

MINUTES
RED BANK PLANNING BOARD
April 17, 2023

The Red Bank Planning Board held a Planning Board meeting on Monday April 17, 2023 at 7:00 pm, in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Dan Mancuso called the meeting to order at 7:08 pm. A roll call showed the following members in attendance: Mayor Portman, Alix Schroder, Dan Mancuso, Art Murphy, Lou DiMento, Kristina Bonatakis, Barbara Boas, Dave Cassidy and Fred Stone. Also present were Mike Leckstein, Esq., Ed Herrman, T&M Associates and Shawna Ebanks, P.P., AICP, Director of Community Development.

Dan Mancuso 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.

A motion was made by Dan Mancuso, seconded by Art Murphy, to approve the minutes of the following meetings: October 3, 2022, December 5, 2022, December 19, 2022, January 23, 2023, February 6, 2023 and March 6, 2023. A voice vote confirmed all in favor. Nays: none.

A motion was made by Art Murphy, seconded by Dan Mancuso, to approve the Resolution for 20 North Bridge Avenue. Ayes: Alix Portman, Dan Mancuso, Art Murphy, Lou DiMento, Kristina Bonatakis, Barbara Boas and Dave Cassidy. Nays: none.

A motion was made by Dave Cassidy, seconded by Barbara Boas, to approve the Resolution to appoint CME as the Conflict Engineer. Ayes: Mayor Portman, Dan Mancuso, Art Murphy, Lou DiMento, Kristina Bonatakis, Barbara Boas, Dave Cassidy and Fred Stone. Nays: none.

Applications:

P8696A: 2-40 North Bridge Avenue, Block 38, Lots 13 & 14, Block 39, Lots 30 & 31

The applicant, ET Galleria, was seeking relief from prior conditions included in Resolution 1995-18 granted on July 10, 1995 requiring additional parking for the Galleria off premises on a separate property.

The applicant was represented by Ed McKenna, Esq.

He explained the applicant's prior applications regarding this property. In 1992 a parking variance was granted for 183 cars, for the entire Galleria structure. In 1995, First Option, was a tenant there and they were granted a variance for parking. That company moved out years ago and the current owners learned in 2022, that they had to apply for amended parking approval.

The applicant currently has 203 parking spaces available.

Mike Leckstein, clarified this application is to sever the prior requirement and what will become of the property located across the street, that is currently used for parking.

Mr. McKenna explained he is not sure what will become of that property in the future. There is currently a structure located on the property.

Dan Mancuso clarified there was an application years ago for an office building and parking lot. George Sourlis, property owner, confirmed that is no longer an active application.

Barbara Boas confirmed the Galleria maintains the property.

If this application is approved, the whole lot could be used by the Galleria and not be associated with anyone else.

Ed Herrman, confirmed this property is used as an accessory structure and any future change could be a Zoning Board application.

Art Murphy clarified that most likely, an easement was granted to install the sidewalk located on the property.

John McCormick, Traffic Engineer, was sworn and accepted as an expert witness.

He discussed the traffic study conducted, which consisted of counting parking spots located at the Galleria and the off-site lot. Observations were completed December 10th, December 21st, January 5th and January 11th. The Two River Theater had performances on certain days.

During peak times, these are the counts: 161 cars parked on the premises and 11 in the overflow lot 155 cars/ 14 overflow; 162 cars/14 overflow.

A count of 170 cars would be 85% capacity.

Another count showed 113 cars/4 overflow, which is less than 60% occupancy.

There was a lot of walk-out activity. Some related to marina, some for other locations.

This shows the overflow lot is not needed.

Dave Cassidy questioned if any counts were completed during the farmers market, to which, there were not, as this was conducted during the winter months.

Art Murphy further added that the market is only on Sundays.

Ed Herrman, clarified the original design intent for the building was mixed use and theoretically if the use were the same, they would not have to back to board

John McCormick believes the uses would be similar. He would have to confirm, but there has not been a major tenant change.

Dan Mancuso stated that when the original application was approved, whenever the use changed, the applicant had to appear before the board, which was not a good idea. He also stated the Sourlis Family has operated this facility for many years and has the best interest of the town.

Ed McKenna stated the largest tenant occupies 8,000 square feet.

