

RESOLUTION 2021 - 14

**RED BANK ZONING BOARD OF ADJUSTMENT
VOLUNTEERS IN HEALTH, INC.
PARKER FAMILY HEALTH CENTER
211 SHREWSBURY AVENUE
RED BANK, NEW JERSEY
BLOCK 74, LOT 7.02
APPLICATION NO.: Z14334**

INTRODUCTION

WHEREAS, representatives of Volunteers in Health, Inc. have made Application to the Red Bank Zoning Board of Adjustment for the property designated as Block 74, Lot 7.02, commonly known as 211 Shrewsbury Avenue, Red Bank, New Jersey, within the Borough's RB Zone, for the following approval: Site Plan Approval, Waiver of Site Plan Approval, Use / "d" Variance Approval (for the expansion of a non-conforming use), potential Use / "d" Variance Approval (for the creation / continuation / expansion of a non-permitted use), and Bulk Variance Approval associated with a request to expand an existing Health Center at the site; and

PUBLIC HEARING

WHEREAS, the Board held a remote Public Hearing on August 19, 2021, Applicant's Representatives having filed proper proof of service and publication in accordance with statutory and ordinance requirements; and

EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Application for a Development Permit, dated July 26, 2021, introduced into Evidence as A-1;*
- *Denial of Development Permit, dated July 26, 2021, introduced into Evidence A-2;*
- *Survey, prepared by Azimuth Land Surveying Company, dated March 13, 2001, introduced into Evidence as A-3;*

- *Architectural Plans, prepared by Edward W. O'Neill, Jr., R.A., dated July 22, 2021, consisting of 3 sheets, introduced into Evidence as A-4;*
- *Resolution regarding the subject property, adopted by the Red Bank Zoning Board of Adjustment on or about February 3, 2000, introduced into Evidence as A-5;*
- *Resolution regarding the subject property, adopted by the Red Bank Zoning Board of Adjustment on or about March 2, 2000, introduced into Evidence as A-6;*
- *T&M Associates Review Memorandum, dated August 13, 2021, introduced into Evidence as A-7;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

WITNESSES

WHEREAS, sworn testimony in support of the application was presented by the following:

- Edward W. O'Neil, Architect / Planner;
- Edward J. McKenna, Jr., Esq., appearing;

WHEREAS, Greg Gitto, P.E., the acting Board Engineer, was also sworn with regard to any testimony / information he would provide in connection with the subject Application; and

TESTIMONY / EVIDENCE PRESENTED

WHEREAS, testimony and other evidence presented on behalf of the Applicant revealed the following:

- The Applicant is the owner of the subject property.
- Volunteers in Health, Inc. is a non-profit Corporation designed to provide preventative health care, counseling, and education for area families who do not have medical insurance.
- Per prior testimony and evidence presented, there is a significant portion of the United States population which does not have access to adequate health care and who are otherwise medically uninsured.
- Additionally, pursuant to prior testimony and evidence presented, the Board is also aware that there is a significant population in the greater Red

Bank area who do not have access to adequate health care and who are otherwise medically uninsured.

- As a result of the above, in or about 2000, the Applicant obtained Use Variance Approval, Site Plan Approval, and Bulk Variance Approval to operate a health, education, and counseling center at the site for the uninsured.
- The health, education, and counseling center has operated at the site continuously for approximately 21 years.
- Details pertaining to the existing Health Center operation at the site include the following:

Size of existing building:	3,384 SF
Number of overall employees / volunteers associated with the existing operation:	120
Number of employees / volunteers at the site at any one time:	20
Type of employees:	Physicians, nurses, administrators / intake persons, etc.
Services provided at the site:	Pediatric services, gynecological services, internal medicine services, family practice services, COVID-19 vaccination services; and other general medical services.
Average number of patients at the site per hour:	4
Average number of patients seen at the site during a typical day:	20
Average number of patients seen at the site in a typical year:	1,300
Hours of operation:	<u>Mon/Wed</u> <u>9:00 am –7:00 pm</u> <hr/> <u>Tues/Thurs</u> <u>9:00 am -4:30 pm</u> Fri 9:00 am to 4:00 pm Sat 8:00 am – 12 noon
On-site parking:	There are 6 on-site parking spaces at the site.
Deliveries:	There are few deliveries associated with the operation – and deliveries are

	typically effectuated via a UPS / Federal Express type of vehicle.
Funding source:	The Center is essentially operated through grants, donations, and fund-raising efforts.

