

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
February 15, 2018

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, February 15, 2018 in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

A workshop meeting was held at 6:00pm. The following members were in attendance: Ray Mass, Eileen Hogan, Christine Irwin, Sean Murphy, Anne Torre, Richard Angowski, Kellen Murphy (arrived 6:30pm), Sharon Lee and Kate Triggiano. Also present were Glenn Carter, PP, Director of Planning/Zoning, Kevin Kennedy, Esq., Board Attorney and Dina Anastasio, Board Secretary. At the workshop meeting the Board discussed the evening's agenda.

Board Vice Chair Ray Mass called the meeting to order at 6:28 pm. He announced that notice of the meeting was mailed to the Asbury Park Press, Two River Times, and the Star Ledger; was filed with the Borough Clerk; and posted on the Municipal Bulletin board. A roll call showed the same members in attendance.

The Board saluted the flag and opened the meeting to the public for non-agenda items of which there were none.

Administrative Matters:

Sean Murphy motioned to approve the minutes of the February 1, 2018 meeting; Anne Torre seconded. Ayes: Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski and Kate Triggiano. Nays: none.

Public Hearings:

At the request of the applicant, the application for HABCore will be heard at a later date to be determined for an incorrect notice. The notice will be redone.

**Triumph Brewing Company of Red Bank, LLC., 1 Bridge Avenue, Block 37, Lot 6.01
Z12423**

The applicant was represented by Andrew Provence, Esq. Glenn Carter was sworn. He also disclosed he is currently seeking and apartment in Red Bank and has viewed the West Side Lofts facility. This will have no affect of his ability to review this application without bias. There were no objections.

The following exhibits were entered: A-1; Applicant's three-page narrative dated 1/24/18: A-2; Plans by Richardson Smith Architects dated 1/22/17 (4 pages): A-3; Denial of DPA: A-4; Intent to Proceed and Disclosure of Ownership: A-5; Review Letter from Glenn Carter dated 1/30/18: A-6; DPA; A-7; Photos taken by Glenn Carter dated 1/23/18: A-8; Patio Details sheet SK30 prepared by Richardson Smith dated 1/22/18.

The property is owned by two entities consisting of MV Broadway WSL, LLC (Chris Cole, Mark Siler, Merrick Sher and Ron Sher) and MW Red Bank, LLC (Chris Cole, Merrick Sher and Ron Sher). The Triumph Brewery is owned by Adam Rechnitz.

Christine Irwin indicated that Mr. Cole is a customer of her family business. She recused herself from the application.

Jason Fichter, PE, PP, was sworn and accepted as an expert witness. Kevin Kennedy disclosed his current dealing with Mr. Fichter for a mutual client. There is nothing to compromise the unbiased hearing of this application. There were no objections.

The application was explained noting there are no major changes proposed from the original approved application. They are proposing additional signage than what was originally approved. The total proposed square footage is 35 sf; whereas, the original approval was for 55 sf. There is a 15 sf sign proposed at the southwest corner near the entrance door, which will be internally illuminated; a 42" circular wall sign, measuring less than 10 sf with the business logo and a menu box wall sign. Variances are required for # of signs, interior illumination, size and colors.

They are improving the streetscape with plans for a hop-yard trellis, landscaping and a 3-foot high fence. Planters will be placed at the edge of the dining space to separate patrons from passersby.

For purposes of the MLUL, the proposed changes promote public safety and general welfare, create light air and open space, improve the streetscape, provide a desirable visual environment and conserve property values in the neighborhood.

As far as negative impacts, there aren't any, as the signs proposed are more -subtle than those originally approved and the vitality of the area is continued through these improvements.

Ray Mass confirmed the outdoor seating will not be on the Bridge Avenue side of the property. Sean Murphy clarified no additional lighting is required. The applicant was not sure at this time, if outdoor heaters would be utilized. Anne Torre clarified there will be no amplified outdoor music.

