

**MINUTES**  
**RED BANK BOARD OF ADJUSTMENT**  
**March 18, 2021**

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday March 18, 2021 at 6:30 pm, via Zoom in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

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, Eileen Hogan, Richard Angowski, Sean Murphy, Anne Torre, Sharon Lee, Bruce Maida, Kevin Kennedy, Esq., Board Attorney, Ed Herrman, P.E. from T&M Associates, Shawna Ebanks, Director of Community Development and Maria Graziano, Board Secretary.

Kevin Kennedy 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. Mr. Kennedy also announced the login information was advertised as well. Mr. Kennedy announced that if the public needed to contact us they could raise their electronic hand, call Maria Graziano or send her email at [mgraziano@redbanknj.org](mailto:mgraziano@redbanknj.org).

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

A motion was made by Bruce Maida, seconded by Sharon Lee to approve the Resolution for the application of Art Murphy. Ayes: Richard Angowski, Anne Torre, Sharon Lee and Bruce Maida. Nays: none.

**Applications:**

**Nabil Bader; 38 East Sunset Avenue; Block-96, Lot-13: Z13801**

Kevin Kennedy confirmed there were no issues with noticing and the Board has jurisdiction to proceed. Ed Herrman was sworn in.

Nabil Bader was also sworn in. He has owned the property just over 1 year. It is a vacant single-family home. The existing two-story dwelling has a height of about 30-feet; consisting of 2 bedrooms, 1 or 1 1/2 bathrooms (he was unsure). The proposed dwelling will consist of 4 bedrooms, 2 1/2 bathrooms and have a height of 28 feet. He explained the corner property has pre-existing non conformities.

Lauren Nicosia confirmed the new dwelling will incorporate the porch to living space and there will be no garage. Anne Torre confirmed he will be selling the house, once the renovations are completed. Sean Murphy confirmed with Mr. Bader the existing footprint will be the same. Lauren confirmed there is an existing garage and there would be enough driveway space for 2 cars. He will put black-top, if the Board wants that.

Sharon Lee clarified the address to be 38 East Sunset. Mr. Bader will repair the existing foundation, as there are structural issues presently. He explained it would not be economically beneficial to just repair certain aspects of the house. Sharon felt there was good interior renovations proposed; however, especially since this is a corner lot, she feels some of the exterior items should remain. He is open to suggestions.

Lauren would like a porch like the surrounding houses, instead of squaring off the front. Mr. Bader said if the porch will be living space, he can incorporate a 1-foot canopy and columns. He explained the house is narrow.

Lauren questioned the plans as showing 3 bedrooms.

Mr. Bader confirmed that the plan is actually 3 bedrooms, he had revised the plans from the original submission that showed 4 bedrooms.

Sean Murphy confirmed the existing stoop in the front will remain the same size. Sean said it appeared on the plans the proposed changes would bring the steps closer to the street, thus prompting a variance. Shawna Ebanks stated the steps are not considered part of the principal structure, because they are not considered habitable space.

Richard Angowski felt the applicant would benefit from having an engineer or architect testify for the application. He would not be able to vote on this application without professional testimony.

Kevin Kennedy explained the he requires variance relief and an Architect may be able to address some of the issues of the Board.

Mr. Bader stated he would do what the Board wants, as he wants to move the application along.

Sean Murphy explained they cannot vote tonight, as there are no drawings for them to review. He recommended to return. Mr. Bader agreed to adjourn.

A motion was made by Lauren Nicosia, seconded by Sean Murphy to carry the application to April 15, 2021 with no further notice requirement. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy, Anne Torre and Sharon Lee. Nays: none.

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

Kevin Kennedy explained this is a bifurcated use application.

Craig Giannetti, Esq., represented the applicant. Roger Mumford is the principal owner for Yellowbrook Properties, LLC. He owns several of the lots associated with this application. One lot is owned by Robert MacGregor.

Kevin Kennedy confirmed there were no potential conflicts.