- As indicated, the Health Center has operated at the site for approximately 21 years.
- There is a need for increased Health Center space at the site.
- As such, the Applicant’s representatives are proposing to expand the existing Health Center.
- Details pertaining to the proposed expansion include the following:

Location:	Per Plans
Size of addition:	1,328 SF
Number of stories:	1
Height:	28 ft.
Facilities:	The proposed addition will house a conference room, 4 offices / exam areas, and a bathroom.
Materials:	The new addition will match the existing structure.

- The Applicant’s representatives are in the process of attempting to secure a Grant approval to fund the addition.
- The Applicant’s representatives are cautiously optimistic that the Grant will be funded, provided Zoning Approval is issued in a timely fashion.
- The Applicant’s representatives will be utilizing licensed contractors in connection with the construction process.

VARIANCES

WHEREAS, the Application as presented and modified requires a Variance for the following Variances:

USE / “d” VARIANCE FOR THE EXPANSION OF A NON-CONFORMING USE: The existing Health Center at the site is a non-conforming use (with the Zoning Board of Adjustment having granted Use Variance Approval in or about 2000). As such, the request to expand the Health Center requires Use / “d” Variance approval for the expansion of a non-conforming use.

USE / “d” VARIANCE FOR THE CREATION / CONTINUATION / EXPANSION OF A NON-PERMITTED USE: In that Health Center

Use is not a permitted use in the subject Zone, the Application as presented potentially needs a "d" (1) Variance for the creation / continuation / expansion of a non-permitted Use.

OFF-STREET PARKING: 24 spaces required; whereas 3 spaces proposed.

SIDE YARD SETBACK: 10 ft. required/ whereas 4.2 ft. proposed.

COMBINED SIDE YARD SETBACK: 20 ft. required; whereas 4.2 ft. proposed.

LOT COVERAGE: Maximum 40% allowed; whereas 66% proposed.

REAR YARD SETBACK: 25 ft. required; whereas 7 ft. exists and 7 ft. is proposed (for the new addition).

PUBLIC COMMENTS

WHEREAS, no members of the public expressed questions, comments, statements, concerns, or objections regarding the proposal:

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Borough of Red Bank, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Board of Adjustment makes the following Findings of Fact and Conclusions of Law:

1. The Red Bank Zoning Board of Adjustment has proper jurisdiction to hear the within matter.
2. The subject property is located at 211 Shrewsbury Avenue, Shrewsbury, New Jersey, within the Borough's RB Zone.
3. The 0.2 acre property is currently a developed Lot, and the same contains an existing Health Center Use with an associated parking area for 6 vehicles.

4. The subject property is located in the Borough's RB Zone, with frontage along Shrewsbury Avenue (County Route 13).

5. As indicated, the Parker Family Health Center currently operates from the site.

6. In order to increase the amount of operating space at the site, the Applicant's representatives propose to construct an addition.

7. The details of the proposed addition are set forth elsewhere herein, are set forth on the submitted plans, and were discussed, at length, during the Public Hearing process.

8. Such a proposal requires Site Plan Approval, Waiver of Site Plan Approval, Use / "d" Variance Approval for the Expansion of a Non-Conforming Use, potential Use / "d" (1) Variance for the creation / continuation / expansion of a non-permitted Use, and Bulk Variance Approval.

9. The Red Bank Zoning Board of Adjustment is statutorily authorized to grant the requested relief, and therefore, the matter is properly before the said entity.

