

MINUTES
RED BANK BOARD OF ADJUSTMENT
July 15, 2021

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday July 15, 2021 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 6:30 pm. The Board saluted the flag. A roll call showed the following members were in attendance: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Sean Murphy, Anne Torre, Sharon Lee, Robert Frikker, Bruce Maida, Kevin Kennedy, Esq., Board Attorney, Ed Herrman, PE, 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.

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

Applications:

Rory Fitzgerald; 136 Bergen Place; Block-105, Lot: 50 Z13936

Lauren Nicosia, Eileen Hogan and Bruce Maida recused themselves. Ed Herrman was sworn in. Shawna Ebanks was also sworn.

The following Exhibits were entered: A-1; Application Package: A-2; Denial: A-3; Intent to Proceed: A-4; Boundary Survey prepared by Charles Bell: A-5; Review Memo from Shawna Ebanks: A-6; Floor Plans consisting of 3 sheets.

Ed McKenna, Esq. represented the applicant, Rory Fitzgerald.

The applicant is proposing to convert the garage of this single family dwelling. He would like to utilize the space for personal training. There is no plumbing proposed. HVAC is proposed. He will only serve one person at a time. He has space to park in the long driveway. There will be no parking issues. The hours of operation will be 7:30am – 7:00pm daily. No signage is proposed. No audio or music. No exterior changes or changes to the lighting.

Rory Fitzgerald, property owner, was sworn. The property is owned by his mother and the neighboring house is owned by his parents. The current property was previously his grandmother's house.

A mini-split system will be located behind the detached garage.

Sharon Lee confirmed the property owner did consent to the application.

Sean Murphy thanked Mr. Fitzgerald for coming to the Board for permission.

Shawna Ebanks clarified this is a single-family dwelling.

If the application is approved, the approval will run with the land. There will also be conditions including there will be no employees, training will be for 1 individual at a time, no group classes, no outdoor training is proposed and there are no deliveries.

Thea Jandizo, 137 E. Bergen Place, was sworn. She does not have an issue with a one-on-one training and questioned if this approval would be changing the property from residential to commercial. She would appreciate if they sell the property, that it would convert back to residential.

Kevin Kennedy explained that approvals run with the land. NJ law states an approval cannot be granted to the person. They can make the approval to be if the property sells, the approval will be the same parameters as was originally granted.

Mr. Fitzgerald can deed restrict the property, but not until the property is sold.

The public portion was closed.

A motion was made by Sean Murphy, seconded by Sharon Lee to approve the application. Ayes: Ray Mass, Christine Irwin, Sean Murphy, Anne Torre, Sharon Lee and Bob Frikker. Nays: none.

Bespoke; 21 East Front Street, Block 10, Lot 6.01 Z13900

Lauren Nicosia and Bruce Maida recused themselves. Ed Herrman, PE, was sworn.

Christine Irwin stated Mr. Berardi was a prior customer, but there would be no conflict in hearing this application.

The following Exhibits were entered: A-1; Denial: A-2; Application Package: A-3; Brochure of Bespoke: A-4; Series of Floor Plans prepared by Mike Monroe: A-5; T&M Review Letter: A-6; Review Letter from the Shade Tree Commission: A-7; Review Letter from RiverCenter: A-8; Review Letter from Environmental Committee.

Ed McKenna, Esq., represented the applicant. He explained the operations of the business. The property is a multi-story office building and this application is strictly for the first floor of the building. The business would involve members of the public renting a luxury automobile. There would be 3-4 vehicles on the premises available for someone to rent for a period of time. There could also be club-members and they can rent for longer periods.

Mr. McKenna did check with the Borough and there were no issues. RiverCenter was receptive to the idea. The vehicles would not have gasoline in them. The ingress/egress will be in the rear of building. The hours of operation will be 10:00am – 10:00pm. There will be a maximum of 4 employees and the parking for them will be in the Globe Ct. parking lot, street parking and the parking garage. There is shared on-site parking, which is shared with the existing office units.

Mr. McKenna explained that people coming to the facility are coming for a specific reason. He cannot specifically state how many customers there would be daily. He felt the review letter from the Environmental Committee was unfair. He respectfully disagreed with their response that this is not something necessary in the town, that it is too elite.

Carmine Berardi, was sworn. He is the owner of Bespoke Luxury Motor Club and Rentals. The property is owned by 21 East Front Street, LLC. (Joseph Tagliante and Howard Capek). There are currently no club members yet.

Anne Torre confirmed the cars would be brought into the building via a glass door in the rear of the building. Ray Mass confirmed that there will be cars at his other location in Staten Island. There would be no more than 3-4 automobiles at this location.

He currently owns 9-10 vehicles and 3-4 SUV's. These can be switched out.

He has control of 10 spaces for the building, for his current rentals in the building.

He explained the business model proposed. He will recommend that customers coming in to park in the parking garage across the street.

