

**MINUTES**  
**RED BANK ZONING BOARD OF ADJUSTMENT**

**July 19, 2018**

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, July 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, Eileen Hogan, Richard Angowski, Anne Torre, and Kate Triggiano. Also present were Board Attorney Kevin Kennedy, Esq., Ed Herrman, P.E., T & M Associates 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 6:30 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:**

Anne Torre motioned to approve the minutes of the June 7, 2018 meeting; seconded by Eileen Hogan. Ayes: Lauren Nicosia, Ray Mass, Richard Angowski and Kate Triggiano. Nays: none.

Ray Mass motioned to approve the Resolution for HABcore, seconded by Anne Torre. Ayes: Lauren Nicosia, Eileen Hogan and Richard Angowski. Nays: none.

**Public Hearings:**

**Athas Dounelis, 72-74 Peters Place, Block 45, Lot 13 (continued from 6/7/18)**

The applicant was represented by Steve Gouin, Esq. and Brian Shemesh, Esq. Ed Herrman, P.E. was sworn.

The following Exhibits were entered B-4; Certification of listening to the tape of the 6/7/18 meeting for Christine Irwin: A-17; Revised Illustrated Site Plan dated 5/18/18.

Nicholas Graviano, PP, was sworn and accepted as an expert witness. He explained the application requires relief for a (d)2 variance, expansion of a non-conforming use for a 2 family dwelling in a zone where they are not permitted. The property is located near a corner, as well as in the vicinity of a school, and thus, does not allow parking in the area. These are unique characteristics to this property.

The positive criteria outweigh the negative; the application promotes the general welfare of the neighborhood, there is sufficient space and the property is particularly suited for this plan. There is no substantial detriment and (c) and (d) variances can be granted.

Richard Angowski clarified the unique aspects of the property, to which Mr. Graviano indicated the proximity to the corner and the school. Ray Mass stated the driveway can accommodate 5-6 cars. Mr. Graviano stated this is a 2 family dwelling, if it were a 1 family, this would be possible. Lauren Nicosia reiterated the availability of the 2 car garage, to which Mr. Graviano noted the ability to access it is difficult. There was also discussion regarding a turn radius and the cars parking sideways in the front yard. Mr. Gouin stated his client would be in agreement to planting grass on one side of the front yard and to use grass like pavers on the other side to permit only 1 vehicle to park in the front yard, and face towards the house.

Carol Sherrod-Jewell and John Jewell, 97 Maple Avenue, were sworn. The following Exhibits were entered: O-Jewell (1, 2 and 3); Photos of the Applicant's Property as viewed by their 2<sup>nd</sup> floor, taken by Mr. Jewell last week. They stated their concerns for the application indicating if approval was granted, it would be unfair to all the surrounding homeowners, as they experience similar parking issues. They feel the garage should be used and a front yard should include grass and trees. They also have tenants that park on Maple Avenue.

Marino and Diane Cirillo, 66 Peters Place, were previously sworn. They don't like the idea, but they understand. Their tenants park on Drummond Place and all residents have similar problems. Diane added that the house was vacant and quiet for years. Since it was recently renovated and all this activity is new to the neighbors. The public portion was closed.

Mr. Graviano reiterated his client is cognizant to the concerns of the neighbors and has amended the application to use pavers to resemble grass.

Athas Dounelis explained the work he is proposing is expensive and there is no return for the investment. He also noted the unease of pulling out of the garage. He had approached the Jewell's with a proposal to rent 2 of the spaces in their parking lot on Maple Avenue, to which they were not willing.

Ray Mass clarified with Ed Herrman, if they were to use the grass pavers, the typical size for a parking space would be 9 X 18. This would accommodate a full-size SUV, but no commercial vehicles. Kate Triggiano feels the whole discussion is absurd.

A motion was made by Richard Angowski, seconded by Anne Torre to approve the application. Ayes: Ray Mass, Richard Angowski and Anne Torre. Nays: Lauren Nicosia, Eileen Hogan, Christine Irwin and Kate Triggiano. The application was denied with a vote of 4 – 3.

**Aaron Katzel, 18 Hubbard Park, Block 11, Lot 18.01, Z12640 (continued from 5/17/18)**

Ed Herrman, P.E. was sworn. Mr. Katzel reiterated the information from the prior meeting and indicated the plans have been revised to accommodate the concerns of the Board and neighbors. The revision was discussed with the neighbors directly concerned with the original plan and he summarized their meeting that they were appreciative of the changes. He reached out to neighbors indirectly involved, but received no response. He wants to add value to his property, while being consistent with other free-standing garages in the neighborhood.

The following Exhibits were entered: B-1 and B-2; Certifications of listening to the tape of the 5/17/18 meeting for Richard Angowski and Ray Mass: A-9; Plans prepared by Gramer Designs dated 7/19/18: A-10; (3) photos of neighboring garages taken by Mr. Katzel 7/19/18.