10. With regard to the Application, and the requested relief, the Board notes the following:

- A Health Center Use is not a permitted use in the RB Zone.
- In or about 2000, the Applicant herein obtained Approval to operate a Health Center at the site. The Board repeats and reiterates the Findings of Fact as set forth in the 2000 Resolutions.
- The Health Center has continuously operated at the site since approximately 2000.
- Per the testimony and evidence presented, there is a need for increased operating space at the site. Specifically, the Applicant's representatives testified and relayed that the need to provide medical services (to the uninsured) is so great, and that the existing Health Center Facility is, essentially, maxed out in terms of space. As such, the Applicant's representatives are attempting to create more useable space at the site.
- The Board understands, and appreciates, the need for increased operational space at the site.
- As indicated, in that Use Variance relief was required for the initial operation of the Health Center at the site, further Use Variance relief is required for the expansion of the non-conforming use. (Additionally, in that Health Center Use is not a permitted Use in the Zone, there is a school

of thought which suggests that the Application, as presented, may also require “d” (1) Variance relief for a use not permitted.)

- The Board Members are generally aware that in order to satisfy the Use / “d” Variance criteria, one is required to approve the so-called “positive” criteria and the “negative” criteria. The so-called “positive” criteria requires an Applicant to prove that approval of the Application will advance one or more of the purposes of the Municipal Land Use Law. Likewise, the so-called “negative” criteria requires an Applicant to prove that the Application can be granted without causing substantial detriment to the public good.
- Additionally, the Board is aware of the concept of an “inherently beneficial use” and the special legal protections associated therewith.
- Per the New Jersey Zoning and Land Use Administration Book (Section 32-5.1) 2021 Edition, pursuant to New Jersey Law, an inherently beneficial use is defined as follows:

...a use which is universally considered a value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, childcare center, group home, or a wind, solar, or photovoltaic energy facility or structure.

- In 2000 (in conjunction with the initial Use Variance Application), the Red Bank Zoning Board of Adjustment found that the Applicant’s proposed Health Center Use for the uninsured was an inherently beneficial use.
- During the 2021 Public Hearing process, the Applicant’s representatives essentially testified as to some of the general statistics relating to the existing Health Center Use, and the number of patients served by the existing use.
- Based upon the testimony presented, based upon the statutory and / or case law definitions of “inherently beneficial uses”, and based upon the life-affirming and basic medical services the Applicant provides on-site (to the uninsured), the Red Bank Zoning Board hereby finds and reiterates that the Applicant’s proposed Health Center Use (for uninsured individuals) is, and continues to be, an inherently beneficial use.
- Given the important life-affirming, and life-saving medical services provided to the uninsured members of the community, the “inherently beneficial use” status is well deserved.
- The Board is aware that as an inherently beneficial use, there is an automatic presumption that the Applicant has satisfied the so-called “positive” criteria.
- As indicated, the site is currently utilized as a health, education, and counseling center for the medically uninsured.

- The Board acknowledges that there is a significant population of medically uninsured people in the area of the existing health, education, and counseling center.
- The existing Health Center at the site provides important health, educational, and counseling services to those in need (including many residents of the Borough of Red Bank).
- Approval of the within Application will allow important medical services (for uninsured individuals) to continue to be provided at the site.
- Though the Application as presented requires Use / “d” Variance relief, the Board recognizes that there are no new medical services which will be provided at the site as a direct result of the within approval.
- The Board is aware that there are no new services / uses which will be provided at the site as a direct result of the within approval.
- Approval of the within Application will not necessarily result in more people being seen / served at the site; but rather, approval of the within Application will allow existing / future patients / patrons to be served in a more proficient, private, dignified, and effective manner.
- Per the testimony and evidence presented, approval of the within Application will not change the nature / extent / level of medical services performed at the site.
- Approval of the within Application will not change the hours of operation associated with the existing use.
- Per the testimony and evidence presented, approval of the within Application may not necessarily materially change the amount of patients who will be seen at the site.
- Per the testimony and evidence presented, approval of the within Application will not change the number or employees / volunteers otherwise associated with the site.
- Per the testimony and evidence presented, there is a need for more operational space at the site. The Board Members were advised that given the small size of the existing Health Center, and given the important and ever-present need, the facility is currently operating at maximum capacity. As such, the Board recognizes, understands, and appreciates the need for additional operational space at the site.
- The Board recognizes that more space at the site will allow medical services to be provided in an even more private, efficient, and dignified manner.
- The Board recognizes that the additional space approved herein should help provide a greater sense of privacy for those individuals who are served by the facility.

