

The meeting was opened by Chairman Palmieri at 7:30 p.m.

Chairman Palmieri read a statement of compliance with the *New Jersey Open Public Meetings Law* as follows:

This is a regular meeting of the Zoning Board of Adjustment of the Borough of Tinton Falls and is being held in compliance with the New Jersey Open Public Meetings Law. Adequate notice of this meeting has been given by posting on the bulletin board of the Municipal Building and by publishing in the The Coaster and the Asbury Park Press.

Chairman Palmieri then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present Chairman Palmieri, Mr. Slazyk, Mr. Lomangino, Mr. Porzio, Ms. Hatami, Mr. McKinley, Ms. Berk

Absent: Mr. Battista, Mr. Brawner

Also present: Mr. Steinberg substituting for Mr. Hirsch
Mr. Neff, Board Engineer
Ms. Zincavage, Board Planner
Ms. Connolly, Board Secretary

Chairman Palmieri read a statement of procedural guidelines.

New Business

BA 2017-07 – **Szakel, Eva & Faye, 78 Plum Street, Blk. 11.02 lot 28** - Request for building coverage variance.

Mr. Steinberg states that he has reviewed the affidavit and proof of service and find same to be in order as to form.

Motion is made by Mr. Porzio and seconded by Mr. Lomangino. All in Favor

Faye Szakel, homeowner, 78 Plum Street, Tinton Falls, NJ 07724 was sworn in by Mr. Steinberg. Also sworn in is Eva Szakel, homeowner, 78 Plum Street.

Faye Szakel states that they are requesting a building coverage variance to build a 1 ½ car garage. There is no garage currently on the premises. She states that the garage is needed because they have two very young children and need a way to get them into their home while being sheltered from the weather. They are also in need of some extra storage space for storing things such as a snow blower. Originally, she states that they were going to ask for a two-car garage but has downsized to a 1 ½ car garage. By downsizing from a two-car garage to a 1 ½ car garage, the setback issue was eliminated.

This application is discussed among board members. Ms. Hatami asks if there was ever a garage at this location. It looks like there may have been one attached to the home at one time and it was made part of the home quite some time ago. They believe it is now the family room. When they moved in and were given a Certificate of Occupancy, there was no garage.

Mr. Neff asks the homeowners why there is a need for a 1 ½ car garage as opposed to a one (1) car garage since they are over building coverage. The applicants stated that they would like some extra storage space which is why they are asking for a 1 ½ car garage as opposed to a one car garage. The addition percentage is what the overage is, since they were at the building coverage limit and now wish to add the 1 ½ car garage.

Ms. Hatami asks if there is a basement on premises. Ms. Szakel states that they have a basement but have made it an inside gym/play place for their children as one child has special needs and needs to have a safe outlet in which to perform his occupational therapy.

Chairman Palmieri asks questions pertaining to the surrounding lots and the location of the proposed garage.

It is discussed that a Certificate of Occupancy was obtained while purchasing the home and that it did not have a garage at that time.

Mr. Neff states that the only variance that is needed is for building coverage. Permitted is 16%. As is without the garage, they are at 15.24%. With the proposed garage it is 20.22%.

Mr. Lomangino confirms that the garage will match the siding and roof already existing.

Chairman Palmieri opens up the discussion to the public and asks if there are any questions or comments. Mr. Neff confirms with the applicants that there are no grading changes and that the area is relatively flat.

Mr. Lomangino makes a motion to close the public portion and it is seconded by Mr. McKinley. All in favor.

Motion is made by Mr. Lomangino and seconded by Mr. McKinley to approve the building coverage variance.

Ayes: Mr. Lomangino, Mr. McKinley, Chairman Palmieri, Mr. Slazyk, Mr. Porzio, Ms. Berk, Ms. Hatami
Nays: None
Absent: Mr. Battista, Mr. Brawner

Minutes

Chairman Palmieri states that the minutes from April 19, 2018 have been previously distributed via email for the Board for review.

Motion is made by Mr. Porzio and seconded by Mr. Lomangino. All in favor by those eligible to vote.

Further Business

BA 2018-2 7th Day LLC, Blk 146 Lots 6.01 & & 7, Wardell Rd. and Rte. 33 Use variance, height variance

Mr. Lomangino will be stepping down for this application as he has a conflict.

Mr. Steinberg states that he has reviewed the Affidavit of Service and Proof of Service and find same to be in order as to form.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to accept service. All in Favor.

Peter Falvo states he is representing the applicant in this matter. Mr. Falvo states that the applicant is requesting a height variance. When this application was originally approved, the car wash had a height of 25 ft. which will remain the same and the north end of the flex space where Ice King would have their offices and their storage in the mezzanine area was going to be 35 feet and the rest of the flex space was 25 feet.. The applicant has found that they have a prospective tenant that would need to construct an inside racking system, as no outside storage is permitted. This racking system is going to need a 35 ft. height space inside the entire flex space.

Mr. Falvo calls Mr. David Collins, who was the architect on the previous application as well as this application. Mr. Collins is sworn in by Mr. Steinberg and his credentials are accepted by the Board.

