

MINUTES
RED BANK BOARD OF ADJUSTMENT
April 20, 2023

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday April 20, 2023 at 6:30 pm, via Zoom in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Lauren Nicosia called the meeting to order at 6:36 pm. The Board saluted the flag. A roll call showed the following members in attendance: Lauren Nicosia, Anne Torre, Eileen Hogan, Sean Murphy, Ray Mass, Sharon Lee, and Vincent Light. Kevin Kennedy, Esq., Board Attorney and Shawna Ebanks P.P. AICP, Director of Community Development and Ed Herrman, PE.

Lauren Nicosia 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.

Eileen Hogan made a motion to approve the minutes for the following meetings: May 5, 2022, September 1, 2022, September 15, 2022, January 5, 2023, January 19, 2023 and February 2, 2023, seconded by Sean Murphy. All were in favor. Nays: none.

Sean Murphy made a motion to approve the Resolution for 32 North Bridge Avenue, seconded by Vincent Light. Ayes: Lauren Nicosia, Eileen Hogan, Sean Murphy, Ray Mass, Sharon Lee and Vincent Light. Nays: none.

Lauren Nicosia made a motion to approve the Resolution to appoint CME as Conflict Engineer, seconded by Sean Murphy. Ayes: Lauren Nicosia, Anne Torre, Eileen Hogan, Sean Murphy, Ray Mass, Sharon Lee and Vincent Light. Nays: none.

Ray Mass made a motion to approve the Resolution for 135 Monmouth Street, seconded by Anne Torre. Ayes: Lauren Nicosia, Anne Torre, Eileen Hogan, Sean Murphy, Ray Mass, Sharon Lee and Vincent Light. Nays: none.

Sean Murphy made a motion to approve the extension of approval for the application of 42 Monmouth Street until April, 20, 2025, seconded by Vincent Light. Ayes: Lauren Nicosia, Anne Torre, Eileen Hogan, Sean Murphy, Ray Mass, Sharon Lee and Vincent Light. Nays: none.

Ray Mass made a motion to approve the appointment of Shawna Ebanks as Acting Board Secretary, seconded by Sean Murphy. Ayes: Lauren Nicosia, Anne Torre, Eileen Hogan, Sean Murphy, Ray Mass, Sharon Lee and Vincent Light. Nays: none.

Applications:

Z14822: 187 Riverside Avenue, Block 4:01, Lots; 1 & 2

This application will be carried to May 18, 2023, with no further notice required.

Jennifer Krimko, Esq. confirmed the consent.

Vincent Light made a motion to approve this application to be carried, seconded by Ray Mass. Ayes: Lauren Nicosia, Anne Torre, Eileen Hogan, Sean Murphy, Ray Mass, Sharon Lee and Vincent Light. Nays: none.

Z12059A: 36 Harding Road, Hudson Avenue and Clay Street; Block 58, Lots 1-6

The applicant, Ray Rap Realty, Inc. was seeking amended approval for a Subdivision, Major Site Plan with Bulk and Use Variances requested.

Lauren Nicosia recused herself from the application. Ray Mass assumed the role as Chairmember. The primary owner is Ray Rapcavage. There were no conflicts.

The following exhibits were entered: A1; Application Package: A-2; Site Plan prepared by French and Parillo revised 9/19/22 (19 sheets); A-3; Subdivision Plan prepared by French and Parillo revised to 9/19/22 (2 sheets): A-4; Architectural Plans prepared by Thomas Brennan dated 4/11/23 (5 sheets): A-5; Development Checklist: A-6; Intent to Proceed dated 11/9/22; A-7; Letter from Department of Community Affairs regarding RSIS dated 3/1/23; and A-8; Traffic Impact Letter prepared by French and Parillo dated 2/6/23: A-9; Resolution for Prior Approval for Use dated Feb 2017: A-10; Resolution for Prior Approval for Site Plan dated 2/7/17: A-11; T&M Review Letter dated 4/17/23: A-12; Architectural Drawing prepared by Thomas Brennan dated 4/11/23 (7 sheets).

Shawna Ebanks and Ed Herrman were sworn.

Ed McKenna, Esq. represented the applicant. The project received approval for 16 units. They have reduced that to 14 units. This enables them to make the interior plans to be extended by 2 feet and also will enable a 2-car garage for each unit.

The dwellings will be fee-simple, which means each owner will own their own piece of the property.

There are still no parking variances required.