- The Board recognizes that greater privacy (for those uninsured individuals receiving medical advice / services at the site) will promote the interests of all patients.
- The Board recognizes that the continued existence of a Health Center at the site will likely help alleviate and reduce unnecessary congestion at the emergency rooms of area hospitals.
- Without a doubt, providing on-site medical services / medical counseling to uninsured individuals promotes the public health and safety.
- The Board is aware that any action which helps to reduce unnecessary congestion at the emergency rooms of area hospitals will directly, and indirectly, benefit all members of the Red Bank Community.
- During the Public Hearing process, the Board Members were presented with certain statistics regarding the nature of the Health Center / counseling / educational services offered at the site. Specifically, the Board was advised as follows:
 - a. The existing Health Center sees approximately 1,500-1,600 unduplicated patients per year;
 - b. The existing Health Center sees approximately 150 new patients each month;
 - c. During the Coronavirus pandemic, and the aftermath associated therewith, the existing Health Center administered approximately 5,500 vaccines.

The Board recognizes that the aforesaid numbers / statistics speak for itself, as well as the important need the existing facility serves.

- The continued existence of the expanded Health Center at the site will allow medically uninsured individuals to have continued, immediate, and reliable access to medical services / education / counseling to which they might otherwise be exposed.
- The Borough of Red Bank, the County of Monmouth, the State of New Jersey, the United States of America, and the world at large have just experienced the Coronavirus pandemic, and the devastating effects associated therewith.
- Likewise, the Borough, the County, the State, the Country, and the world as a whole are also experiencing the increasing tragic impact of the surging Delta variant / variation of the Coronavirus.
- With the pandemic, there was an immediate need for members of the public (both uninsured and insured) to have access to nearby places where the Covid-19 vaccine could be safely / efficiently administered / received.

- Covid-19 vaccines were distributed / administered from the site (approximately 5,500 vaccines during the past year) which provided tremendous benefit to all members of the greater Red Bank Community.
- Unfortunately, based upon information known to date, it appears that variants associated with the Coronavirus may likely require further vaccination booster shots to be administered – and it is anticipated that the Parker Family Health Center will also be in a position to administer / distribute such necessary booster shots.
- The absence of the Parker Family Health Center at the site would detrimentally affect the ability of uninsured people to have immediate access to competent / reliable medical guidance / advice / services.
- The continued existence of the Parker Family Health Center at the site, by all accounts, promotes the public health, safety, and welfare.
- The Application as presented requires a Variance for parking. Specifically, the proposed development requires a minimum of 24 off-street parking spaces, whereas, the Applicant herein proposes 3 such off-street spaces (which are on site).
- Initially, the Board notes that a Parking Variance was previously granted in connection with the Site Plan / Use Variance Approval from in or about 2000.
- The Board is aware that the addition approved herein will not materially increase the overall parking demands associated with the site.
- Per the testimony and evidence presented, the Applicant's representatives have secured an arrangement with a neighboring property owner (River Street Urban Renewal Associates, LP) for the use of 4 parking spaces. Thus, although the expansion approved herein will result in 3 on-site parking spaces, the Applicant has secured the ability to use 4 parking spaces in the immediate area.
- Thus, as a result of the above, the Applicant's representatives have, essentially, gained 1 additional parking space (associated with the existing / to-be-continued Health Center Use. (i.e. 3 on-site spaces lost because of the proposed addition, but 4 new spaces provided off-site, through an arrangement with a nearby property owner.)
- Additionally, in conjunction with the above, the Board was advised that the Applicant's representatives have negotiated a deal whereby patrons traveling to the facility can have access to free transportation (through Uber.)
- Additionally, the testimony indicated that one of the important features associated with the operation of the initial Health Center at the site (back in approximately 2000) was the proximity of the subject site to mass transit lines (bus / trains, etc.). The said feature helps confirm the fact that the parking is and will continue to be sufficient for the site.

