

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
April 7, 2022

The Red Bank Zoning Board of Adjustment held a public meeting on Thursday, April 7, 2022, at 6:30 PM via Zoom video conferencing call.

Chair Lauren Nicosia called the meeting to order at 6:30 PM. A roll call showed the following attendance:

Lauren Nicosia	Present	Sean Murphy	Absent
Ann Torre	Present	Sharon Lee	Absent
Richard Agnowski	Present	Joan Rothwell	Absent
Ray Mass	Present	Robert Frikker	Absent
Eileen Hogan	Present	Vincent Light	Present
Christine Irwin	Present		

Also present were Kevin Kennedy, Esq., Board Attorney; Ed Herrman, P.E., P.P., C.M.E., C.F.M., Borough Engineer; Shawna Ebanks, P.P., AICP; and Chris Ann DeGenaro, Board Secretary.

Chair Nicosia read the Open Public Meeting Statement Act. In addition, adequate and electronic notice of time, place, and matter was posted in two newspapers, the Borough Clerk's Office, the Borough's website, outside the council chambers, and on the front door of Borough Hall.

Z14322: 173 Maple Avenue; Block 103, Lot 1

Robert McGowan, Esq., represented the applicant 173 Maple, L.L.C.

Exhibits A-1 through A-10 were marked and presented, including rendering and site plans:

A-1: Development Application

A-2: Major Site Plan, prepared by Engenuity Infrastructure, dated June 29, 2021, consisting of eight (8) sheets

A-3: Survey, prepared by Richard E. Stockton & Associates, Inc., dated January 18, 2021, consisting of one (1) sheet

A-4: Architectural Plans, prepared by Anthony M. Condouris, R.A., dated June 28, 2021, consisting of two (2) sheets

A-5: Stormwater Management Design Report, prepared by Engenuity Infrastructure, dated May 28, 2021

A-6: Zoning Officer Denial Letter, dated July 14, 2021

A-7: T&M Associates Review Memorandum, dated January 27, 2022

A-8: Letter in response to engineering review from Engenuity addressed to Shawna Ebanks dated February 24, 2022

A-9: Illustrated Rendering of the Site Plan, prepared by Engenuity Infrastructure

A-10: Aerial Photograph

The following expert witnesses were sworn in for the presentation:
Jaclyn Flor, P.E., P.P., C.M.E. – Engenuity Infrastructure
Dr. Mark Yaiser - Managing Member of the Applicant
Lee D. Klein – Engenuity Infrastructure
Christine Nazzaro-Cofone, P.P. – Cofone Consulting Group, LLC

Mr. McGowan gave a brief introduction and description of the project. He explained that the proposed use is permitted in the Professional Office zone if it does not alter the existing structure. The applicant is proposing to change the existing building; therefore, a use variance is required for a use not permitted.

Jaclyn Flor provided engineering testimony regarding the site plan for the property. She referred to T&M's review letter and addressed outstanding comments in her testimony. The applicant agreed to comply with all recommendations and conditions in the review letter.

Chair Nicosia had questions regarding the existing garage, and Ms. Flor replied that it would be demolished to create more off-street parking spaces. Chair Nicosia asked about the proposed 3-foot buffer along the property line. Mr. McGowan stated that the neighbors were more concerned about the deteriorating garage, and the proposed buffer will satisfy the need to screen the adjacent properties.

The board expressed concern about the mid-block crosswalk and the proposed driveway. Ed Herrman explained that the crosswalk was placed in the middle of the block for access by pedestrians to cross the street from the southerly side of Waverly. The adjacent property's Zeik Dental curb requires repairs, and Mr. Herrman recommended that the applicant contact the property owner to repair the curb. Additionally, Mr. Herrman recommended that the applicant ask the council to remove the mid-block crosswalk. The applicant agreed to comply with the recommendation and petition the council about removing the crosswalk.

Eileen Hogan asked the applicant to clarify the proposed uses for the site of a professional office and one residential dwelling. Ms. Flor replied yes.

Isabelle Vertone, 56 Waverly Place, commented on the removal of the garage and the proposed 3-foot buffer. She asked the applicant whether a 3-foot buffer would be landscaped. Ms. Flor responded that grass or mulch would be around the 8-foot arborvitaes recommended in the Board Engineer's report. The 8-foot arborvitaes are a substitution for the deviation from the 6-foot landscaping requirement. It was also recommended that the applicant increase the number of arborvitaes from five to ten.

Ms. Vertone had additional concerns about the lighting for the site. However, she was assured that the lighting would be placed at a low level to prevent light spillage, and the lights would be placed on a timer and turned off after business hours.

Dr. Mark Yaiser provided testimony on the operation of the professional office use. The hours of operation were to be 8:00 AM to 7:00 PM, five days a week. The office layout will be open for physical therapy and private rooms for patient examinations. The expansion is to accommodate larger machinery/equipment for patient therapy.

Chair Nicosia inquired about the number of patients being served simultaneously, and Dr. Yasir assured the board that the office would not be crowded.

Lee D. Klein provided testimony on the number of estimated trips generated by the proposed use, in which he stated that an estimate of five to six cars per hour would enter and exit the site.

Christine Nazzaro-Cofone provided planning testimony on the positive and negative criteria while reiterating that the proposed use will have minimal impact on the community.

James Muka, 163 Maple Avenue, asked whether the existing two trees on the site would be removed, and the applicant replied no, they would remain.

Kevin Kennedy reiterated the conditions of the application. The applicant agreed to all conditions.

Anne Torre motioned to approve the application with conditions presented and second by Richard Angowski.

Ayes: Lauren Nicosia, Ann Torre, Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, and Vincent Light.

The meeting was adjourned at 6:41 PM.

Respectfully submitted,
Chris Ann DeGenaro
Board Secretary