Sharon Lee is concerned with the idea of a private club or a car rental facility in that area.

Mr. Berardi feels it motivates teenagers, as they walk by and see the cars.

He also explained there is a special pump that would remove and store the gas that is removed from the cars. This small pump holds about 5-7 gallons. Sharon Lee questioned if this is something the town would have to inspect. She voiced her safety concerns.

There would be 14 maximum total cars, which include 4 inside and 10 outside. The employees will pull the cars in/out of the showroom.

There was a lot of discussion about the parking. It was suggested the applicant would show the lease regarding the number of parking spaces.

Mr. Berardi stated he can have his lease updated to reflect parking spaces where his employees would park and to store his cars. It was determined the lease would reflect 9 parking spaces will be associated with this business use.

Sean Murphy was not concerned with the amount of cars inside the showroom, as long as the fire department is ok with it.

The public portion was closed.

Michael Simpson, Architect, was sworn and accepted as an expert witness. He reviewed the positive/negative criteria for this application. Everything falls from the Master Plan. The BR zone should provide the most general use. A car rental facility is an approved use in the neighboring BR-1 zone. There have been a variety of uses at this location in the past. Changing the parking requirement of the existing office use of 5 spaces per 1,000 to a retail use, where there are 4 spaces per 1,000 required, would result in a reduction in the requirement. He also explained there have been car rental facilities in the town previously.

A motion was made by Anne Torre, seconded by Sean Murphy to approve the application. Ayes: Ray Mass, Eileen Hogan, Christine Irwin, Sean Murphy, Anne Torre, Sharon Lee and Bob Frikker. Nays: none. Kevin Kennedy reviewed some of the criteria for approval.

96-98 West Front Street, Block 8, Lots 2,3,3.01 PR12661A

Anne Torre is on the foundation of the Library Board, but there is nothing that would interfere for her to impartially hear this application.

The following Exhibits A-1; Development Permit Application: A-2; Denial: A-3; Site Plan prepared by Kennedy Consulting; A-4; Architectural Plans prepared by Mike Monroe consisting of 11 sheets: A-5; Storm Water Management Report: A-6; Response Letter from Andrew Comi: A-7; Traffic Study: A-8; DEP

Wet-Land: A-9; NJ DEP Jurisdiction Letter: A-10; NJ DEP Flood: A-10; T&M Review Letter: A-12; Aerial Photograph: A-13; Color Depiction of Site.

Christopher Healy, Esq., represented the applicant.

The following Professionals were sworn in: Andrew Comi, Civil Engineer from KCE, Mike Monroe, Architect, John Rae, Traffic Engineer and Christine Cofone, PP. Also sworn in was the Managing Member of the property, Samuel Shamaev.

Andrew Comi stated the applicant received approval in August 2018 from the Planning Board. They are now requesting a variance approval for an increase in the FAR and density.

The required variances and parking requirements were stated. Trash would be picked up via a private hauler one time weekly. This would be adjusted, if needed. There are 2 retaining walls proposed. They are considered an accessory structure.

Storm-water management was presented. Essentially, the revised plan is better, with regards to this issue.

49 trees and 106 shrubs are proposed. Design waivers are also requested.

They are providing 28 parking spaces and 24 are required. There are also 4 additional spaces on Maple Avenue, if those are included, that brings the total provided to 32.

Sean Murphy clarified who would maintain the evergreen trees. If the applicant did maintain, they would require an easement from the town. If approved, the applicant must secure approval and perpetually maintain the trees, unless the Borough releases them from this function. This Board has no jurisdiction over what the Council approves.

Lauren Nicosia questioned if the Planning board approval addressed this topic. Mr. Healy was not sure, as he was not present for that application.

Bruce Maida voiced his concern of the storm-water flow and to make sure the run-off doesn't make it to the Navesink. Ed Herrman explained Maple Avenue is steep and a porous component is not good in that scenario. They can possibly catch more run-off before the parking lot, a green roof can help. The applicant has taken reasonable steps to mitigate this issue. There are environmental constraints. Ed Herrman discussed with Mr. Comi if there any items they could not comply with. There was not.

James Kazanijian, LSRP, was sworn.

He confirmed the environmental reports and AOC's have been submitted to the DEP. All remediation has been completed.

Environmental Committee questioned if the sidewalk could be enlarged at the area where there is an existing utility pole. The applicant has no issue with this request.

Lighting was briefly discussed.

An easement would have to be issued for the installation of the trees and the retaining wall.

They will make a COAH payment, as there are no units required, as per the Ordinance.

Lauren Nicosia made a motion to carry the application to October 7, 2021, seconded by Eileen Hogan.

All were in favor. There will be no further notice required. Mr. Healy confirmed his consent to extend the time the Board has to act on the application.

Ray Mass made a motion to adjourn the meeting, seconded by Eileen Hogan. The meeting was adjourned at 9:35pm.

Respectfully submitted,
Dina Anastasio