- The Board also notes that per the testimony and evidence presented, many patrons travel to the existing Health Center via train, bus, Uber, bicycle, or on foot, thereby reducing the overall technical parking demand for the on-site services.
- Moreover, and importantly, the testimony / arguments presented during the Public Hearing process revealed that in its 21-year history, parking at the site has never been problematic.
- The Board is also aware that there is some off-site / on-street parking available in the area as well.
- Between the existing parking spaces on-site, available off-site parking spaces, the parking arrangement with a nearby property owner, the arrangement for free Uber transportation services, and the notion that many patients travel to the existing Health Center via train / bus / foot / bicycle, further reinforce the notion that the Parking Variance can be granted without causing substantial detriment to the public good.
- The Application as presented also requires a Variance for a Side Yard Setback (10 ft. required for each side, and a 20 ft. combined Side Yard Setback required). However, in the within situation, the Applicant is proposing a 4'2" Side Yard Setback, and a Combined Side Yard Setback of 4'2". Given the important life-affirming services provided at the site (to uninsured individuals), and given the corresponding need to maximize the overall operational space at the site, the Board finds that the said Variance can be granted without causing substantial detriment to the public good.
- The Application as presented also requires a Variance for Lot Coverage. Specifically, a maximum 40% Lot Coverage is allowed, whereas 66% Lot Coverage is proposed. The Board is aware that the existing Health Center likely already exceeds the allowable Lot Coverage at the site. The Board Members also recognize that additional space at the site is needed so that the facility can continue to provide important medical services / counseling services to the uninsured members of the community. The excess Lot Coverage results in direct additional space being provided for the actual medical services to be provided. As such, the Board Members have decided to grant the requested Variance relief.
- The Board is also aware that the existing Lot Coverage at the site is 51%, which will be increased to 66% as a result of the within approval.
- The Board Members are also aware that the Application as presented requires a Rear Yard Setback Variance (25 ft. required, whereas 7 ft. exists and is proposed). As indicated, there is already a 7 ft. Rear Yard Setback at the site, and approval of the within Application will continue / extend the same 7 ft. Setback.
- The Board Members recognize that from an architectural and aesthetic standpoint, it makes sense for the expanded facility to honor / continue the same Rear Yard Setback.

- Approval of the within Application will not materially accentuate, or otherwise enhance, the previously approved but non-conforming nature of the existing Health Center Use.
- There were no known public objections associated with the within Application.
- Approval of the within Application will not materially change the nature of the overall Health Center operations at the site.
- Approval of the within Application will not materially change the amount of garbage generated at the site.
- Approval of the within Application will not materially change the nature / extent of noise emanating from the site.
- Approval of the within Application will not generate any offensive noise at the site.
- Approval of the within Application will not materially change the amount of deliveries at the site.
- Approval of the within Application will not change the hours of operation associated with the existing Health Center Use.
- Approval of the within Application will not change the nature of the scope of services provided at the existing Health Center.
- Approval of the within Application will not change the number of employees / volunteers associated with the subject Health Center Facility.
- Approval of the within Application will not materially change the overall parking demand associated with the site.
- Approval of the within Application will not materially change the historic parking demands associated with the existing and to-be-continued Health Center Use.
- Approval of the within Application will not materially change the historic intensity of the existing Health Center Use at the site.
- Approval of the within Application will not materially change the amount of pedestrian traffic associated with the existing Health Center.
- Approval of the within Application will not materially change the vehicular traffic associated with the existing Health Center operation at the site.
- Approval of the within Application will not materially change the existing lighting scheme at the site.
- In the event a reviewing Court were to determine that the Health Center medical / counseling services (for uninsured persons) provided herein are

not deemed to be an inherently beneficial use, then, in that event, the Board nonetheless finds that the Application still would have been approved.

