MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
January 2, 2025

The Red Bank Zoning Board held a public meeting on Thursday, January 2, 205, at 6:30 PM in the Municipal Building, first floor, Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Raymond Mass called the meeting to order at 6:30 PM. A roll call showed the following members were in attendance:

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

Also present were Kevin Kennedy, Esq., Board Attorney; Jacqueline Dirmann, P.E., PP, Board Engineer; Shawna Ebanks, P.P., AICP, Director of Community Development; and Aline Macatrao, Board Secretary.

Chair Raymond Mass 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.

Kevin Kennedy read the Oath of Office and swore in the following new and existing members to the Planning Board:

Member	Term Ends
Raymond Mass	2026
Ben Yuro	2026
Anna Cruz	2026
Chris Havens	2026

Reorganization of the Board:
Members of the Board announced nominations for the following positions:

1) **Chairperson:**

Motion: Nomination for Raymond Mass as Chairperson.
Moved By: Eileen Hogan
Seconded By: Anna Cruz

Ayes: Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: None

2) Vice Chair:

Motion: Nomination for Anne Torre for Vice-Chair.
Moved By: Raymond Mass
Seconded By: Chris Havens
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: None

3) Board Secretary:

Motion: Nomination for Aline Macatrao as Board Secretary.
Moved By: Raymond Mass
Seconded By: Eileen Hogan
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: None

4) Board Attorney:

Motion: Nomination for Kevin Kennedy as Board Attorney.
Moved By: Raymond Mass
Seconded By: Ben Yuro
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: None

5) Board Engineer:

Motion: Nomination for Edward Herrman, P.E. (T&M Associates) as Board Engineer.
Moved By: Eileen Hogan
Seconded By: Raymond Mass
Ayes: Raymond Mass, Eileen Hogan, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: Ben Yuro

6) Reaffirmation of Zoning Board Bylaws

Motion: Reaffirmation of the Zoning Board of Adjustment Bylaws.

Moved By: Ben Yuro
Seconded By: Anna Cruz
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: None

7) Official Newspaper

Motion: Nomination for Asbury Park Press and Two River Times as the Board's official newspapers.
Moved By: Raymond Mass
Seconded By: Anna Cruz
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: None

8) Conflict Board Engineer

Motion: Nomination for CME as Conflict Board Engineer.
Moved By: Raymond Mass
Seconded By: Eileen Hogan
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: None

9) Conflict Board Attorney

Motion: Nomination for Marc Leckstein as Conflict Board Attorney.
Moved By: Raymond Mass
Seconded By: Sharon Lee
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstain: None

10) 2025 Board Meeting Calendar

Motion: Approve the 2025 meeting dates as presented.
Moved By: Raymond Mass
Seconded By: Eileen Hogan
Ayes: All in favor
Nays: None

Abstain: None

Regular Meeting Minutes: December 5, 2024

Motion: Approved as presented
Moved by: Ben Yuro
Seconded by: Raymond Mass
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, and Eugene Horowitz.
Nays: None
Abstained: Anna Cruz and Chris Havens

Regular Meeting Minutes: December 19, 2024

Motion: Approved as presented
Moved by: Ben Yuro
Seconded by: Anna Cruz
Ayes: Ben Yuro, Sharon Lee, Anna Cruz, and Eugene Horowitz.
Nays: None
Abstained: Anne Torre, Raymond Mass, Eileen Hogan, Vincent Light, Paul Cagno, Amanda Califano, and Chris Havens.

Resolution of Denial – Z14822: 187 Riverside Avenue; Block 4.01, Lots 1 & 2

Motion: Approved as presented
Moved by: Anna Cruz
Seconded by: Ben Yuro
Ayes: Raymond Mass, Eileen Hogan, Ben Yuro, Sharon Lee, Anna Cruz, Eugene Horowitz, and Chris Havens.
Nays: None
Abstained: None

Z15787: 232 S. Pearl Street; Block 76, Lot 2.02

Kevin Asadi, Esq, represented the applicant, Jacob Morales.

Jacqueline Dirmann and Shawna Ebanks were sworn in.

Chris Havens recused himself from this application.