The garage has been reduced by 6 feet to make it a 1 car garage, height reduced by 1 foot and relocated about 4 ½ feet to give the neighbors a more unobstructed view.

Nancy Hennesy and her husband, Pete Snieckus, Hubbard Park, were sworn. The revised plan has moved the garage closer to their property line and measures 18 X 20, which is not indicative of a 1 car garage. It is too high, too large and is located in the front yard. It is 2' 6" from their property line and they oppose the application.

Mark Grauer, 25 Hubbard Park, was sworn. He lives directly across the street (his garage was one of the photos from Exhibit A-10). He feels the application is inappropriate for a garage in the front yard.

Lauren Nicosia confirmed with Ed Herrman the typical size of a 1 car garage is about 12 - 13 feet, so this proposed garage is larger. Anne Torre suggested if the applicant would be willing to reduce the size from 18 feet to perhaps 12 feet, also noting the neighbors may still object. Mr. Katzel does not feel this would keep with the aesthetics of the neighborhood. Ed Herrman stated giving the applicant the necessary information, so as not to waste time and money revising plans again, if the application will be rejected. The members indicated their suggestions, including Lauren Nicosia recommending to make it smaller and perhaps relocate to the rear; Anne Torre - make it smaller, but she likes how it coordinates with the house; Eileen Hogan – doesn't like it in the front; Kate Triggiano – make it smaller and provide some smart landscaping, she feels it looks like an alley, as is found in other towns; Christine Irwin – would not vote for this in its present form.

The applicant will return August 16, 2018, with no further notice required. He was reminded to speak with Glenn Carter and if there were any substantial changes, re-noticing may be required.

**Chris Fabricant, 35 Rector Place, Block 1, Lot 8, Z12805**

The application was continued from June 7, 2018. Ed Herrman, P.E. was sworn. Chris Fabricant was sworn. He has owned the single family, historical home over 12 years. The current drive is blue-stone aggregate and the proposed area will be bluestone perimeter with crushed oyster shells. This application is to aesthetically enhance the property, make it safer, provide a parking carport (no cover) and install an additional curb-cut. The carport will be located behind the fence. There is 1 Cherry tree in the front that would have to be removed.

The following Exhibits were entered: A-1; Application Packet: A-2; Plan prepared by RDH Design Group dated 4/26/18: A-3; DPA: A-4; Intent to Proceed: A-5; Disclosure of Ownership: A-6; Review Letter by Glenn Carter: A-7; Photos taken by Glenn Carter.

Anne Torre understands the safety issue, but wants to assure cars will not be parked all the time in the circular area.

Ed Herrman cautioned the Board regarding the Borough Ordinances for having 2 driveways and parking in the front, both not permitted. He is not fond of a circular drive for a 75-foot wide property and suggested perhaps not having an egress, but to use it as a backing area.

Chris Fabricant stated a semi-circular drive is pleasing to the eye, whereas a "y" shape drive is not. Richard Angowski requested for the applicant to provide proofs for the record. Kate Triggiano also agreed, she appreciates the aesthetically pleasing nature of the application, but could not approve at this time. The public portion was closed.

A short break was taken at 8:24pm. The meeting resumed at 8:29pm and a roll call showed the same members in attendance.

Christine Cafone, P.P. was sworn and accepted as an expert witness. She is familiar with the road. The applicant is improving conditions and providing green space. Criteria for a C-1 and C-2 variance are met. Existing conditions exist and she referred to Exhibit A-7. This application provides affordable parking arrangements with a more efficient turn radius. Criteria H is met, which is to provide a free flow of traffic. There is no lot coverage issue and an approval would not set a precedent, as every property is unique.

A motion was made by Richard Angowski, seconded by Anne Torre to approve the application. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin and Kate Triggiano. Nays: none.

Some conditions include planting a replacement tree with a 2-2 ½ foot diameter and no parking in the semi-circular portion.

**Metrovation Anderson; 212 & 218-220 Monmouth Street, Block 38, Lot 1, Z10998**

The applicant was represented by Rick Brodsky, Esq. Christine Irwin recused herself from the application, as Chris Cole is a customer of her business. The principals of the business were stated and there were no other conflicts.

This is an amendment to a previously approved application. The changes include a loading dock, signage, rooftop mechanicals and a walk-in refrigerator box. These revisions are to accommodate the Sickles Market. The Law Offices of McOmber and McOmber have no objection to the application.

Sickles Market will be about 6,858 sq. ft.; the wine shop will be about 1,274 sq. ft.; the commissary/food prep area will be about 1,125 sq. ft. and the 2<sup>nd</sup> floor corporate offices will be 1,765 sq. ft.