- In conjunction with the above point, one of the purposes of the Municipal Land Use Law suggests that Boards should approve Applications which will promote the public health, safety, morals, and general welfare. The Board finds that the important life-affirming medical services / counseling services provided hereunder do, in fact, clearly advance the public health, safety, and general welfare.
- The Board is also aware that one of the purposes of the Municipal Land Use Law suggests that Boards approve Applications which will contribute to the well-being of persons, neighborhoods, and communities. The Board finds that the life-affirming medical services / counseling services provided (to uninsured persons) certainly contributes to the well-being of persons, neighborhoods, and communities.
- The Board is also aware that one of the purposes of the Municipal Land Use Law encourages Boards to approve Applications which provide sufficient space in appropriate locations for a variety of reasons in order to meet the needs of all New Jersey citizens. Towards that end, the Board finds that the subject site is appropriately located to conveniently service many of the individuals who are uninsured. That is, the Board finds that it is appropriate for the site to be located near the train line, and the bus line. The Board also acknowledges that the location of the existing facility allows many members of the community to walk or bike to the site. For all the aforesaid reasons, the Board finds that approval of the within Application does represent sufficient space being placed in an appropriate location to fulfill the needs of New Jersey citizens.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- Subject to the conditions set forth herein, the Application as presented and modified satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(d)(2).
- Subject to the conditions set forth herein, and subject to any Design / Submission Waivers set forth herein, the Application as presented satisfies the Site Plan Requirements of the Borough of Red Bank.

In light of the above, the Zoning Board unanimously finds that the subject Application and associated relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicant's Representatives have agreed, to comply with the following conditions:

- a. The Applicant's representatives shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The conditions contained herein shall apply to any successor owner / operator / tenant at the site.
- c. Unless otherwise obviated herein, the Applicant shall comply with the terms and conditions of prior approvals for the site.
- d. Unless otherwise specifically waived herein, the Applicant shall comply with the terms and conditions of the Review Memorandum from T&M Associates, dated August 13, 2021 (A-7).
- e. The Applicant shall obtain and maintain any and all necessary outside approvals.
- f. The Board has approved the within Application based upon the specific testimony presented (during all Public Hearings on the matter), and the specific findings set forth herein. To the extent operations at the site materially deviate from that which was presented herein (or presented in prior Hearings), the Applicant shall be required to petition the Zoning Board for further relief.
- g. There shall be no further intensification / expansion of the Health Center (for uninsured) use at the site, absent further / formal approval of the Zoning Board of Adjustment.
- h. The Applicant shall obtain any and all necessary permits as the Borough of Red Bank (and / or any other Agency having jurisdiction over the matter) may require.
- i. The Applicant shall comply with any and all Affordable Housing rules / obligations / directives / contributions, as established by the State of New Jersey, the Borough of Red Bank, C.O.A.H., the Court System, and / or any other Agency having jurisdiction over the matter.
- j. The construction shall be strictly limited to the plans which are referenced herein and which are incorporated herein at length. Additionally, the construction shall comply with prevailing provisions of the Uniform Construction Code.

- k. The Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, the Zoning Officer, and other agents of the Borough.
- l. Unless otherwise waived by the Borough's Director of Planning and Zoning, the Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies – including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
- m. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- n. If required by the Board Engineer and the NJMLUL, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Red Bank.
- o. Unless otherwise agreed by the Zoning Board, the within approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, the Applicant obtains the necessary building permit, for the construction approved herein.

NOTE: Pursuant to Prevailing Borough Ordinance, the following disclosures are noted:

- a. Board Member Lauren Nicosia recused herself from participation based upon a potential conflict of interest with the Applicant's representatives.
- b. Board Member Bruce Maida recused himself from participation based upon a potential conflict of interest with the Applicant's representatives.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant' representatives and / or agents thereof shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicant's representatives contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate rules,

regulations, and/or ordinances of the Borough of Red Bank, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Board of Adjustment of the Borough of Red Bank, the Borough of Red Bank, or their agents/representatives accept any responsibility for the structural design of the proposed improvement or for any damage which may be caused by the development / renovation / installation / construction.

FOR THE APPLICATION: Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy, Anne Torre, and Sharon Lee

AGAINST THE APPLICATION: None

ABSTENTIONS:

FOR THE RESOLUTION: Ray Mass, Eileen Hogan, Christine Irwin, Richard Angowski, Sean Murphy, Anne Torre, and Sharon Lee

AGAINST THE RESOLUTION:

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Red Bank Zoning Board of Adjustment on this 19th day of August, 2021.


Maria Graziano, Zoning Board Secretary