The public portion was closed.

Sean Murphy motioned to approve the application, seconded by Eileen Hogan. Ayes: Ray Mass, Richard Angowski, Anne Torre Kellen Murphy and Sharon Lee. Nays: none.

Kevin Kennedy reviewed some conditions including compliance with all representations discussed, obtaining outside approvals, abiding by all prior approval, unless addressed with this application, there will be no third party advertising on the signs, lights to be turned off at closing (2am) and compliance with all municipal codes.

Firehouse 93, LLC., 32 Mechanic Street, Block 29, Lot 8, Z12521

The applicant was represented by Jeffrey Rosen, Esq. Glenn Carter was sworn.

The following exhibits were entered: A-1; Architectural Plans prepared by Frank Tomaino dated 9/12/17: A-2; Survey prepared by Landmark dated 12/12/16: A-3; Site Plan prepared by Landmark (1 sheet) dated 6/15/17: A-4; DPA and denial: A-5; Intent to Proceed: A-6; Disclosure of Ownership: A-7; Review Letter by Glenn Carter: A-8; Architectural Review Comments by Gabriel Massa, Borough Architect dated 2/6/18: A-9; Photos taken by Glenn Carter dated 2/2/18: A-10; Parking Lease Agreement dated 12/28/16: A-11; Photo of proposed brick to match existing: A-12 & 13; Photos of intended front windows.

Property ownership was disclosed, which include David and Jennifer Glassberg. Ms. Glassberg is also the proposed tenant for the first floor commercial space. She plans to operate a home furnishings and interior design studio.

There were no conflicts.

The application consists of renovating a 110-year old firehouse into commercial on the 1st floor and an apartment on the 2nd floor. When the property was purchased, the applicant also leased the 4 parking spaces located behind the firehouse. It was later determined during this application discussion, that these spaces would not be designated for a particular use (tenant or patron, but rather first come first serve). The agreement is if you do this, you do not get the full use of the parking.

Frank Tomaino, Architect, was sworn and accepted as an expert witness.

He explained the applicant's desire to preserve as much of the original firehouse as possible, including the front exterior, copper roofline, ceilings and finishes. They designed the addition to the rear of the property. There will be 2 condensers placed on the roof. A lattice enclosure or parapet will be utilized. They do not want to bring attention to the area. At this time, they are unsure of the specifics. It was later noted they will work with the borough architect and if an agreement cannot be reached, they will return to the board.

He also calculated the FAR which is 1.678, thus, no variance required.

David Glassberg, was sworn. He discussed the review from the Borough architect and his request to keep the apron, as it is more aesthetically pleasing. Glenn Carter stated the agreement of the administrator and our engineer were to replace it with a curb.

The lighting will be wall mounted. The historical sign will remain. Any additional signs added will be in conformance with the Borough code.

They discussed the third floor extension and roofline. Sharon Lee stated the proposed railing should be higher than the 3-feet proposed, as this was done on another application. Glenn Carter also explained whenever a structure is removed and another one built, a variance is required.

Susan Brady, 46 Mechanic Street was sworn. She was concerned with the parking issue. The parking ordinance was explained to her to clarify her misunderstanding of the requirement used for the determination of the application.

Roberto Sanchez, 23 Wallace Street was sworn. He clarified the enclosure of the existing roof and the exterior stairwell is used for the tenant upstairs. Basically, 80% of the structure is to remain.

Richard Angowski confirmed there would be no testimony from a planner. The public portion was closed.

A motion was made by Kellen Murphy, seconded by Sean Murphy to approve the application, with the condition that the apron will be replaced with a curb. Ayes: Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski and Anne Torre. Nays: none.

Kevin Kennedy reviewed some conditions including compliance with all representations discussed, if a future restaurant is proposed for the first floor, they will have to return to the Board for approval, the parking lease will remain in effect, the railing height will be 42-44" and for applicant to work with the Borough architect as previously discussed.