The following Exhibits were entered: A-1; Application Package: A-2; Denial Letter: A-3; Prior Approving Resolution (Z2014-27): A-4; Prior Signed and Approved Architectural and Engineering Plans: A-5; Amended Preliminary and Final Site Plan prepared by Kennedy Consulting Engineer, dated 5/16/18: A -6; Email from KCE dated 6/18/18 listing Engineering Changes: A-7; Elevations prepared by Kellenyi Johnson Wagner dated 5/9/18: A-8; List of Proposed Building Revisions prepared by Kellenyi Johnson Wagner dated 6/13/18 (3 pages): A-9; Storm Water Management Report dated 5/16/18: A-10; Parking Analysis prepared by Dolan and Dean dated 5/16/18; A-11; Photos taken by Glenn Carter: A-12; Review Letter by Glenn Carter dated July 10, 2018: A-13; Power Point Presentation; A-14; Revised Page 3 of the Power Point Presentation: A-15; Environmental Commission Review Letter dated July 10, 2018.

Chris Cole was sworn. He described the application, which involved reaching out to Bob Sickles, who was receptive to the idea of locating a market here. The market will have different departments, including wine and a commissary.

The loading zone will be placed in the rear of the property near the train tracks. He explained how they tried to save the building; however, when construction began, they learned there were no footings in certain areas, and thus the building had to come down.

Bob Sickles, owner of Sickles Market, was sworn. He discussed his family history in the area and is looking forward to working with Chris. He explained this smaller version of their large market in Little Silver will have shorter customer stays, as there will be less merchandise, the transactions will be quicker. He works with Lunch Break and local businesses. They would like to hire employees from the area.

Andrew Comi, C.E. from Kennedy Consulting Engineers was sworn and accepted as an expert witness. He explained the revisions will include 2 accesses on Shrewsbury Avenue, 1 will be an ingress/egress and 1 will be just an ingress.

The trash enclosure, outdoor cooler and concrete generator pad will be screened by a 6-foot high fence. They are losing 4 parking stalls (153 to 149), but the overall parking

deficiency change is only 1, after calculating for this use from the original approvals. No objection from Ed Herrman.

There will be a shopping cart corral. It is noted, the carts used will be smaller than a supermarket cart.

There are multiple sign variances requested and Chris Cole confirmed any lighting will be projected from the landscaping and be put on a timer.

They will work with the Board Engineer, regarding the request from the Environmental Commission for a rain garden. They noted a pocket park, which is removable, may take up 1 parking space. Ed Herrman stated the Council has discussed these and is in agreement with using them.

Doug Polyniak, Traffic Engineer, was sworn and accepted as an expert witness. He explained the property being located in the Train Station Overlay District and the ability of patrons to utilize the parking lot at night and off hours provides for more than substantial parking.

Ray Mass clarified with Chris Cole they will monitor their parking lot to assure the commuters using the train, will not park in his lot.

Eric Wagner, Architect, was sworn. He discussed the architectural changes, some of which are the removal of the screen for the mechanicals; since they are 4 levels up, screening isn't needed. They are omitting the stair tower and access to the roof will be via the interior of the utility room. The original garage doors will be eliminated. A low knee wall will be installed with windows above. The reconstructed exterior wall will match the wood on the other building location and have brick on the lower level. There is exterior ductwork proposed for the pantry area (by the train tracks). Several canopies are also proposed.

Christine Cafone, P.P. was sworn and accepted as an expert witness. The applicant is requesting de minimis variances; however, out of an abundance of caution, they are going to request for the (d) variance for the "supermarket". Christine provided the definition of a supermarket which is a facility with over 35,000 square feet. Since the Sickles Market is much less than that, they would not be classified as a supermarket. The location to the train station, makes this a suitable site for this project. Criteria "g" providing sufficient space and "i" a desirable visual environment are met, as no expenses are spared by the applicant. The guidelines to provide a mixture of retail and office space to be located in the Train Station Overlay District are also met.

Although there are multiple signs, they enhance the feeling of the building. They promote an orderly environment and aid in orientation. One sign is permitted for each commercial entity operated by the market. The statutory proof has been met for the application. First class landscaping is being provided. The positive criteria outweigh the negative.

Ed Herrman had no objections to the minor enhancements proposed for this amended application and feels everything was well thought out.

Ray Mass made a motion to approve the application, seconded by Eileen Hogan. Ayes: Lauren Nicosia, Eileen Hogan, Richard Angowski and Kate Triggiano. Nays: none.

On a motion made by Ray Mass, seconded by Eileen Hogan, the meeting was adjourned at 9:47pm.

Respectfully Submitted,  
Dina Anastasio  
Secretary, Red Bank Zoning Board of Adjustment