The following witnesses were sworn in for the presentation:
Jacob Morales – Property owner
Edward W. O'Neill, Jr., R.A. - O'Neil Architecture & Planning

Exhibits A-1 through A-7 were marked and presented.
A-1: Zoning Application dated August 28, 2024.
A-2: Zoning Denial Letter dated July 12, 2024.
A-3: Survey of Property prepared by David J. Johnson, P.L.S., of Morgan Engineering and Surveying,

dated May 30, 2024, consisting of one (1) sheet.
A-4: Plans entitled "New Single-Family Residence for Jacob Morales" prepared by Edward W. O'Neill, Jr., R.A., of O'Neil Architecture & Planning, dated August 15, 2024, consisting of five (5) sheets.
A-5: T&M Associates review memorandum dated December 18, 2024.
A-6: Package consisting of a survey, aerial view, photographs, floor plans, and lot area study.
A-7: (4) Certified letters sent to neighbors, dated September 11, 2024.

Kevin Asadi explained that the applicant seeks approval to construct a new single-family home on a 2,686-square-foot undersized vacant lot. The proposed structure will require variance relief for the lot size, the frontage and side yard setbacks, and potentially driveway dimensions.

The applicant proposes a 3.25-foot side yard setback where 10 feet is required.

Edward W. O'Neill provided professional planner and architect testimony. He explained that the proposed house is 2,119 square feet, including a finished attic. The proposed height is 29 feet, while 35 feet is permitted.

The applicant is offering an 18-foot-wide driveway to provide two-off-street parking spaces, which the ordinance requires. No trees are being proposed.

Mr. O'Neill explained that developing an abandoned lot is a good thing, meets the positive criteria for meeting the appropriate density for an area, and contributes to the well-being of the Borough.

Chair Mass had concerns about the proposed development being too close to the house in the rear. Mr. O'Neill explained that the rear setback requirement is 25 feet, and the applicant proposes 27 feet.

Mr. O'Neill explained that the applicant meets the requirements for front yard, rear yard, lot coverage, building height, and off-street parking. His professional conclusion is that based on the positive and negative criteria, the positive criteria outweigh the negative criteria.

Chair Mass commented that the Board has a precedent to maintain no parking in the front yard.

Mr. O'Neill replied that if the Board is compelled to provide a parking variance for one space, the applicant can offer a 12-foot-wide driveway instead of 18 feet.

Eileen Hogan had concerns about the parking being proposed in the front yard.
She asked if the proposed house was larger than the other houses nearby. Mr. O'Neill replied that the houses nearby are around 1,600 square feet.

Jacqueline Dirmann asked if air conditioning units are being proposed. Mr. O'Neill replied yes.

Ms. Dirmann asked if any walkways from the parking area to the front door are being proposed. Mr. O'Neill replied that a small area that would go from the edge of the parking space to the base of the steps is being proposed.

Ms. Dirmann pointed out the gravel area within the lot with a depressed curve and asked if the applicant intended to close it. Mr. O'Neill responded yes.

Shawna Ebanks asked if there was access to the basement from the outside. Mr. O'Neill replied that the access was only from inside of the house.

Sharon Lee commented that the size of the proposed home is too large. Mr. Asadi replied that the lot is challenging because it is undersized
. He also stated that the applicant would compromise by eliminating the driveway and front yard parking.

Eugene Horowitz asked if the applicant's mother would be the only one living in the house. Mr. Morales replied yes and said the family would visit frequently.

Ben Yuro commented that the applicant should offer one parking space instead of two and request a parking variance.

Anna George, 230 S Pearl Street, stated concerns about the proposed house being too close to her home and that she objects to this application.

Ms. Hogan comment
ed that she has an issue with front yard parking; it was never allowed in the town. Mr. Asadi replied that the applicant will be modified to remove parking from the front yard, and they will be asking for a parking variance.

Ms. Ebanks suggested that the applicant consider building a smaller house like the one he proposed for his Berry Street application.

Mr. Asadi asked the Board to carry the application to another date so the applicant could adjust the application based on the Board's comments.

Chair Mass motioned to carry the application to February 6, 2025, with notice, and Sharon Lee seconded.
Ayes: All in favor
Nays: None
Abstained: None

Z15597: 103 E Front Street; Block 11, Lot 5
Tyler Zeberl, Esq, represented the applicant, Riverview Medical Center.

Jacqueline Dirmann and Shawna Ebanks were sworn in.

Eileen Hogan recused herself from the application.

