

**MINUTES**  
**RED BANK ZONING BOARD OF ADJUSTMENT**  
**September 20, 2018**

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday September 20, 2018 in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

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

Chair Lauren Nicosia called the meeting to order at 6:30 pm. She 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:**

Anne Torre motioned to approve the minutes of the August 16, 2018 meeting, seconded by Sean Murphy. Ayes: Ray Mass, Richard Angowski, Sean Murphy, Anne Torre, Stephanie Albanese and Kate Triggiano. Nays: none.

Sean Murphy motioned to approve the Resolution for Carole Gorhan, seconded by Ray Mass. Ayes: Ray Mass, Richard Angowski, Sean Murphy, Ann Torre, Stephanie Albanese and Kate Triggiano. Nays: none.

The Resolution for David Popkin will be carried until the next meeting, at the request of the applicant.

**Public Hearings:**

**Aaron Katzel, 18 Hubbard Park, Block 11, Lot 18.01, Z12640 (continued from 5/17/18 and 7/19/18)**

The applicant was not in attendance. It was noted the Board Secretary had reached out to the applicant, but no response was received.

A motion was made by Sean Murphy, seconded by Richard Angowski to dismiss the application without prejudice. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy and Anne Torre. Nays: none.

**Vincent Picciotto, 15 Hubbard Park, Block 11, Lot 4, Z12932**

Glenn Carter was sworn. Vincent Picciotto, property owner, was sworn.

The following Exhibits were entered: A-1; DPA: A-2; Intent to Proceed: A-3; Disclosure of Ownership: A-4; Narrative; A-5: Plans: A-6; Photos taken by Glenn Carter dated 8/30/18: A-7; Property Survey.

Mr. Picciotto has owned and resided at the property for about 15 years. He had received prior approval to construct a 2 car detached garage. He explained the house is over 100 years old and the existing mud-room has been leaking for years. He recently started to rebuild/repair the room, but was stopped by the Building Department, as no permits were obtained. The proposed mud-room is slightly larger (35 square feet), but is going over the existing concrete pad. This requires a set-back variance.

Sean Murphy questioned if the work was being done by a contractor, to which Mr. Picciotto clarified it was and he was also doing some of the work, as he was an electrician.

The public portion was closed.

Anne Torre made a motion to approve the application, seconded by Eileen Hogan, with the notation that the applicant comply with the codes and obtain the proper permits. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy and Anne Torre. Nays: none.

**Phoenix Productions, 59 Chestnut Street, Block 75.02, Lot 169, Z11840 (Amended Application)**

The applicant was represented by John Anderson, Esq. Glenn Carter was sworn.

The following Exhibits were entered; A-1; DPA (2016): A-2; Intent to Proceed (2016): A-3; Disclosure of Ownership (2016): A-4; Architectural Plan by Michael Simpson, revised to 8/24/18 (3 sheets): A-5; Interior Design Plans by Grammer Design dated 8/1/18 (5 sheets): A-6; Development Narrative: A-7; Prior Approval from 2016 Zoning Board: A-8; Photos taken by Glenn Carter: A-9; Review Letter by Glenn Carter: A-10; Prior Approval from 1998 Zoning Board: A-11; 2013 Application.

John Anderson explained the application, which consists of a change only to building 2. They are also requesting a one-year extension.

Izzy Sackowitz, Executive Vice President/General Manager for the Count Basie Center for the Arts, was sworn. The Board of Trustees for the Count Basie, as well as Phoenix Productions were named and there were no conflicts. He explained the Monmouth Conservatory music program is currently located in a church on Front Street and by obtaining this building at 59 Chestnut Street, with Phoenix Productions, would enable them to have a central location. They will go into the space where Copa Lighting was located. No exterior renovations are proposed. There are 8 -10 employees who provide one on one musical instruction. The hours of operation are Monday thru Friday; 3 - 9pm; Saturday; 8am – 6pm and Sunday; 4 -7pm.