Mr. Collins explains exhibit A-1, which is the exterior elevations of the building. Mr. Collins explains the changes proposed, showing them on A-1. The plans are dated January 8, 2018. There is a minor change which is that Unit C was originally marked as Ice King, this is in error. It should read Unit A. Mr. Collins explains that there is no change proposed to the square footage of the property or the footprint of the property. There is also no mezzanine space in the proposed height change, it is all free space. A-2 is a color rendering of the flex space building as seen from Rte. 33 showing the new proposed height of 35 ft. all the way across the front. The other change that the applicant proposes is to change the color scheme from light gray on top and reddish block on the bottom to white with gray masonry on the bottom and blue trim.

Mr. Falvo also points out the blue canopies over the doors that lead to the flex spaces. The canopies over the doors have been previously approved, but the applicant wishes to go from gray to blue.

Ms. Hatami asks to see the previously approved rendering. The architect states it is on his phone and can pull it up for her to look at.

Ms. Zincavage brings up that there was a condition of approval regarding the signs, all being having the same colors as the principal structures on the lot, so is that consistent with what is being proposed now? Mr. Collins states that all of the signs are not being changed and will match the property.

Chairman Palmieri asks if there are any Board members that have any questions for the architect.

Ms. Hatami asks about the bathroom units in each flex space. The architect states that he is unsure how many bathrooms will be put in, as it depends upon how the units are occupied. All of the units have been set up for future plumbing. For instance, if one tenant occupies six bays, they may just want one bathroom for their space. Whatever the plumbing code is, it will be adhered to.

Chairman Palmieri asks if there is any public in attendance that have any questions for the architect. None heard.

Mr. Falvo brings forth David Boesch, landscape engineer for Nelson Engineering, expert in the previously approved plans. Mr. Boesch is sworn in by Mr. Steinberg. A-2 is marked into evidence as the landscape plan that was submitted in the prior application previously approved dated February 7, 2017. There are no proposed changes to the proposed site layout from the previously approved plans.

A-4 is marked into evidence entitled "Construction Plan, 7th Day, LLC dated February 7, 2017, sheet 2 of 13. Parking and signage is shown on this exhibit which remains unchanged.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
May 3, 2018

Chairman Palmieri asks if there are any Board members that have any questions of Mr. Boesch. Hearing none.

Chairman Palmieri asks if there are any public in attendance that has any questions of Mr. Boech. Hearing none.

Mr. Neff asks Mr. Falvo if we are just speaking about building height now. After that are you then going to discuss the change in use. Mr. Falvo states that right now, we are just discussing building height.

Ms. Zincavage clarifies that the height is changing and it is an intensification of the use as the Municipal Land Use Law defines it. It was a non-permitted use that was approved with a D-1 variance. By virtue of increasing the height intensifying it, the applicant technically needs a D variance for this change. Site layout is not changing.

Mr. Falvo calls Mr. Fred Lomangino. Mr. Steinberg swears in Mr. Lomangino. Mr. Lomangino states that he has a prospective tenant that needs 35 ft. of height airspace. The northern section of the building that is closest to the residential zone has already been pre-approved at 35 ft. Mr. Lomangino is seeking to have the remainder of the building be at 35 ft.

Ms. Hatami asks more specifics about why the prospective tenant would need 35 ft. of air space as opposed to the 25 ft. already approved. Mr. Lomangino states that there is a single tenant that wants to occupy most of the building and equipment that is necessary for his business will require the 35 ft. of airspace. There have been no other tenants that have approached him about renting out this space.

Mr. Falvo states that for the purposes of ordering the building, it is essential that we have the variance for the height. Therefore, we would like to have a vote for the D variance as to height. We will only need an amendment to the site plan.

Chairman Palmieri asks if there is any public in attendance that has any questions of the witness. None heard. Chairman Palmieri asks if there are any comments from the public. None heard.

Motion is made by Mr. Porzio and seconded by Mr. Slazyk to close the public portion All in Favor.

Mr. Slazyk makes a motion to approve the 35 ft. height D-2 use variance, seconded by Mr. Porzio.

Ayes:	Mr. Slazyk, Mr. Porzio, Mr. Palmieri, Mr. McKinley, Ms. Berk,
Nays:	Ms. Hatami
Absent:	Mr. Lomangino (conflict – stepped down prior to application)

Mr. Steinberg states the motion passes 5 – 1.

Mr. Falvo states that the next part of this application is regarding the tenant. Mr. Falvo calls Mr. Chris Hannigan.

Chris Hannigan, 66 Oakland St., Red Bank, NJ, was sworn in by Mr. Steinberg. Mr. Hannigan states that he is owner and operator of Jughandle Brewing Co. There is an existing facility located on Asbury Avenue which consists of a 4500 sq. ft. space currently in a shopping center and they obtained a use variance for that facility. Jughandle has a limited brewery license in the state of New Jersey.