YellowBrook Property Co., LLC., 17 River Street, Block 73, Lot 16 & 17, Z12631

The applicant was represented by Thomas Malman, Esq. Glenn Carter was sworn.

The following exhibits were entered: A-1; Plans prepared by French & Parrello dated 10/3/17: A-2; Survey: A-3 Drywell Calculation dated 11/17: A-4; Environmental Impact Report dated 11/17: A-5; Architectural Plans prepared by Thomas Brennan (2 sheets): A-6; Denial of DPA: A-7; Disclosure of Ownership and Intent to Proceed; A-8; Review Letter by Glenn Carter; A-9; Project Proposal; A-10; Photos taken by Glenn Carter dated 1/23/18: A-11; Illustrated Power Point Presentation.

Sean Murphy disclosed his brother owns property across from this property. He has not discussed this application with him nor will this affect his ability to impartially hear this application. There were no objections.

Roger Mumford was sworn. He discussed the application and reviewed the power point presentation. He purchased the property a year ago and had plans for a larger scale development, but this didn't work out. He also developed the property across the street known as Chelsea Place. He explained the issues involved when creating 2 smaller single family dwellings as opposed to the proposed plan for a duplex. This is a more attractive and functional plan. The combination of both lots will result in a lot 75 X 150 ft. This lot is located in a transition area from commercial to residential.

Brian Decina, PE, was sworn and accepted as an expert witness. He is not aware of any access easements, but indicated there could be one for an overlap from the parking for the commercial area.

He reviewed the setback requirements along with those proposed. They will replace curbs and sidewalks. All drainage will collect into a drywell and recharge back into the ground. Landscaping will help define the property line and provide buffering. They are seeking variances for the two-family dwelling as well as for the front facing garage.

Mr. Mumford reviewed the architectural details of the project and explained the advantage of creating a home with a width of 22 feet enables him to build bedrooms 11 feet wide. Each unit will be 3 bedrooms, 2 ½ baths with clapboard siding and lighting to enhance the appearance and oversized columns. He is not sure if these will be rentals or for sale.

The A/C units will be in the rear.

Eileen Hogan clarified the lots are similar to those in the neighborhood. Mr. Mumford reiterated the issues regarding set-backs and drainage when building single family homes on a small lot.

Sharon Lee discussed her concern with the desire to keep garages out of the front yards in this area of town. They want to keep it as a walking community, where you will walk by and talk to your neighbors. She did complement the project and its' transition between the two zones. Mr. Mumford also stated his recent approval for the Brownstone's project will not have garages in the front.

Sean Murphy stated the neighboring property has a garage with 3 doors and front parking.

Christine Nazzaro Cafone, PP, was sworn and accepted as an expert witness. She discussed the application and the suitability for this property. She noted the recent approval of the pharmacy with 2nd floor apartments in the neighborhood. The special reasons of the MLUL were cited including (a) promoting the general welfare (e) appropriation of population density (c) adequate lighting (i) creating desirable visual improvements and (m) efficient use of the land.

The application supports the public good, creates formal landscaping, provides the residential use with a better floor-plan. There is no negative impact to the zone plan.

The variance required for the front facing garage would have to be applied for even if they were building single family dwellings, as this yard creates a hardship due to the narrowness of the property.

A motion was made by Anne Torre, seconded by Richard Angowski to approve the application. Ayes: Ray Mass, Eileen Hogan, Christine Irwin, Sean Murphy and Kellen Murphy. Nays: none.

Kevin Kennedy reviewed some conditions including lot consolidation, no homeowner association, clean-up of the gravel in the rear of the property and the application to be reviewed for grading/drainage by the engineer.

On a motion made by Sean Murphy and seconded by Ray Mass, the meeting was adjourned at 8:42 pm.

Respectfully Submitted,
Dina Anastasio
Secretary, Red Bank Zoning Board of Adjustment