The affordable houses are located on the property with 2 carriage cottages.

Andrew French, PE. was sworn, and accepted as an expert witness.

He explained the parking provided for the cottages, which is the same as what was originally approved.

A-13; Illustrated Landscape Plan revised to 1/18/23 was entered.

Thomas Brennan, Architect, was sworn and accepted as an expert witness.

He reviewed the plans: garage on first floor, living area on second floor, third level will provide the sleeping areas and the fourth level will have a loft with a balcony. The units will be open and airy with plenty of light. He also described the cottage units, which are a little smaller than the other units.

John Edele, was sworn. He had concerns for all the things being placed on these lots. He feels the garage will be used for storage, not for parking.

Mr. McKenna explained there will be 3 parking spaces for each unit, 2 of them are in the garage. There is still storage space available in the garage. The Board has already approved this application for 16 units. This application is for a reduction in the units and thus a reduction in the amount of parking required.

Kathy Hall, 19 Elm Place, was sworn. She was concerned with the remediation of the gas station previously there. This will be addressed later.

Andrew French, Engineer, previously sworn. He prepared the original site plan. The main difference between the original application and this revised site plan is the number of units. The layout and placement of the building remain the same. Landscaping will remain the same, as originally approved. The set-backs have been reduced. They have agreed with a request from the Shade Tree Committee. They reduced the motor vehicle surface space from the gas station usage that was there previously. The green infrastructure has been made better with pavers; which they are not required to from the DEP standards, as this is not a major site plan, but they are meeting the intent of the Environmental Commission.

He explained the soils from the gas station have been cleaned up and they plan to file the paperwork to the DEP shortly. The groundwater remediation is still in the process. The applicant will continue to handle this process. You cannot receive an RAO until the DEP confirms everything is completed. Could be possibly 10 years.

Sharon Lee confirmed the wells have been there about 8 years.

Roger Mumford, was sworn. He is a partner in the project. He explained the process of the wells and the monitoring levels, which he had to complete with the Fortune Square project. The DEP wants to see a trend that the levels are diminishing over time.

Ed Herrman explained the state procedure for monitoring the levels. The soils are clean and the water monitoring takes time.

Vincent Light clarified that the homeowners will be responsible for the upkeep of the landscaping.

John Edell, previously sworn, clarified the variances requested. He confirmed the parking requirement of 2.5 cars per unit per the RSIS and they are providing 3 spaces per unit. The public portion was closed.

Since the intensity is lower and no new variances are requested, they did not feel a presentation from the Planner was necessary.

Sean Murphy confirmed trash will be stored in the individual garages, taken out by the homeowners and brought to the rear for pick-up.

The affordable units will keep their trash in an enclosed area, since they do not have a garage.

There were no issues with the review letter from Ed Herrman. He explained that only items that changed from the original application were addressed.

Sean Murphy confirmed with Roger Mumford that they would anticipate breaking ground in August.

Lilian Marshall, Hudson Avenue, was sworn. She complimented Ray Rapcavage for working with Roger Mumford. She expressed her concerns with parking. She feels Hudson Avenue is too narrow for parking, especially when residents may park there to unload their shopping bags. She feels it will be chaos.

Exhibit P-1 Marshall; Photo of Hudson Avenue where it narrows down; taken in 2016, was entered. Ray Mass explained the Board does not have jurisdiction regarding street parking.

Mr. McKenna recommended meeting with the Parking Department and Police Department to review her concerns.

The public portion was closed.

Kevin Kennedy explained that any members present tonight can vote on this application.

If approved, the following conditions of approval are included: all approvals from the prior application, Affordable Housing Plan to be submitted, all outside approvals must be secured, there are no EV issues that need to be addressed, the formal gardens will be perpetually maintained, all remediation must continue to be done and reported to the Planning/Zoning Office, Exhibit B-1; Shade Tree Letter and B-2; Environmental Commission Letter request to remediate any run-off, were entered; small enclosure area for COAH units to store trash, HOA documents, easements and building permits to be applied for by December 31, 2023. These conditions were acceptable to the applicant.

A motion was made by Eileen Hogan, seconded for Sean Murphy to approve the application. Ayes: Anne Torre, Eileen Hogan, Sean Murphy, Ray Mass, Sharon Lee and Vincent Light. Nays: none.

Anne Torre made a motion to adjourn the meeting, seconded by Sean Murphy. The meeting adjourned at 8:06pm.

Respectfully submitted,
Dina Anastasio