

MINUTES
RED BANK ZONING BOARD OF ADJUSTMENT
May 16, 2019

The Red Bank Zoning Board held its regularly scheduled meeting on Thursday, May 16, 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, Eileen Hogan, Christine Irwin, Sean Murphy, Anne Torre, Sharon Lee and Matt Anderson. 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 Eileen Hogan, seconded by Anne Torre to approve the minutes of the May 2, 2019 meeting. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Anne Torre and Matt Anderson. Nays: none.

A motion was made by Sean Murphy, seconded by Anne Torre to approve the Resolution for Riverview Medical Center (HMH). Ayes: Lauren Nicosia, Ray Mass, Sean Murphy, Anne Torre and Sharon Lee. Nays: none.

A motion was made by Anne Torre, seconded by Ray Mass to approve the Resolution for Gary Casazza. Ayes: Lauren Nicosia, Ray Mass, Eileen Hogan, Christine Irwin, Anne Torre and Matt Anderson. Nays: none.

A motion was made by Ray Mass, seconded by Eileen Hogan to approve the continuation of the application for 390 Red Bank, LLC. (Dunkin Donuts), 390 Shrewsbury Avenue, Block 88, Lot 12.01, Z12780, to be heard on August 1, 2019. A voice vote confirmed all in favor. The applicant will have to re-notice. Mr. Brodsky confirmed his agreement.

Public Hearings:

Phoenix of Matawan, 42 Monmouth Street, Block 31, Lot 26, Z12490 (Carried from April 18, 2019)

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

Exhibit B-1; Certification of Sharon Lee regarding the listening of the minutes of the September 20, 2018 meeting and B-2; Certification of Matt Anderson listening to the same minutes were entered.

Mr. Brodsky explained that the applicant has revised the plans, based on the feedback received from the Historic Preservation Commission. They had requested the brick façade proposed for the front of the building be done around the sides of the building also. The applicant has agreed to this request. The proposed application is being made to revitalize the existing building, which has been vacant for several years. A 3,000 square foot brewery and 1,500 square foot retail area are proposed on the first floor. A pasta restaurant was originally going into this space; however, they will not be proceeding. A tenant is to be determined for this portion of the building. Two additional levels are to be added, each including (2) two bedroom apartments.

At the prior meeting there was discussion regarding parking concerns. The property owner, Mr. Lupu, has an agreement with Amboy Bank, the neighboring property. There are 8 ½ spaces available on site (1/2 of one of the spaces is located on the bank property along with one additional space). They will also lease an additional 5 spaces for a total of 15 spaces. Parking will be available on the bank lot from 6pm -6am. The residential leases will permit the tenant to have only parking for 1 car.

Lauren Nicosia questioned the original narrative proposed for a restaurant. She wanted to clarify since the pasta restaurant originally proposed is not proceeding, is the applicant still seeking a restaurant use. Mr. Brodsky stated they are not limiting their options, but will lease to a tenant with a permitted use.

She also questioned what would happen to the parking leases if Amboy Bank goes away. Mr. Brodsky said they would deal with that issue if it arises. Would the applicant consider reducing the number of apartments? Mr. Brodsky further explained they are trying to be creative and promote economic vitality. If the retail use doesn't survive, the apartments can offset the costs.

Florin Lupu, the property owner, was sworn. He is also a contractor. He likes the mixed use building, and feels if it were only one floor for the retail level, the building would look unfinished in relation to the neighboring buildings. There was a suggestion to remove the top level and have only 1 floor of (2) two bedroom units.

There was concern from the applicants' professional team if this change would reduce any of the required variances for parking or FAR. A short break was taken at 7:00pm so they could calculate the information.

The meeting resumed at 7:10pm and a roll call showed the same members in attendance. The applicant determined the FAR was reduced to 1.73, which is still slightly higher than the permitted 1.70, so therefore; the board does retain jurisdiction.

Larry Johnson, Architect, was sworn.

Exhibit A-14; Revised Architectural Plans dated 3/8/19 based on the HPC recommendations and A-15; Minutes of the HPC meeting were entered. They reflect the change in the proposed brick being used on the front and sides.

Mr. Johnson explained the applicant has decided to amend the plans based on the Board's recommendation. They will remove the second level and the proposed top level will move down, so as to incorporate the crown molding and other features. The height of the building to the roof surface (not including the parapet) will be about 25 feet.

There will be 8 parking spaces on site, 4 of these for the reserved for the residential tenants and 4 for employees or customers.

Sean Murphy clarified the trash enclosure will be located in the rear of the building and a private company will be used. Also any lighting will be approved by the Borough Engineer.

Christine Nazarro Cafone, PP, was sworn and accepted as an expert witness. She explained that second story apartments are permitted in the CCD-2 zone; however, since, the necessary on-site parking was not provided, this required the applicant to request the variance. There have also been other changes in the Zoning Ordinance, but they are bound by the guidelines in effect at the time of application. They also require a variance for the FAR of 1.73. The burden of proof must be presented that the site can handle this. Since the basement is included in the calculation, and only ½ of the basement can be utilized for storage, the other ½ is backfill, Ms. Cafone is confident this site can handle this. If the basement were actually removed from the calculation, the FAR would be 1.4. This space does not contribute to the parking requirement.

This is a good project, which will bring life to the downtown area. It is consistent with the Master Plan, expands the Special Improvement District and is appropriate for this location. The Board should be comfortable there is no negative impact on the Zoning Plan.

Matt Anderson questioned what if the brewery closes down, what else can go there. Ms. Cafone confirmed whatever is a permitted use can occupy that space. Mr. Brodsky also added if the brewery expands into the other space, they would have to return to the Board for approval. Eileen Hogan confirmed the parking that was originally going to be leased from the bank, will not have to be done now.

Glenn Carter clarified with Mr. Brodsky they are using the 8 spots on site.

Mr. Brodsky summed up, thanking the Board and asked them to vote favorably for this application to bring vitality to this building.

Richard Pepsny, Esq. was there representing 40 White Street, LLC. He stated his client was required to provide parking when they had an application to the Board and they wanted to confirm there was no preferential treatment to this applicant.

Mr. Brodsky stated his client has agreed to provide dedicated parking, that all applications are treated on an individual basis and questioned if the actual objector was there.

Kevin Kennedy also stated that the applicant has revised their plans to remove ½ of the residential units originally proposed.

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

Some of the items included in the approval will be following the recommendations of the HPC for the brick to be used on all but the left side, to permit a restaurant use, so the applicant would not have to return to the Board for approval, the rooftop area is for the use of the residential tenants only, 4 spaces dedicated to the residential tenants and the applicant must receive all outside approvals, including the ABC.

On a motion made by Anne Torre and seconded by Ray Mass, the meeting was adjourned at 7:45pm.

Respectfully Submitted,

Dina Anastasio, Secretary Red Bank Zoning Board of Adjustment