Sean Murphy questioned if the available parking currently located on the premises could be made available for the evening shows at the Count Basie. Mr. Sackowitz explained they are always in negotiations with neighboring businesses regarding the parking issues.

Tom Martini, Chairman Emeritus of Phoenix Productions, 71 Maple Avenue, was sworn. He explained they already provide parking to the Count Basie. They have practice during the evening hours, so there would only be about 3 -6 spaces available.

Lauren Nicosia reiterated Sean's request if any of the available spaces could be used, that would be a positive.

Mike Simpson, Planner, was sworn and accepted as an expert witness. He explained his knowledge of this site, as he has prepared plans for several applications since 1999 and received multiple variances. The proposed change enables the location to go from a non-conforming use

to a permitted use. The cultural aspect and the proximity to Phoenix Productions, public transportation and the local schools are positive elements, which enhance the Master Plan. The parking is adequate. At the most, 63 spaces would be required and 65 are provided. A sign for the rear of the property is proposed. This is for proper identification. There are no changes proposed to the current access drive, which has been in every Resolution previously received. It is 22 feet wide, 2 - way and striped accordingly.

The applicant is requesting the improvements start with lighting the exterior. The recommendations provided by CME have been addressed and revisions submitted for approval. Any building guidelines will be reviewed by the appropriate department, not the Zoning Board. They have requested the one-year extension to allow Phoenix Productions time to fundraise for the required funds. Building 2 will be done first. There will be no plays held by Phoenix Productions at this location until all renovations are completed. The public portion was closed.

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

As this was a time sensitive application, the Resolution was prepared and read by Kevin Kennedy.

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

**Pilates Blast, LLC., 134 Broad Street, Block 60, Lot 17.01, Z12906**

The applicant was represented by Rick Brodsky, Esq. Glenn Carter was sworn. Danielle Parish Rubin, proprietor, was sworn.

The following Exhibits were entered: A-1; DPA: A-2; Intent to Proceed: A-3; Disclosure of Ownership: A-4; Narrative: A-5; Proposed Sign Plan by Fast Signs dated 6/23/18 (1 sheet): A-6; Review Letter by Glenn Carter: A-7; 2002 Approved Site Plan: A-8; Property Survey prepared by Elizabeth Waterbury revised to 5/23/02: A-9; Photos taken by Glenn Carter.

The application was explained by Rick Brodsky and Danielle Rubin, which is to install an additional sign on the Broad Street side of the building. The entrance to the establishment is located in the rear of the building, where there is currently a sign. When Ms. Rubin relocated her business to Red Bank, she felt she would have more of a Broad Street presence. Currently, since there is no sign on Broad Street, people do not know she is there. The proposed sign is will not be lit. The public portion was closed.

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

**Phoenix of Matawan, Inc., 42 Monmouth Street, Block 31, Lot 26, Z12490**

The applicant was represented by Rick Brodsky, Esq. Glenn Carter was sworn.

The following Exhibits were entered: A-1; DPA: A-2; Denial Letter: A-3; Intent to Proceed: A-4; Disclosure of Ownership: A-5; Architectural Plans prepared by Larry Johnson dated 5/11/18 (12 sheets): A-6; Engineering Plans prepared by KCE, LLC., dated 5/1/18 (3 sheets): A-7; Map of Survey prepared by Richard Heuser, dated 5/12/17: A-8; Review Letter by Glenn Carter: A-9; Photos taken by Glenn Carter: A-10; Communication from MMA Architects dated 9/19/18: A-11; Review Letter from James Scavone for Red Bank RiverCenter: A-12; Illustrated Board of the Site Plan Rendering prepared by James Kennedy dated 5/1/18: A-13; Architectural Plans prepared by Laurence Johnson.

