



Borough of Red Bank

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Red Bank, NJ 07701

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To: Borough of Red Bank Zoning Board of Adjustment

Cc: Borough of Red Bank Council
Borough of Red Bank Planning Board
Ziad Shehady, Borough Administrator

Date: February 23, 2021

Re: **Borough of Red Bank Zoning Board of Adjustment
2020 Annual Report**

This report summarizes the Borough of Red Bank's Zoning Board of Adjustment undertakings from January 1, 2020 to December 31, 2020 and presents its findings on applications and appeals of the Zoning Ordinance provisions. Pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-70.1, the Zoning Board of Adjustment, "shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variances requests and its recommendations of zoning ordinance amendments or revisions, if any. The Zoning Board of Adjustment shall send copies of the report and Resolution to the Governing Body and Planning Board."

ZONING BOARD OF ADJUSTMENT JURISDICTIONS

Per N.J.S.A. 40-55D-70, the Board of Adjustment has the authority to hear applications for the following matters:

- Appeals from the Zoning Officer (Administrative Officer) with regard to enforcement of zoning ordinance or the official map;
- Applications for "c" variances, not occupying subdivision, site plan review, or conditional use;
- Applications for "d" variances and any associated with subdivision and site plan review;
- Permits for a building or structure within public area or street; and
- Permits for a structure on a lot with no street frontage.

ORGANIZATION

ZBA Members from January 1, 2020 to December 31, 2020

Lauren Nicosia, Chairperson
Raymond Mass, Vice Chairperson
Anne Torre
Eileen Hogan
Sean Murphy
Richard Angowski
Christine Irwin
Sharon Lee (Alternate 1)
Stephanie Albanese (Alternate 2)

Matthew Anderson (Alternate 3)

Bruce Maida (Alternate 4)

ZBA Board Professionals from January 1, 2020 to December 31, 2020

Kevin Kennedy, Esq.; Zoning Board of Adjustment Attorney; Law Office of Kevin E. Kennedy, LLC.

Marc A. Leckstein, Esq.; Zoning Board of Adjustment Special Council; Leckstein & Leckstein, LLC.

Edward Herrman, P.E, P.P.; Zoning Board of Adjustment Engineer; T&M Associates

Laura Neuman, P.E.; Zoning Board of Adjustment Conflict Engineer; CME Associates

Borough of Red Bank Department of Planning and Zoning Staff

Glen Carter, P.P; Director of Planning and Zoning

Maria Graziano, Board Secretary and Land Use Administrator

2020 PUBLIC MEETING CALENDAR

During 2020, the Zoning Board was schedule to hold seventeen (17) public meetings from January 2, 2020 to December 3, 2020. Due to the health and safety precautions as a result of the global pandemic of COVID-19 and the statewide stay at home order, eleven (11) meetings were canceled and six (6) meetings were held with one (1) special meeting on December 9, 2020. All public hearings Borough-wide transition from in-person to virtual public hearings.

2020 APPLICATIONS

Summary

The Board heard a total of eleven (11) applications in 2020. Five (5) of the applications were approved and four (4) applications were carried to 2021. Two (2) applications requested interpretation of the zoning ordinance. No applications were denied by the Board. One (1) application was withdrawn.

Variance Request Per Zone

Zone	Number of Applications
BR-1	2
RA	3
NB	2
WD	1
PO	1

The table above indicates the number of applications from zoning districts within the Borough. Out of the sixteen zones in the Borough a total of five (5) districts (Residential “A” (RA), Residential “B-1” (BR-1), Neighborhood Business (NB), Waterfront Development (WD), and Professional Office (PO)) have requests for zoning reliefs. The zone that received the most variance request was the RA with three (3) applications. The variances were for deviations from either the front or side yard requirements due to additions to single family homes. The BR-1 and NB districts had two (2) applications for either use and bulk variances and site plan with D and C variances, respectively.

APPROVED APPLICATION BY TYPE OF VARIANCES

Approved “C” Bulk Variances

There are two types of “C” variances, the hardship and special exception variances, that can be requested by applicants. Applicant must justify that a variance is needed due to a hardship cause by narrowness,

shallowness, shape or topography of the property or the deviation would benefit the public good. The following applications were approved for “C” variances:

- **96 Hudson (RA zone)**, seeking “C” variances for one and combined side yard setbacks for an addition to the principal structure.
- **45 Brown Place (RA zone)**, seeking “C” variance for front yard setback to construct a covered porch.
- **21 North Prospect (RA zone)**, seeking “C” variance for front and side yard setbacks to construct a porch.

Approved Amended Site Plan with “C” and “D” Use Variances

Amended site plan applications are requested by the developer/applicant when an amendment needs to be made to an already approved site plan. The following applications were site plan applications that were ancillary to “C” and “D” Variances.

- **191-193 Shrewsbury Avenue (NB zone)**, seeking amended minor site plan approval with “D” and “C” variances for change of use from laundromat to restaurant and parking requirement.
- **234 Maple Place (PO zone)**, seeking amended minor site plan approval with “D” and “C” variances for mixed use development.

Interpretations

Per the MLUL 40:55D-70b, the Zoning Board of Adjustment has to power to hear and decide requests for interpretation of the zoning map or ordinance or decisions upon special questions upon which such board is authorized to pass by zoning or official map ordinance. The following interpretation requests were made to the Board.

- **76 Harrison Street (RB zone)**, the property owner requested an interpretation from the Board regarding whether an existing garage is a pre-existing non-conforming structure. The Board ruled that the structure was grandfathered with no resolution.
- **109 Leonard Avenue (RB zone)**, the property owner requested an interpretation of the zoning officer’s decision to denied application and requiring a need for a use variance. The Board ruled that the property is to be used for commercial purposes and the denial be revised.

Withdrawn Applications

- **87 Washington Street**, applicant seeking use and bulk variances for renovations of an existing structure. The application was dismissed without prejudice.

Extension of Time

- **40 White Street**, applicant requested an extension of previous approval due to the need for finding a new tenant to occupy commercial space. The Board granted the applicant a one-year extension.

RECOMMENDATIONS

In 2020, the Board of Adjustment saw a significant decrease in the amount of applications heard due to more than half the scheduled meetings canceled due to the COVID-19 restrictions. The limited amount of applications

presented and approved does not significantly impact the development patterns of the Borough. Additionally, the majority of the variances are largely and primarily due to homeowners seeking to improve their properties which is a result of many residents working and staying at home due to the pandemic restrictions. As a result, this office has no recommendations to the Board of Adjustment regarding revisions to the zoning ordinance.