The property is located in the NB zone. The applicant is proposing to demolish the existing single-family dwellings currently on the properties and replace them with a 4-story mixed use building, consisting of 4,540 commercial retail space on the ground floor, 23 residential units on the top floors and 2 residential units located on the first floor, on the Shrewsbury Avenue side, not visible to the front of the building.

2 of the units will be COAH units, the fractional portion of the COAH requirement will be made via a payment.

They are applying for multiple variances, including a d(1) use variance for the residential units on the first floor. The NB zone permits 4 residential units above a commercial unit; whereas, they are proposing 23; a d(5) density variance for the 4,540 square feet of commercial space proposed; whereas, 2,000 square feet is permitted; a d(6) height variance; as 35 feet (2 ½ stories) is permitted; bulk variances are also required, including one for parking (64 required and 32 proposed) and others for set-back.

Mr. Giannetti requested that the professionals be able to present all their testimony via the prepared Power Point presentation and then open it up to questions.

Roger Mumford, Managing Member of the LLC., was sworn in.

He explained his presence has been successful in Red Bank, as he has done projects here since 2008, when the banks were reluctant to provide funding. His projects include Station Place, Oakland Square, the Brownstones and Fortune Square. He receives compliments from business owners and residents for his quality projects he completes. His projects have generated over \$1 million in tax revenue for Red Bank.

The Power Point presentation was presented and included the following slides: A-9.1; rendering of the proposed project: A-9.2; the view from River Street and Shrewsbury Avenue: A-9.3; aerial view of the property: the following photos were taken within the last month (some were taken last fall) A-9.4; diagonal view from Riverview Commons: A-9.5; view looking down Shrewsbury Avenue: A-9.6; view of the left side of property: A-9.7; view from north across the street on Shrewsbury Avenue: A-9.8; older commercial building and residences: A-9.9; view from Riverview Commons.

Brian Decina, Civil Engineer, from French and Parillo Associates; was sworn and accepted as an expert witness.

The following slides were discussed: A-9.10; site survey showing the properties, which include 27,000 square feet: A-9.11; site plan showing the layout and dimension plan of the proposed 4 story building, the front to face Shrewsbury Avenue, access to the property will be via River Street. They are providing 32 vehicle spaces, 2 will be ADA compliant. There will also be 2 electric charging stations. A site sidewalk is planned. The building will be located 1.2 feet from the front property line, thus requiring a variance, as the requirement is to be 40 feet from center line of the street or even with neighboring properties. Lot coverage is ok.

The T&M review letter mentioned items to be addressed at site plan, which would include trash pick-up and grading/ drainage.

Thomas Brennan, Architect, sworn and accepted as an expert witness. He previously worked on the Fortune Square and Brownstones projects.

The following slides were discussed: A-9.12; rendering of the building from the Shrewsbury Avenue side, which depicts retail on 1<sup>st</sup> floor and 3 stores of residential apartments above. The retail consists of 4,540 of retail space. In the rear of the building would be the entrance for the residential units. An elevator and fire stairs are proposed. The building will be fully sprinkled. The residential units consist of seventeen 1 bedroom apartments and six 2 bedroom apartments, ranging in size from 795 square feet for the 1 bedrooms to 1,089 square feet for the 2 bedroom units. The units would be rented.

A-9-14; shows the 2<sup>nd</sup> – 4<sup>th</sup> floors. The units are open and airy, consisting of living room/dining rooms large open spaces, granite counters and large walk in closets. A-9.15; depicts the elevation from Shrewsbury Avenue, which shows the brick and windows that represent the character you would see in the downtown buildings from years ago, including bronze and taupe colors. The cornice detail is typical of residential mixed use building. The character relates to the community. The façade is an in and out design, which shows a break up instead of straight line.

A-9.16; shows the depiction from the rear of the building from the parking lot, which shows brick and siding. You enter into the residential area, which includes a lobby/elevator. Bike stands will also be included.

