

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
June 6, 2019

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, June 6, 2019 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: Lauren Nicosia, Ray Mass, Christine Irwin, Sean Murphy, Anne Torre, Sharon Lee (arrived 6:37) Stephanie Albanese and Matt Anderson (arrived 6:30). Also present were Glenn Carter, P.P., 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.

Chair Lauren Nicosia called the meeting to order at 6:30pm. She announced that notice of the meeting was mailed to the Asbury Park Press and the Two River Times; 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:

A motion was made by Ray Mass, seconded by Sean Murphy to approve the minutes of the May 16, 2019 meeting. Ayes: Lauren Nicosia, Ray Mass, Christine Irwin, Sean Murphy, Anne Torre and Matt Anderson. Nays: none.

A motion was made by Anne Torre, seconded by Ray Mass to approve the Resolution for Denholtz Associates (Southbank @ Navesink). Ayes: Ray Mass, Sean Murphy, Anne Torre and Stephanie Albanese. Nays: none. This Resolution is subject to review by the Engineer.

A motion was made by Sean Murphy, seconded by Anne Torre to approve the Resolution for Phoenix of Matawan. Ayes: Lauren Nicosia, Ray Mass, Christine Irwin, Sean Murphy and Anne Torre. Nays: none.

Public Hearings:

Wilson Homes, LLC., 16 Leonard Street, Block 75.05, Lot 22, Z13313

This application will be heard on June 20, 2019 due to an insufficient notice.

Two River Theater Corp., 21 Bridge Avenue, Block 35, Lot 5.01, Z12123 Amended

The applicant was represented by Andrew Provence, Esq. Glenn Carter was sworn. He also noted that he resides within 200 feet of the property; however, he is a renter and does not own the property.

The following Exhibits were entered: A-1; Application for Development dated 5/3/19: A-2; Denial: A-3; Plans prepared by Pillari, LLC., revised to 5/2/19 (3 sheets): A-4; Project Narrative from Michael Hurst dated 5/2/19: A-5; 2016 Zoning Board Approval for Two Signs: A-6; 2017 Zoning Board Approval for Current Additions: A-7; Various Cut Sheets for Pavers/Plantings: A-8; Specifications for Proposed Shed and Pergola: A-9; Review Letter by Glenn Carter: A-10; Photos

taken by Glenn Carter 2/22/17: A-11; Power Point Presentation (23 pages): A-12; Revised Project Narrative dated 5/20/19.

Matt Anderson disclosed his boss is a Theater Board Member and recused himself from hearing the application.

Michael Hurst, Managing Director, was sworn. He explained the application, which involves front yard variances, due to the constraints of the property. They would like to provide a welcome environment for the theater patrons. They will remove the existing concrete and replace with pavers, 6 Honey Locust Trees, café table and chairs and a pergola, which can be used as an additional stage. A shed is also proposed, which will be used to store the tables/chairs during inclement weather, rock salt, spreaders, signage and gardening tools. Sharon Lee questioned if there were other options for the shed. Mr. Hurst explained there were no other options available to have the shed easily accessible. Sean Murphy clarified that it will be visible from the street, but the pergola and trees will disguise it. In consideration of the residents on Edwin Wilson Blvd., they have been working with Chris Cole, owner of the neighboring property and he is in full support of this application.

Anne Torre confirmed there will be time limits on the outdoor performances.

One of the signs approved in the 2016 approval was to be installed where the proposed pergola will go. That sign was never installed and they will not be needing it.

Mr. Provence explained this project is needed to provide a desirable visual environment, is consistent with the surrounding outdoor elements and will cause no detriment.

A motion was made by Anne Torre, seconded by Lauren Nicosia to approve the application.

Ayes: Lauren Nicosia, Ray Mass, Christine Irwin, Sean Murphy, Anne Torre and Sharon Lee. Nays: none.

Some of the conditions include the prohibition of outdoor performances from 11pm – 7am (as per Borough Ordinance) and abandoning the approval for the second free standing sign.

David & Hinda Harrison, 96 Hudson Avenue, Block 105, Lot 31, 13305

Glenn Carter was sworn. Matt Anderson returned.

The following Exhibits were entered: A-1; Application for Development dated 5/3/19: A-2; Revised Application for Development dated 5/14/19: A-3; Intent to Proceed: A-4; Denial: A-5; Revised Denial: A-6; Disclosure of Ownership: A-7; Project Narrative; A-8; Architectural Plans prepared by Dugas & Brower dated 5/13/19 (7 pages): A-9; Survey prepared by Precision dated 9/17/01.

David and Hinda Harrison, property owners and John Brower, Architect, were all sworn.

Mr. Harrison explained the application. They have resided here since October 2010. Mr. Harrison is the Rabbi and must stay within a mile of the synagogue. The existing house has 4 bedrooms, 1 ½ bathrooms and is small for their growing family. They are proposing an addition to enlarge the kitchen, add a mudroom, family room, additional bedroom and 2 more bathrooms. A playroom, bedroom and bathroom will also be added to the basement.

Glenn Carter stated the variances are de-minimis as they are only about 1 foot.

Mrs. Harrison explained she would like to have a Passover kitchen in the basement; however, that was removed from the plans, as the Board is concerned with the formation of an additional dwelling. The neighbors have no issues with the proposed project.

