

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
October 5, 2023

The Red Bank Zoning Board held a public meeting on Thursday, October 5, 2023, at 6:30 PM in the Municipal Building, first floor, Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Acting Chair Anne Torre called the meeting to order at 6:32 PM. A roll call showed the following members were in attendance:

Anne Torre	Present	Paul Cagno	Present
Ray Mass	Absent	Anna Cruz	Present
Eileen Hogan	Present	Amanda Doremus	Absent
Ben Yuro	Present	Eugene Horowitz	Present
Sharon Lee	Present	Chris Havens	Absent
Vincent Light	Present		

Also present were Kevin Kennedy, Esq., Board Attorney, Shawna Ebanks, P.P., AICP, Director of Community Development, and Aline Macatrao, Board Secretary.

Acting Chair Anne Torre read the Open Public Meeting Statement Act. In addition, an 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.

Regular Meeting Minutes: September 7, 2023

Motion: Approved as presented
Moved by: Anna Cruz
Seconded by: Ben Yuro
Ayes: All in favor
Nays: N/A
Abstained: N/A

Resolution of Approval – Z15122: 30 St. Nicholas Place; Block 113, Lot 26

Motion: Approved as presented
Moved by: Eileen Hogan
Seconded by: Anna Cruz
Ayes: All in favor
Nays: N/A
Abstained: N/A

Resolution of Approval – Z15133: 273 Shrewsbury Avenue; Block 77, Lots 1, 2, 2.01, 3, 25.01

Motion: Approved as presented
Moved by: Ben Yuro
Seconded by: Anna Cruz
Ayes: Ben Yuro, Sharon Lee, Vincent Light, Anna Cruz, Eugene Horowitz
Nays: None
Abstained: None

Resolution of Dismissal – 15 Tilton Ave; Block 72, Lot 2.02

Motion: Approved as presented
Moved by: Sharon Lee
Seconded by: Vincent Light
Ayes: All in favor
Nays: N/A
Abstained: N/A

P15250: 1 Berry Street; Block 76, Lot 1.01

The applicant, Jacob Morales, was represented by Kevin Asadi, Esq.

Shawna Ebanks was sworn in.

The following witnesses were sworn in for the presentation:

Jacob Morales, property owner
Edward W. O’Neil Jr., RA - S.O.M.E Architects, P.C

Exhibits A-1 through A-8 were marked and presented.

A-1: Application package.

A-2: Intend to Proceed, dated June 29, 2023.

A-3: Survey of Property consisting of one (1) sheet prepared by David J. Von Steenburg, P.L.S. dated 12/29/2022

A-4: Plans Titled: Proposed New Residence, 1 Berry Street, Red Bank, NJ, Block 76, Lot 1.01; prepared by Edward W. O’Neill, Jr., R.A.; consisting of three (3) sheets, dated June 1, 2023.

A-5: Planning Review Memorandum prepared by Shawna Ebanks, dated October 3, 2023.

A-6: Zillow Printout

A-7: Illustrated Color Renderings prepared by Edward W. O’Neill Jr., R.A.

A-8: Photos of Former Single-Family Dwelling on Site Taken 1999.

Mr. Asadi provided background on how the applicant acquired the property and went into detail on his purpose of using the undersized lot to build a single-family dwelling. The property had issues with the title and back taxes, the applicant worked to clear the property of all problems. Mr. Asadi informed the Board that the property had been vacant for over ten years and was listed for sale for several years; however, it was only when the applicant submitted the Zoning Board application that the adjacent neighbor expressed interest in purchasing the lot.

Jacob Morales provided testimony on his purpose of building a single-family house. The proposed house would not be for sale but for his mother to move to Red Bank. He explained that the size of the structure would be sufficient for his mother to live comfortably in the house.

Eileen Hogan asked if the lot was always undersized or if it was subdivided. Mr. Asadi replied that a house did exist at some point in time, but it had been torn down.

Anne Torre asked if the applicant plans to build a modest house to fit on the vacant lot, and Mr. Morales replied yes.

Edward O'Neill provided professional architectural and planning testimony on the design of the proposed house. The structure would consist of two floors with a potentially finished attic. The proposed house would be 1,675 square feet, with the first floor being 718 square feet. The height of the house would be 27 feet. Onsite parking is not provided; however, Mr. O'Neill explained that sufficient off-street parking accommodates the parking demand.

Ms. Torre asked if the square footage included the basement, and Mr. O'Neill replied no. Mr. Asadi asked Mr. O'Neill if the attic was intended to be finished right away, and Mr. O'Neill replied that it would not be. Mr. Asadi asked about the attic square footage, and Mr. O'Neill replied 209 square feet. Mr. Asadi then asked Mr. O'Neill if there would be any bedrooms in the attic, and Mr. O'Neill replied that there wouldn't be any.

Ms. Torre asked if there was headroom in the attic, and Mr. O'Neill said there was.