A-9.17; shows how the building will wrap around with the retail section, an enhancement to this area of town.

Washers and dryers will be located in the units, 28 a/c's will be centrally located on the roof, not visible from the street. There will be 1 for each unit, the common areas and the commercial units.

They did not want the commercial units located on River Street, which is why they have placed the 2 residential units in the rear of building. They wanted the rear of the building to relate to the residential and parking.

The building will include fire stairs and all units will be ADA compliant.

The mechanicals will be located on the roof, accessed from stairway located by the elevator.

The roof is about 7,000 square feet and anything over 5,000 square feet must provide 25% greenery.

After accounting for the placement of the mechanicals, they are left with 3,000 square feet of rooftop, which they feel complies with the code of not requiring any greenery.

Lauren questioned if they were proposing greenery, to which Mr. Mumford stated this would be addressed at the site plan phase. He assured the Board, it would be done properly.

Frank Miskovich, Licensed Traffic Engineer, was sworn and accepted as an expert witness.

He discussed the following slides: A-9.18; site plan showing Shrewsbury Avenue with residences. The street is striped yellow and 2-hour parking is permitted during the day. There are no restrictions in the evening. River Street shows the proposed driveway is in basically the same location as is a current drive. They feel this is beneficial, as there is less traffic on this street. There are 32 on-site parking spaces proposed for the residents. They are working out the details regarding the commercial parking spaces. This will be addressed at the site plan phase.

Lauren Nicosia wanted to confirm if any commercial parking would be provided. Mr. Miskovich said they are still working on this, if it should be shared parking or have designated spaces. They could use the premise that certain spaces designated for commercial during the day, could be used by the residents in the evening.

Bruce Maida questioned Covid-19 and how retail has changed. This could have an affect on the parking issue.

Sean Murphy wanted to confirm that the parking will be addressed in the site plan phase.

Roger Mumford stated the 23 apartments could each have parking for 1 vehicle. This is a heavily pedestrian area. They can do a shared analysis and can make this work. They can make the retail smaller. A few thousand feet of retail space in a heavily pedestrian area, will not generate a lot of parking.

Sharon Lee confirmed the traffic report and if they took into consideration the school down the street. The report was done last fall, when the school was not open. How do you take into consideration the traffic with regard to Covid-19 times?

Mr. Miskovich explained they used a conservative approach using the rates on the higher end of the spectrum of the guideline reports used. A-9.21; traffic study chart and a trip generation chart were referred to. It was noted that pre Covid-19, during Covid and current may all have different information and may not be totally accurate. It is difficult to extrapolate the figures during the Covid-19 time period.

Sean Murphy reiterated and wants to permit him to finish the presentation, which may address some of the concerns.

A-9.22; parking supply table, discusses requirements for commercial and residential spaces. This includes 18 spaces for the retail, 1 space for a 1 bedroom and 2 spaces for 2 bedrooms, thus requiring a total of 64 spaces. If he removes the guest parking, this brings the total required to 49, thus reducing the variance requirement further.

RSIS allows them to use on-street parking in the calculation, thus adding 7 more spaces on Shrewsbury Avenue. On River Street, there is some residential parking at night, but the statutory requirement shows there is no parking permitted there.

A-9.23; parking considerations – parking demands at peak times were reviewed.

The parking studies used reference larger parking centers. They anticipate the turnover of spaces to be 15-30 minutes. Shrewsbury Avenue supports parking.

A-9.24; shows the view looking south on Shrewsbury Avenue, which shows very few cars parked there. This area can be used to accommodate for the peak parking times needed for the commercial requirement. There were more cars parked at night, which was probably residents. They wanted to assure there was parking for the residents, which is why they planned the application to provide the onsite residential parking. The business owners can park in a certain area during the day.

A-9.25; ITE study was referred to: A-9.26 and A-9.27 slides summarizing the details were also discussed. There could be overlap of residents using the retail.

Christine Nazzaro Cafone, PP, was sworn and accepted as an expert witness.