Ben Forrest, was sworn. He stated he uses the farmers market.

A motion was made by Art Murphy, seconded by Dave Cassidy to close public portion.

A motion was made by Dave Cassidy, seconded by Dan Mancuso, to approve the application. Ayes: Mayor Portman, Dan Mancuso, Art Murphy, Lou DiMento, Kristina Bonatakis, Barbara Boas, Dave Cassidy and Fred Stone. Nays: none.

Ed Herrman explained the referral of the Ordinance regarding electric vehicles, explaining that Red Bank was ahead of the curve with this issue and since then, the state statute required certain guidelines. Shawna Ebanks prepared the Ordinance changes, including mandatory items provided by State. Mike Leckstein explained the job for the Board is to confirm the Ordinance is not in violation of Master Plan.

A motion was made by Dan Mancuso, seconded by Art Murphy, to approve the referral of Ordinance 2023-12 Amending and Supplementing Chapter 490 relating to Electric Vehicle Supply/Equipment (EVSE) and Make-Ready Parking Spaces. Ayes: Mayor Portman, Dan Mancuso, Art Murphy, Lou DiMento, Kristina Bonatakis, Barbara Boas, Dave Cassidy and Fred Stone. Nays: none.

The next Ordinance to be referred to the Council was 2023-13, amending cannabis businesses. Shawna Ebanks amended the planning portion, adding conditional use standards, removal of certain classes and adding distances. The existing Ordinance does not include any distance requirement and this referral clarifies the existing ordinance.

The job here tonight is to confirm this Ordinance is consistent with the Master Plan.

The proposed Ordinance states a cannabis business cannot be within 1,000 feet of public/ private schools, as well as certain distances from parks and day care facilities and 250 feet radius from other retail cannabis stores.

There was discussion among the members regarding the distance topic.

Ed Herrman explained the 1,000 feet requirement was implemented years ago for a drug free school zone. This was a frame of reference to start with. The issue has been debated at length, with strong arguments on both sides. This is happening in other towns also. The state has not provided enough guidance.

Art Murphy stated cannabis is now a legal substance, so this requirement of a drug free zone doesn't count.

Shawna Ebanks clarified it is legal on state level, but not on the federal level.

Mayor Portman confirmed that anyone can apply to a Board for approval and a variance can be granted. There was discussion regarding economic development and members felt this should have been laid out on day one.

Andy Zellen, Co-Owner of Crossroads, was sworn. He has an application for a retail cannabis shop at 9 West Front St. He has reviewed the Master Plan and feels this topic is very confusing. It creates a hardship for the applicant. The Ordinance is inconsistent.

The area on Newman Springs Road is included in the permitted area, however; it is adjacent to Count Basie Park, making it exempt.

The Ordinance hampers the master plan

Mike Leckstein explained usually we deal with zones, making it clear what is and what is not permitted. This Ordinance is not defined by zones.

An Ordinance that is limited in its' scope, hampers economic activity.

Kristina Bonatakis stated the Ordinance should be more specific. There is a lack of clarity and it is against the spirit of the Master Plan. It should be clear how distance is measured; is it to the lot line or to front door?

Dan Mancuso stated you must use property lines not buildings,

A motion was made by Lou DiMento, seconded by Kristina Bonatakis, to declare this Ordinance 2023-13 is not consistent with the Master Plan. Ayes: Mayor Portman, Dan Mancuso, Art Murphy, Lou DiMento, Kristina Bonatakis, Barbara Boas, Dave Cassidy and Fred Stone. Nays: none.

Recommendations to Mayor and Council:

Dave Cassidy stated the Council should review the applications currently on the table and try to find a way to determine a happy medium as these applicants have a lot of money invested in their projects.

Dan Mancuso stated they must think broader and long term. The zones are incredibly restrictive.

A Cannabis Zone would look like other zones on a zoning map.

What currently exists is too restrictive.

Suzanne Viscomi, was sworn. She requested to have the meetings broadcasted on the website, as there are many good points discussed and it would be good for the public to have access to that information.

Art Murphy made a motion to adjourn the meeting, seconded by Dave Cassidy. The meeting adjourned at 8:42pm.

Respectfully submitted,
Dina Anastasio