Mr. O'Neill added that a first-floor garage would increase the house's height and exceed the maximum height requirement for the zone. Additionally, using the first floor for living space would make it more accessible for Mr. Morales's mother.

Ms. Torre asked if there was onsite parking, and Mr. O'Neill replied there wasn't, and they are requesting a variance for the parking deficiency.

Mr. O'Neill explained that the proposed structure is an infill development, and the scale and configuration are like the surrounding houses. The property is small, but compared to most adjoining sites, it resembles the surrounding heights and square footage. The reason for the nonconforming setbacks allows for the applicant to take full advantage of the undersized lot.

Mr. O'Neill addressed the comments from the planning review from Shawna Ebanks. He detailed that the lighting will be installed for safety as the code requires. There is no landscaping proposed for the site. All utilities will be connected to the existing lines within the area.

Paul Cagno asked if the previous structure on the lot was a house or garage; according to the tax records, Mr. O'Neill replied that it was a single-family residence.

Mr. Cagno voiced concerns about building a house where utility lines cross the middle of the property. Mr. O'Neill replied that the lines would be disconnected and reconfigured to construct a new structure.

Vincent Light asked about fencing, and Mr. O'Neill replied that no fences were being proposed.

Shawna Ebanks asked about the location of the condensing units, and Mr. O'Neill said it would be in the rear of the home. Ms. Ebanks asked whether the units would be placed 3 feet from the property line, and Mr. O'Neill replied yes.

Mr. Light asked about the fence ownership depicted on Sheet C001 and Mr. O'Neill responded that it exists from the neighbor.

Mark Allen, 54 Drs. James Parker Boulevard commented on the lack of street parking on Berry Street. He asked about the lot coverage for the proposed development, and Mr. O'Neill replied 52%.

Rose-Marie Jackson, 3 Berry Street, commented that she was concerned about the condenser being too close to her property. Mr. Asadi said that as a condition of approval, the applicant could place the condenser on the left side closer to lot 2.01, which is away from Ms. Jackson's property.

Ms. Jackson also asked how far the proposed development would be from her property. Mr. Asadi said that according to the property survey, her house is only 1.7 feet away from the property line, and they are proposing to construct the house 5.5 feet from her property line, which is three times farther away from the property line than her house, the total from home to home would be approximately 7 feet.

Mr. Light asked Ms. Jackson how long she had lived at 3 Berry Street, and she replied all her life.

Mr. Light asked Ms. Jackson to provide testimony on the previous structure on the vacant lot. She said there was a one-story house.

Due to the size of the lot, Kevin Kennedy provided information on special considerations for the Board ruling on applications like the one being presented. He stated that the Dallmeyer v. Lacey Township case law requires that the applicant take four actions during the presentation of an application to develop an undersized lot. The purpose of the action is to eliminate the hardship created by the undersized lot by offering to purchase the subject lot and adjoining it to an adjacent lot to make it more conforming.

Jasmine Jackson, 3 Berry Street, expressed her concerns over the size of the structure limiting light, air, and ventilation to her property.

Mr. Cagno asked if the applicant considered building a smaller house. Mr. Morales replied that he intended to build something comfortable for his mom and her guests. Mr. Cagno then

followed up by asking whether he would turn the house into a rental if his mother did not move into the house, and Mr. Morales replied that she did not have the option of not moving to Red Bank.

Ms. Hogan asked whether the zone had square footage requirements for single-family dwellings, and Ms. Ebanks replied that it applies to multi-family dwellings.

Sharon Lee voiced concern over the size of the structure. Mr. O'Neill responded that they are proposing the minimum amount of first-floor area the ordinance will allow. He said that everything is being minimized.

Ms. Torre asked if they considered removing the half-story. Mr. O'Neill said that they are 8 feet under the height requirement.

Mr. O'Neill added that the setbacks are the same as the house next door.

Ms. Hogan suggested that the applicant find a way to reduce the size of the house because it is too big for the lot size.

Mr. Light asked Mr. O'Neill to consider providing a one-car garage to accommodate some off-street parking requirements. Mr. O'Neill replied that by doing this, the house's first floor would be almost unusable because it would be L-shaped.

Ms. Torre asked if there was room for a driveway. Mr. O'Neill replied that there isn't.

Ms. Ebanks provided pictures of a site containing a single-story structure.

Ms. Torre asked the applicant to seek out offers to acquire the subject property from the adjacent according to the requirements stated in the Dallmeyer case law.

Mr. Kennedy asked Mr. Asadi to find out if the proposed structure's size could be reduced or whether that reduction would compromise the functionality and marketability of the home.

Mr. Asadi stated that the adjacent property owners would need to appraise the property to find the fair market value and make an offer to the applicant.

Anne Torre motioned to carry the application without re-notice to November 2, and Sharon Lee seconded.

Ayes: Anne Torre, Eileen Hogan, Ben Yuro, Sharon Lee, Vincent Light, Paul Cagno and Anna Cruz
Nays: None
Abstain: None

P14764: 211 River Street; Block 82, Lot 3

The applicant, Timothy Shea, was represented by Martin Pflieger, Esq.