Mr. Falvo states that Jughandle is looking to lease approximately 9,560 sq. ft. of the existing flex space building for a brewery operation. In conjunction with the brewery operation, there will be a tasting room. Mr. Hannigan states that with the current license, they are allowed to have up to 10 locations in which to brew beer and have a tasting room. Mr. Hannigan states that the intent of this facility is mainly a production facility. We have been growing out of our space rather quickly in less than two years. The intent of the new facility is a production facility. We need to be able to manufacture the quantities that we need. We would be operating a brew house 24/7.

Mr. Falvo asks that during the brewing process, does it generate any noise or odor that is perceptible outside of the building. Mr. Hannigan states that the answer is no. There have been no complaints regarding odor or noise from the facility on Asbury Avenue. There have been no intoxication complaints. Mr. Hannigan states that he has encountered no problems at all at his present location.

Mr. Hannigan states that at the proposed flex space location, he is looking to employ approximately seven (7) people at a maximum, probably two (2) people at the facility at one time. One employee for the “hot” side and one employee for the “cold” side.

Mr. Slazyk states that since it is a 24/7 operation, will the facility always have an employee on site. Mr. Hannigan states that there could be. Mr. Hannigan states that the entire brew process does not require someone to be there all of the time. However, there is potential for that in order to get the maximum efficiency out of the system.

Mr. Slazyk asks if there are going to be any stacks/vents that are going to be on the rooftop. Mr. Hannigan states that he doesn't believe so, he's not positive. Mr. Slazyk states that the Board needs a yes or no answer. Mr. Hannigan states that it will vent outside, likely on the rooftop.

After some testimony, Mr. Slazyk summarizes that Mr. Hannigan is saying that there is not going to be any odor at all. Mr. Hannigan states that the vast majority of what comes out of a brewhouse is steam with little to no odor.

Mr. McKinley asks if the intension at this site is just a larger scale of what you have currently on Asbury Avenue. Mr. Hannigan states that yes it is. Mr. Hannigan states that the equipment will be approximately three times the size of what is housed in the Asbury

Avenue location. Mr. Hannigan states that part of this facility will enable us to can our product, which is one of the key reasons for the height. Cans take up a lot of space. Mr. Slazyk asks if they are also going to be filling kegs at this location and is told yes. Mr. Hannigan states that they handle kegs at the Asbury Avenue location as well.

Chairman Palmieri asks Mr. Hannigan if there is an internal floor plan that can be presented to the Board, so we know what the layout is going to look like. Is there going to be public at this location, where is the entrance located, etc.,. Where are the pick ups and deliveries going to be?

Mr. Slazyk asks if this is going to be a retail store as well. Mr. Hannigan states that as part of the limited brewery license, we have the ability to have a tasting room.

Ms. Hatami asks about parking, as you want a tasting room.

Mr. Hannigan states that there will be no changes Asbury Avenue location even with two locations in Tinton Falls.

Mr. Slazyk asks Mr. Hannigan if he is required to have a tasting room for the brewery. Mr. Hannigan said he is unsure. Mr. Falvo states he is, indeed, required to have a tasting room.

Chairman Palmieri and Mr. Slazyk state to Mr. Hannigan that the Board needs more information on the specifics of this application. We need to understand more details of the operations of the facility.

Mr. Hannigan states that he knows more or less how it is going to be laid out. He states that Unit B will likely be cold storage, possibly extending into Unit C but it will need to be measured. Units C&D will house the brewhouse.

Chairman Palmieri asks how many units Jughangle will occupy. Mr. Hannigan states that they will be using the entire space as they intend to expand the fermenting process and the canning aspect of the business.

Mr. Porzio states that he would like to hear more specifics about the layout. Also, since it is a 24/7 operation, what about safety features. If something happens to a machine, if there's a fire or something. Is there a plan for this? Mr. Hannigan explains how the process works and that the only time there won't be an employee present is when the product is sitting fermenting.

Chairman Palmieri asks where the tasting room is to be located. Mr. Hannigan states that it is likely going to be located in the front half of Unit B in front of the garage or it might have to be in Unit C because that is where there is a bathroom

Mr. Neff states that when this application was first submitted, we were under the impression that there was not going to be a tasting room or be open to the public.

Mr. Neff states that originally the application said Jughandle would be occupying 10,560 sq. feet and now the request is for 9,560 sq. feet. Does that mean the tasting room will occupy 1,000 sq. feet? Mr. Hannigan states that it may not even be 1,000 sq. feet, it very well might be less.

Mr. Slazyk states to Mr. Hannigan that you are asking the Board to vote on something without a clear understanding of what is being proposed. Storage, garbage disposal, parking, public access, deliveries all need to be discussed. The requests needs to be concise and on a plan.

Mr. Falvo asks when the next available date would be on the Agenda in order to continue this matter. He is offered June 21 and July 19 as possible dates. Mr. Falvo and the applicant pick June 21 as the date for the continuation of this hearing. No re-notice is necessary and Mr. Falvo agrees to any extensions of time should they be necessary.

Motion to Close

Mr. McKinley makes a motion to close the meeting at 9:05, seconded by Mr. Porzio. All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on May 17, 2018