She explained the property and the d(1) variance required for the residential units on the first floor, which are not permitted: a d(5) variance is required for density and d(6) variance is required for the height. There are also some ancillary c variances required.

There is no detriment to the zoning ordinance, as the residential units are not visible. With regards to the density, she is confident the site can handle the density of this project, as it is appropriate size and mix. The lions share are 1-bedroom units.

With regard to the height, Riverview Commons, which is located across the street, has a similar height as is proposed for this building. She referred to slide A-9.29.

The Master Plan revised in 2019 indicates land use as the opportunity for the Borough to expand residential units and provide a range of housing types, along with the highest quality of design and character and to provide dense or mixed-use development near the train station

A-9.31; objectives of housing were discussed.

This is a great location for this project, providing inclusionary COAH units, allowing the Borough the opportunity to accomplish the COAH requirements.

Buffering – plantings and possibly fencing will be provided.

The burden of proof regarding the MLUL addresses Item A - promotes general welfare, Item G – location for a variety of uses and Item M – efficient use of land.

She is confident they can come to a workable planning solution.

The substantial benefits out-weigh anything negative.

There is reasonable variance relief and the Board can come to a conclusion that this is a catalyst project for the West-side. It should also be noted that this project is redeveloping the property without using a formal Redevelopment Plan. They are using private developer finances.

Lauren Nicosia questioned if there would be retail food or something like Starbucks.

Ms. Cafone highly doubted Starbucks, as they are seeking places with a drive-thru. Perhaps small food use or service use whatever is permitted in the zone.

Ed Herrman requested Ms. Cafone to speak of the density component.

She explained the site can support the project. There is no minimum lot area requirement and you must look at everything together not look not just at units per acre; as seventeen 1-bedroom units are different than seventeen 3-bedroom units. The density is the same, but the impact is different.

Bruce Maida clarified that Riverview Commons was previously a school and an age restricted projected. He felt that was not a good reference. Christine stated the height being in excess of 40 feet with the brick exterior, provides a synergy to this project. Also noted, down the street, there are single and two family dwellings. This project can act like an anchor building on the corner. It makes the application more consistent. Mr. Maida feels the building doesn't belong there. River Street is a residential are.,

Eileen Hogan wanted to compare this project to Station Place. Mr. Mumford explained that Station Place is about 240 foot long with 50 apartments. The better comparison is Fortune Square, which is almost an identical piece of property, just slightly wider. This proposed project is roughly 2/3 the size of Station Place.

Lauren Nicosia clarified there will be double sidewalks. Mr. Mumford said they may have pavers. This sidewalk is wider than that of Station Place.

Sean Murphy feels it is an area in need. He complimented the work Mr. Mumford does in town. He likes a lot of the application, and does not see any issues that can't be tweaked.

Brad Jones, 88-90 River Street, was sworn in. He complimented Yellowbrook Properties. He lives directly across the street. He feels the location is great and would preserve the West Side of town.

Lauren Margo, 58 Linden Place, was sworn. She feels this is a huge building and the only one, other than Riverview Commons, with this height in the area. She questioned the parking on Shrewsbury Avenue and also how the infrastructure can handle this project. She feels they are taking away the character of the area. Retail spaces have parking. She feels they should have a parking plan. Riverview commons has greenery around it and open space, so it doesn't seem as overwhelming. She also stated that only 2 of the 23 units are COAH, because of Fair Share requirement. She feels they are asking for alot.

A motion was made by Eileen Hogan, seconded by Lauren Nicosia to carry the meeting to May 20, 2021, with no further notice required. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Richard Angowski, Sean Murphy, Ann Torre and Sharon Lee. Nays: none. Mr. Giannetti confirmed their consent of the Board to act on this application.

Eileen Hogan made a motion to adjourn the meeting, seconded by Richard Angowski. The meeting was adjourned at 9:40pm.

Respectfully submitted,  
Dina Anastasio