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

Glenn Carter stated the application will be subject to grading/drainage review by the Borough Engineer.

17 Broad Street Red Bank, LLC., 21-23 Broad Street, Block 28, Lot 8, Z13309

The Applicant was represented by Rick Brodsky, Esq. Glenn Carter was sworn. The owners were disclosed and there were no conflicts.

The following Exhibits were entered: A-1; Application Package: A-2; Narrative: A-3; Denial dated 5/7/19: A-4; Intent to Proceed: A-5; Disclosure of Ownership: A-6; Prior Board Approvals dated 1985, 1989 and 2004: A-7; Architectural Plans prepared by George Fett revised 4/17/19 (4 sheets): A-8; Review Letter by Glenn Carter dated 5/21/19: A-9; Photos taken by Glenn Carter dated 5/14/19: A-10; Survey dated 3/8/10: A-11; Display Board of the Illustrated Basement Floor Plan dated 5/23/19: A-12; Display Board of the Illustrated 2nd and 3rd Floor Plan with the Front Elevation dated 5/23/19: A-13; Colored Rendering of the Conceptual Depiction of the Jazz Club: A-14; Colored Rendering of the Conceptual Depiction of the Open Market: A-15; 2nd and 3rd Floor Office Concept: A-16; Larger Size Colored Rendering of the Front Façade.

Mr. Brodsky explained the application. The building is currently vacant and has been for a while. The proposed application includes a jazz club/piano bar in the basement level, an open market, similar to "Chelsea Market" on the main floor and office space for the 2nd and 3rd floors. A prior approval was granted to convert a portion of the third floor to residential space.

Lauren Nicosia questioned if alcohol will be served. They will apply for a liquor license.

Jason Vico, Senior Project Manager, was sworn. He is currently not licensed, but has 14 years-experience and will be licensed shortly. He was accepted as an expert witness.

He explained the existing premises includes 2,258 square feet of usable space in the basement, 2,356 square feet on the main floor, 2,989 square feet on the 2nd floor and 1,323 square feet on the 3rd floor. The existing façade will remain, with some slight changes to the third floor (removal of the existing windows to match the second level) and a general clean-up/repair to the remaining areas. The rooftop will not be utilized.

Stephanie Albanese confirmed there will be a separate entrance for the basement level.

Jack Manousos, Operator, was sworn. He has 22-years experience in the restaurant industry across the state. He confirmed the hours of the market and the jazz club will be the same. The market will have vendors providing food, espresso, flowers, etc.... They will bring in different vendors throughout the year. There is not a full service restaurant proposed, but they will see what the people want. They are not looking to cater to a younger crowd.

Ray Mass confirmed they will abide by the hours provided by the town.

Lauren Nicosia clarified they will not be serving a full breakfast, but will have lighter venue items, such as frittatas and fruit.

Mr. Manousos also stated with or without a liquor license, the concept works.

Sean Murphy clarified the trash will be picked up by a private company 5-6 days per week.

Glenn Carter confirmed that the survey indicates the building is shown to be right on the property line, and they may not have room for a trash enclosure area. The trash may have to be

placed inside. They will work out the details. He also clarified the ventilation system for the kitchen will be through the roof.

Christine Nazarro-Cafone, PP, was sworn and accepted as an expert witness.

She explained the proposed uses are consistent in the CCD-2 zone. They are seeking a variance due the majority of the first floor not having a primary food establishment. It is basically a technicality. She discussed our 2019 Master Plan and referred to tactical urbanism, a low cost, temporary change to the built environment intended to improve local neighborhoods.

The application is suitable for this area and promotes the general welfare, utilizes sufficient space with a variety of uses and provides a desirable visual environment to improve curb appeal. There are no negative criteria. The pre-existing non-conforming variances associated with this application will not be exacerbated. It promotes a favorable business climate, is a destination use and provides diversity.

Linda Cohen, 28 Riverside Avenue, was sworn. She complimented the project stating this will provide an exciting place and looks forward to it.

Jim Scavone, Executor Director of RiverCenter, was sworn. He explained a large part of his job is to bring businesses to town. He supports this project stating it to be a great addition to the downtown area and will benefit the town.

Jay Herman, resident, was sworn. He has resided here for 25 years and is active in RiverCenter. In this time of Amazon and online purchasing, it is difficult for traditional retailers to succeed. He complimented the project and supports it 100%.

Rick Gubitosi, 123 Majestic South, Lincroft, was sworn. He is employed with Morgan Stanley and is looking forward to bring clients here. He feels the project is a fabulous addition and will add to the Red Bank economy.

Ray Mass questioned if there will be signage. Glenn Carter confirmed they can apply for a conforming sign. He also confirmed the applicant will be obtaining approval from the Historic Preservation Commission. As the timing did not work out for them to receive it prior to this meeting.

Kevin Kennedy stated some of the conditions will include no rooftop component, trash enclosure subject to approval from Glenn Carter, ventilation will be internal, if no C/O is received within 3 years, the approval is voided.

There was some discussion regarding noise and it was determined there will be no music after 2:00am, as to comply with the Borough Ordinance and the basement will be soundproofed.

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

On a motion made by Anne Torre and seconded by Ray Mass, the meeting was adjourned at 8:07pm.

Respectfully Submitted,

Dina Anastasio, Secretary Red Bank Zoning Board of Adjustment