

**MINUTES**  
**RED BANK BOARD OF ADJUSTMENT**  
**May 5, 2022**

The Red Bank Zoning Board held a Zoning Board of Adjustment meeting on Thursday May 5, 2022 at 6:30 pm, via Zoom in the Municipal building, first floor Council Chambers, 90 Monmouth Street, Red Bank, New Jersey.

Chair Lauren Nicosia called the meeting to order at 6:35 pm. The Board saluted the flag. A roll call showed the following members in attendance: Anne Torre, Ray Mass, Eileen Hogan, Christine Irwin, Sean Murphy, Sharon Lee, Robert Fricker and Vincent Light. Also present were Marc Leckstein, Esq., Board Attorney, Shawna Ebanks, P.P. AICP, Director of Community Development and Chris Ann DeGenaro, Board Secretary.

Ray Mass read the Open Public Meeting Statement Act. An adequate and electronic notice with the time, place and matter was posted in the two newspapers, with the Borough Clerk's office, the Borough website and posted outside the Red Bank Meeting room and on the front door of Borough Hall.

A motion was made by Anne Torre, seconded by Eileen Hogan to approve the Resolution for 173 Maple Avenue. Ayes: Anne Torre, Ray Mass, Eileen Hogan, Christine Irwin and Vincent Light. Nays: none.

A motion was made by Eileen Hogan, seconded by Ray Mass to approve the Resolution of Denial for 141 West Front Street. Ayes: Ray Mass, Eileen Hogan and Christine Irwin. Nays: none.

A motion was made by Anne Torre, seconded by Christine Irwin for the Administrative Approval for the revised floor plan for the application of 120 Monmouth Street. The revisions will feature wider and larger units. They are also decreasing the amount of non-conforming units to four from the approved six units. There were internal changes, as noted in the letter sent by Ed McKenna, Esq. Ayes: Anne Torre, Ray Mass, Christine Irwin, Sean Murphy, Sharon Lee and Robert Fricker. Nays: none.

**Applications:**

**Z14598; 85 Shrewsbury Avenue; Block 40, Lot 3**

The applicant is proposing to install dormers in the attic space to convert the half-story into a third story to extend the habitable space.

Shawna Ebanks was sworn in.

The applicant was represented by Michael Wenning, Esq.

Michael Moss, Architect, was sworn and accepted as an expert witness.

The following Exhibits were entered: A-1; DPA and Denial: A-2; Intent to Proceed: A-3; Site Plans prepared by Michael Moss dated 1/24/22 (2 sheets): A-4; Review Letter from Shawna Ebanks.

The home was built in the 1920's and has a-lot of character. They kept this in mind during the design phase. The design style is American 4-square. There are 4 dormers on top. The project would have no impact to the street.

Floor area of the attic area is being increased to increase the habitable space.

The owners need a larger bedroom. The existing 3 bedrooms are small. They could not enlarge the footprint, as they are already over the permitted amount.

The minimum lot size is 4,500 sq. ft.; and this lot is 1,100 sq. ft. deficient in this requirement. This creates a hardship for the owners.

The final bedroom count if this project is approved would be 4. These older homes also have limited closet space.

There is a variance required for the front dormer. They wanted to maintain this. The existing set-back is 25 ft. and the proposed is 23 ft.

Ray Mass confirmed the building height is 28 feet and they are only adding ½ foot.

Anne Torre confirmed no height variance is needed. 35 feet is permitted in the zone.

They are seeking relief for the side-yard set-backs.

Sean Murphy confirmed the variances are due to existing variances and no further encroachments are proposed.

They will be architecturally consistent with the homes in the area.

The dormer in front is to be enlarged. Side dormers to remain the same.

The existing circle top windows will be replaced like for like.

The livable space permitted on the 3<sup>rd</sup> floor is 33% of the size of the 2<sup>nd</sup> floor. They are asking for 366 sq. ft., which is 51.2%.

Scott Wenning, property owner, was sworn.

Anne Torre confirmed with Mr. Wenning that there were no issues with any of the neighbors, in fact, one of them asked for a reference.

Sharon Lee questioned how they started with 2 parking spaces and ended with 4.

The spaces were stacked in the driveway and also there is a garage.

Public portion was closed.

An open deck in the rear is also being proposed.

There is the existing hardship of the small lot. There is a 28 ft. rear yard set-back and 10 ft. side yard set-back requested.

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

**Z14610; 39 Harrison Avenue; Block 14, Lot 16**

The applicant is proposing to construct a garage on the property.

The following Exhibits were entered: A-1; Denial Letter: A-2; Intent to Proceed: A-3; Property Survey dated 8/12/21 (1 page): A-4; Site Plans prepared by Mark Fitzsimmons revised 3/2/22 (3 sheets): A-5; Review Letter from Shawna Ebanks.

Shawna Ebanks was sworn.

The D variance for 2 principal structures. C – front yard garage.

Jonathan Velardi and Robin Mallem, the property owners, were sworn.

They are looking to build a detached garage. There is no room behind or on the side of the house. It would be for cars only. No plumbing or residential use is planned.

Marc Leckstein confirmed with the applicants that they would be ok with a deed restriction, so anyone purchasing the house in the future knows there is no livable space in the garage.

Mark Fitzsimmons, Architect, was sworn and accepted as an expert witness.

He explained they are seeking C and D variances for the proposed 2-car garage. The height will be 16 feet with a barndoor entry and landscaping surrounding.

Exhibit A-6; Existing survey from previous property shows the topography (flag-shaped lot) was entered.

Mr. Fitzsimmons explained there is no big backyard. If they tried to build a garage on the side, they would be asking for relief and it would be worse, as they would be within 5 feet of the property line and would need a firewall. These are the main reasons why the garage is being proposed in the front. They also don't have a basement. Garage can be used for storage, so no shed needed. They are asking for 44 more sq. ft. for mechanical access for a pump and lawn mower storage.

Ray Mass confirmed they are just here for the garage. Any other improvements were already approved.

Anne Torre confirmed the entry door faces South.

Shawna Ebanks requested for the lighting to be on a motion sensor. This can be accommodated.

Anne Torre confirmed there were no objections from the neighbors.

Sharon Lee confirmed the distance from the side yard, once the existing carport is closed off will be 12.6 ft. They already have approval for a porch.

There was discussion about the existing approvals and the proposed garage.

Ray Mass confirmed the 2-car garage is comparable with other houses in the area.

Their property is set back. It is not any closer to the street than any other garage.

Landscape plan to be submitted to Planning/Zoning office.

Doug Adams, 37 Harrison Street, was sworn. He was here on behalf of his aunt. Mr. Leckstein explained he cannot speak on behalf of his aunt, he can only speak for himself. His aunt's property basically blocks anything. Mr. Adams stated his agreement with this application.

A motion was made by Eileen Hogan, seconded by Anne Torre, to approve this application. Ayes: Anne Torre, Ray Mass, Eileen Hogan, Christine Irwin, Sean Murphy, Sharon Lee and Robert Fricker. Nays: none. Conditions of approval include the following:  
no living space, no plumbing, recording of the resolution and submission of the landscaping plan.

Sean Murphy made a motion to adjourn the meeting, seconded by XX. The meeting adjourned at 7:25pm.

Respectfully submitted,  
Dina Anastasio