Rick Brodsky explained the application would include a brewery on the first floor, with a pasta restaurant next door and 4 residential apartments on the second and third floors. The brewery will not serve food and is different than a brew pub. Patrons will purchase for take-out and limited sampling of the beer is permitted.

Eight on-site parking spaces will be provided, one for each residential unit. The remaining 4 will be open for the retail use. It was noted the prior approval for a restaurant at this location included a variance for 88 parking spaces. The restaurant never opened.

Sean Murphy stated his concern with the proposed plan to add 2 floors to the existing building, creating more parking requirements. He clarified if there were no apartments, the parking requirement would be 17 spaces.

Rick Brodsky explained the apartment leases will have a stipulation regarding the availability of the one space being provided to the residential tenant. It was also noted, that the White Street parking lot is nearby.

James Kennedy, Engineer, was sworn and accepted as an expert witness.

He explained the access road and the shared parking of 1 ½ spaces with Amboy Bank.

He described his intent to come up with a good plan from a less than desirable situation. The trash enclosure will include 2 refuse containers and 1 recycling container. They are eliminating a safety hazard by creating a 6-foot walkway. The parking stalls on the north side are 9X16 ft., those on the south side are 9X18 ft. The aisle width is deficient, which is common around the town, but it does meet the general safety guidelines.

Rick Brodsky explained the proposed application has an exponentially smaller requirement than the previous approved use. The building has been vacant for roughly 12 years and the applicant is trying to add life to an existing dormant site, being creative with the Master Plan.

Stephanie Albanese questioned the parking situation and how the utilization of spaces to be used for the retail/business use will be monitored. It is possible the residents could use those spaces, in addition to the 4 allotted to them. James Kennedy stated the lease would stipulate the guidelines.

Glenn Carter clarified the brewery is considered a retail use.

Kate Triggiano questioned if patrons would be allowed to get food from the pasta restaurant next door and bring it into the brewery.

Ron Mahler, 9 Foxchase Rd. Madison, was sworn. He will be in charge of operations and is a brewer with over 20 years - experience, 10 in teaching.

10-15 minute tour of the brewery before sampling. There will be an open floor plan. The hours of operation for the public will be Thursday/Friday 5 – 8pm/9pm; Saturday 12 – 7pm/8pm; Sunday 12 – 6pm. The brewery will be open daily for production 9am – 8pm.

Ray Mass clarified there will be high-top tables and indicated people could eat food while seated. Rick Brodsky stated they could put something in the Resolution not permitting food there.

Kate Triggiano does not like adding to the parking burden and also felt there would be additional employees required to assist the customers, when it is open to the public. She clarified the size of the tasting room.

Anne Torre clarified the waste products would include malt grains and hops to be disposed of. The applicant will use a private hauler several times weekly.

Kate questioned if the applicant would be interested in partnering with a recycling company for these products.

The Board recessed at 8:15pm and resumed at 8:26pm. A roll call showed the same members in attendance.

Laurence Johnson, Architect, was sworn and accepted as an expert witness.

He described the architectural elements of the apartments. Each unit will have a 2-story space located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. They will enter from a stairway onto the second floor. No windows are proposed on the sides, as they are right on the property lines and must meet fire codes. Each unit will have slightly more than 900 square feet on each floor, for a total of just over 1800 square feet. Roof gardens are proposed for each. The retail entrance is located on Monmouth Street and the residents will enter via the rear of the building.

The application was reviewed by the Historic Preservation Commission, which had some minor comments regarding the use of a finer stucco and window sills.

Kate Triggiano reiterated her agreement with these findings.

Stephanie Albanese clarified the basement will be used for storage.

The public portion was closed.

At the request and consent of the applicant, the application will be continued on October 18, 2018, with no further notice required.

On a motion made by Richard Angowski, seconded by Ray Mass, the meeting was adjourned at 8:40pm.

Respectfully Submitted,

Dina Anastasio, Secretary, Red Bank Zoning Board of Adjustment