The following witnesses were sworn in for the presentation:
William E. Jensen, Jr., P.E. – Jensen Design Group
Paul Grygiel, AICP, PP - Phillips Preiss Grygiel Leheny Hughes LLC

Exhibits A-1 through A-15 were marked and presented.
A-1: Borough of Red Bank Department of Planning and Zoning Application.
A-2: Borough of Red Bank Green Development Checklist.
A-3: Letter prepared by Brian M. Nelson of Spiro Harrison & Nelson, LLC, dated August 7, 2024
A-4: Denial of development permit dated March 17, 2024.
A-5: Use Variance Narrative.
A-6: Grading and SCD Plan prepared by William E. Jensen, Jr., P.E., of Jensen Design Group, dated April 17, 2023, consisting of two (2) sheets.
A-7: Minor Site Plan and Use Variance, prepared by William E. Jensen, Jr., P.E., of Jensen Design Group, dated April 17, 2023, revised December 5, 2024, consisting of six (6) sheets.
A-8: Stormwater Report, prepared by William E. Jensen, Jr. P.E., of Jensen Design Group, dated December 5, 2024, consisting of three (3) sheets.
A-9: Response Letter, prepared by William E. Jensen, Jr. P.E., of Jensen Design Group, dated December 5, 2024, consisting of two (2) sheets.
A-10: Intent to proceed dated August 6, 2024.
A-11: Disclosure of ownership dated August 6, 2024.
A-12: T&M Associates review memorandum dated December 13, 2024.
A-13: Aerial photo.
A-14: Photo of the water area of the site, taken by Brian Nelson about a month ago.
A-15: Photo of the site, taken by Brian Nelson about a month ago.

Tyler Zeberl explained that the applicant has owned this property since 1987. The property is situated in the Waterfront Development Zone. It consists of approximately 33,130 square feet and has a 4,500-square-foot commercial building that has been vacant for nearly 20 years. The Borough issued a notice of unsafe structure in December 2023, requiring the demolition of the existing building.

The applicant proposes to continue using the parking area consisting of 23 spaces, two of which will be ADA spaces. The total coverage will be reduced from 13,987 square feet to 7,274 square feet.

Paul Grygiel provided professional planning testimony. He explained that the applicant requests a D(1) variance that must demonstrate the positive criteria that the site is particularly suitable or is an inherently beneficial use. In this case, it is an inherently beneficial use located a short distance away from a hospital; it promotes public welfare by allowing employees to continue to park for the hospital.
The proposed parking lot is a standard two-way access aisle with parking on both sides.

Mr. Grygiel added that the hospital needs parking and is proposing to upgrade the parking lot and reduce the coverage of the lot, which speaks to the fact that this application supports the hospital's highly beneficial use.

The applicant requested another variance or waiver requiring applications for properties contiguous to the river to provide a minimum 25 feet easement. Mr. Grygiel explained that the site doesn't have much access.

William E. Jensen provided professional engineering testimony. There is a cross-slope across all the parking stalls, which is 3%-4%, and the applicant is proposing an improvement of around half percent. An underground stormwater management system will be provided to collect all the runoff from the proposed roadway. The applicant also proposed inlets to help collect the trash before it goes into the recharge system under the pavement.

Mr. Jensen testified that landscaping is proposed to buffer the adjacent residential property. The existing fence along the entire property will not be replaced, only at the rear.

A light study will be conducted, and if additional lighting is required, the applicant will comply with the ordinance requirements.

Chair Mass asked if a gate was being proposed. Mr. Jensen replied no, and the parking lot is private for employees. Signs would be installed in front indicating private parking as the Board requires.

Shawna Ebanks asked about the location of the light poles. Mr. Jensen replied that the light poles will be where the existing ones are until they receive the light study back, modifications will be made if necessary.

Sharon Lee commented that the applicant should consider installing a fence along the existing property. The applicant agreed to install a 6-inch chain link fence.

Ms. Ebanks explained the requirement to provide an access easement. She said the Borough is not asking the applicant to build a walking path but to provide the easement should the Borough decide to do something with it. Mr. Zeberl advised that the applicant requests a waiver for the access easement. Chair Mass responded that the Board would not grant the waiver for the access easement.

The applicant requested to carry the application to January 16, 2025, without further notice.

Chair Mass motioned to carry the application to January 16, 2025, and Chris Havens seconded.
Ayes: All in favor.
Nays: None
Abstained: None

Ben Yuro motioned to adjourn the meeting, and Sharon Lee seconded.
Ayes: All in favor
Nays: None
Abstained: None

The meeting adjourned at 8:50 PM.

Respectfully submitted,
Aline Macatrao
Board Secretary