3 family residence in the surrounding area. The neighborhood includes an eclectic mix of properties.

There is no visual violation of the front of the property, as a result of this application.

The building will be 26 feet high. The oversized lot (5,640 square feet, whereas 3,500 minimum) property measures 40 X 141.

Mr. Janiw referred to a list from October 2017 showing the average size of units in the area to be 400 -500 square feet. Therefore, it is not uncommon to offer a unit of this size.

The proposal is consistent with the Master Plan, in that it encourages to provide a range of housing, contribute to the quality of life and maintain stability of the existing residential neighborhood. This is the least intrusive way to expand this property and represents a good fit. It promotes the general welfare and sufficient use of space. He referred again to the application of Homes of Hope, as well as the Mt. Laurel ruling, which states our requirement to provide the most basic essentials of shelter and food.

There is no detrimental effect of traffic to the area, as the residents primarily rely on public transportation. The transitional housing provides a public benefit and they would like residents to integrate with the neighbors. The application deserves a positive outcome. The design waivers requested are all reasonable.

There were no questions from the public.

Chris Haven, 111 River Street, was sworn. He moved into Red Bank recently, appreciates the strict building codes and requests the Board deny the application.

Mr. McMahon stated he understands the mission of the organization, but the project goes outside the Master Plan and feels it is a substantial detriment to the neighborhood. It would reduce property values and if approved, would open the door to future applications of this type. He agrees with Sean Murphy in that the exterior has not been well maintained.

Although the director has been with the organization for 30 years, that can change in the future.

He stated although the residents don't have a car, they could have friends and family who will visit, and they need a place to park. He is a resident in town, and is familiar with parking issues by his house. Also, if an existing resident has a child in the future, they will not evict them. Overall, this proposal violates the Master Plan.

John Anderson will cross examine at the next meeting.

On a motion made by Sean Murphy, seconded by Ray Mass, the meeting was adjourned at 9:33pm.

Respectfully Submitted,

Dina Anastasio

Secretary, Red Bank Zoning Board of Adjustment