Exhibits A-1 through A-7 were marked and presented.

A-1: Development Permit Application.

A-2: Intend to Proceed, dated June 29, 2023.

A-3: Survey of Property consisting of one (1) sheet prepared by Steven M. Edwards, P.L.S. dated April 6, 2021

A-4: Plot Plan consisting of one (1) sheet prepared by Patrick R. Ward, P.P, P.E., Insite Engineering, LLC; dated June 14, 2023

A-5: Plans Titled: Proposed New Construction for 211 River Street Red Bank NJ, Block 82, Lot 3; prepared by Catherine Franco, Jr., R.A, P.P.; consisting of four (4) sheets, dated April 25, 2022.

A-6: Planning Review Memorandum prepared by Shawna Ebanks, dated October 2, 2023.

A-7: Colored Illustrated rendering prepared by Insite Engineering, LLC, dated October 5, 2023.

The following witnesses were sworn in for the presentation:

Patrick R. Ward, P.P, P.E.- InSite Engineering, LLC.

Catherine Franco, AIA, R.A, P.P. – Catherine Franco Architects

Timothy Shea, property owner

Mr. Pflieger's opening statement explained that the applicant is demolishing the existing single-family structure and rebuilding a new single-family that requires five bulk variances.

Patrick Ward provided engineering testimony on the site's layout, consisting of a single-family dwelling, inground pool, and retaining wall. The property is in the R-B1 zone, which requires 4,500 square feet lot size, and the subject lot is 4,497 square feet. The existing front yard setback is 22.3 feet, and the house sits about 10 feet above the grade. There is no off-street parking. Public utilities from River Street serve the site except for sanitary sewer, located in the rear of the property within the sanitary sewer easement. The applicant plans to keep all the existing utilities with any upgrades needed. The proposed home is to be 21 feet wide, which is narrower than the existing one. The front yard setback from River Street will be slightly increased. One of the most significant changes is the addition of two off-street parking spaces, which will be located under the house by cutting into the retaining wall.

Anne Torre asked if the garage would be underground, and Mr. Ward replied yes.

Mr. Ward continued that the applicant plans to reconstruct a new retaining wall that would match the veneers of the new house siding. The proposed A/C condensers will be located on the west side of the house, and they meet the 3 feet requirement. There will be a rear patio and an inground pool; the pool equipment will be placed outside the sewer easement at the rear of the property. The proposed fence will comply with the Borough ordinance. The proposed landscaping will be typical. However, two trees will be removed from the lot and not replaced. The applicant will pay the Shade Tree Trust Fund instead of planting street trees.

Ms. Torre asked if stormwater runoff would be piped, and Patrick replied that the pipes would be placed underground and have small outlet pipes for discharge.

Catherine Franco provided architectural testimony on the design of the proposed structure. She stated that the design is similar to a brownstone design. Storage space is provided underneath the house behind the garage. The space will not be used as a bedroom. The second floor will be the main living space, consisting of a kitchen, dining room, living room, powder room, and pantry. There will be an open stairway for visual effects with the patio and pool behind it. The third floor will have two bedrooms, and the attic space will be a third of the third floor. A roof deck with river views is also proposed in the front of the structure.

Mr. Ward also provided professional planning testimony. He stated that the proposed front yard setback is 13.59 feet; however, due to the grading, the actual setback is 18.9 feet. The proposed side yard setbacks are 6 feet on one side of the house and 14 feet on both sides. The new garage faces the front of the house, which is prohibited. However, the proposed orientation is appropriate for this development because there is no room onsite to allow for a side entry garage. The applicant is proposing two off-street parking spaces.

Paul Cagno asked if the home's modern design fits within the character of the houses along the street and the master plan. Patrick Ward replied that there is nothing in the master plan that points to maintaining consistent architecture within a neighborhood. The proposed design is a new trend that is being seen for infill development in Red Bank.

Ms. Lee suggested changing the roof line style to the backside to align with the neighborhood. Timothy Shea explained that the purpose of that design was to have a view of the swimming river and the sunset. Mr. Cagno followed up by asking if Mr. Shea would only have the view of the swimming river if it were designed as intended. Mr. Shea replied that they wouldn't because of obstructions. Ms. Lee voiced her concern about the proposed design of the house as she doesn't think it aligns with the neighborhood.

Ms. Torre asked if the proposed development size is comparable to its neighbors. Ms. Franco responded yes. Anne Torre expressed that she thinks the garage idea is very creative.

Kevin Kennedy reiterated the conditions of the application, and the applicant agreed to all conditions. Anne Torre motioned to approve the application, and Ben Yuro seconded it.

Ayes: Anne Torre, Eileen Hogan, Ben Yuro, Sharon Lee, and Anna Cruz.

Nays: None

Abstain: Paul Cagno

The meeting adjourned at 8:42 PM.

Respectfully submitted,
Aline Macatrao
Board Secretary