



Borough of Red Bank

DEPARTMENT OF PLANNING AND ZONING

90 Monmouth Street
Red Bank, NJ 07701

Glenn Carter, PP
Director

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DENIAL OF DEVELOPMENT PERMIT #13154

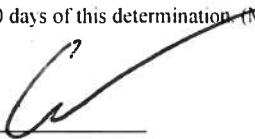
2 Bridge Avenue, Block 38, Lot 13 & 14

 DENIED - PLANNING BOARD ACTION REQUIRED – SEE ENCLOSED DETERMINATION

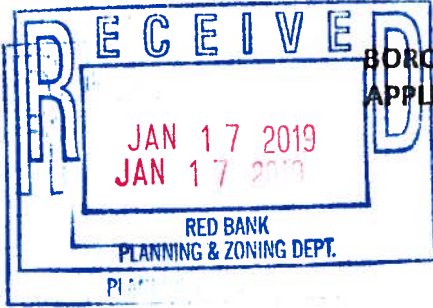
 X DENIED - SEE DETERMINATION

REMARKS: Property is in the Borough's BR-1 zone which does permit alternative treatment centers subject to any restrictions imposed by the State. The State does impose restrictions on distances an ATC must be from various uses as per both the Federal Drug Free School Zone Act and the NJ Drug Free School Zone Law. As the Borough's Drug Free Zone Map shows a portion of Lot 14 within the 1,000' buffer from the Charter School, the application cannot be approved. While it is understood the proposed location of the ATC is on a portion of Lot 14 outside of the 1,000' radius, the Drug Free School Zone Law does not differentiate between the entire lot and the portion of the lot to be used for the ATC. If statutory language or case law is presented that does make this differentiation, this decision will be reconsidered. If a reconsideration is requested, include in the request the following additional information: A radius map from your site indicating all the required buffers from the uses specified in both the Federal and State Drug Free School Zone regulations. Such a radius map needs to extend into adjoining municipalities as applicable; an indication of whether the site is proposed for cultivation and processing in addition to sales; and, an approximate interior layout of the proposed ATC.

* Appeals to the Board of Adjustment may be taken by any interested Party affected by any decision of an Administrative Officer based on or made in enforcement of the zoning ordinance or Official map. Such appeal must be filed with the Administrative Officer within 20 days of this determination (Municipal Land Use Law (Section 40 55D-72)).


Glenn Carter, PP

1-25-19
DATE



BOROUGH OF RED BANK - COUNTY OF MONMOUTH
APPLICATION FOR DEVELOPMENT (ZONING) PERMIT

(For Office Use)

APPLICATION # 13154

FEE: 100 CHECK # _____ CASH ☒ AA

ZONE: BR-1 HISTORIC (Y) ☒ (N) _____

NAME OF APPLICANT(S): ET GALLERIA, LLC DATE: 1/16/19

MAILING ADDRESS: 130 MAPLE AVE, SUITE 6D PHONE: 732 530-7300

RED BANK, NJ 07701 EMAIL: SOURLISINTERNATIONAL@gmail.com

DEVELOPMENT ADDRESS: GALLERIA, 2 BRIDGE AVENUE BLOCK: 38 LOT(S): 13+14

OWNER'S NAME/ADDRESS (IF DIFFERENT THAN APPLICANT):

DESCRIBE PROPOSED DEVELOPMENT:

NEW TENANT TO OCCUPY FORMER SIAM GARDEN (PRIMARY FOOD RESTAURANT)
NEW TENANTS: Retail, Alternative Treatment Center (ATC) to be
KNOWN AS BREAKWATER, located on 1ST FL. Bldg. 6, SUITE 613

EXISTING USE: PRIMARY FOOD ESTABLISHMENT

PROPOSED USE: RETAIL, ALTERNATIVE TREATMENT CENTER

SURVEY DATED: (See Attached)

CHECK APPROPRIATE SELECTION: NEW CONSTRUCTION () INTERIOR RENOVATIONS ()
EXTERIOR RENOVATIONS () SUBDIVISION () SIGN/AWNING () A/C CONDENSER ()
FENCE/SHED () REMOVAL/DEMOLITION () CHANGE IN OCCUPANCY () CHANGE IN USE () GENERATOR ()

To the best of my knowledge, the information contained on this application is correct, the survey provided is accurate and shows all structures on the site. I grant permission to the Borough of Red Bank and their Agents to come onto the subject property to inspect and take photographs for purposes relating to this application.

[Signature]
Applicant's Name (Please Print) Signature

GEORGE T. Sourlis
Applicant's Signature Print

ET GALLERIA
Property Owner's Name (Please Print)

[Signature]
Property Owner's Signature

ORDINANCE 2018-25

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 490, PLANNING AND
DEVELOPMENT REGULATIONS, RELATING TO ALTERNATIVE TREATMENT CENTERS



Councilman Ballard offered a motion to adopt the following ordinance:

WHEREAS, the Borough of Red Bank supports Alternative Treatment Centers; and

WHEREAS, existing Borough development regulations do not directly address alternative treatment centers; and

WHEREAS, the Governing Body finds that alternative treatment centers should be permitted in commercial areas and regulated similar to retail uses; and

WHEREAS, the following amendments to the Land Development Ordinance would allow alternative treatment centers in the various zones within the Borough that permit retail commercial uses;

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Red Bank that Chapter 490 of the Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

§ 490-6 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

* * *

ALTERATIONS

As applied to a building or structure, shall mean a change or rearrangement in the structural supports; or a change in the exterior appearance; or a change in height, width or depth; or moving a building or structure from one location or position to another; or changing, adding to or removing from or otherwise affecting the exterior appearance of a building or structure or making any changes in a building or structure which is effected by any provision of this chapter.



ALTERNATIVE TREATMENT CENTERS

As defined by the State of NJ and subject to any restrictions imposed by the State of NJ. For the purposes of this Chapter, Alternative Treatment Centers shall be considered a retail commercial use and shall be subject to the parking and any other requirements for retail commercial uses.

ANIMATED OR MOVING SIGN

Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

* * *

BE IT FURTHER ORDAINED, that a copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	(X)	()	()	()
Councilman Whelan	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: October 10, 2018

First Reading/Introduction: September 12, 2018

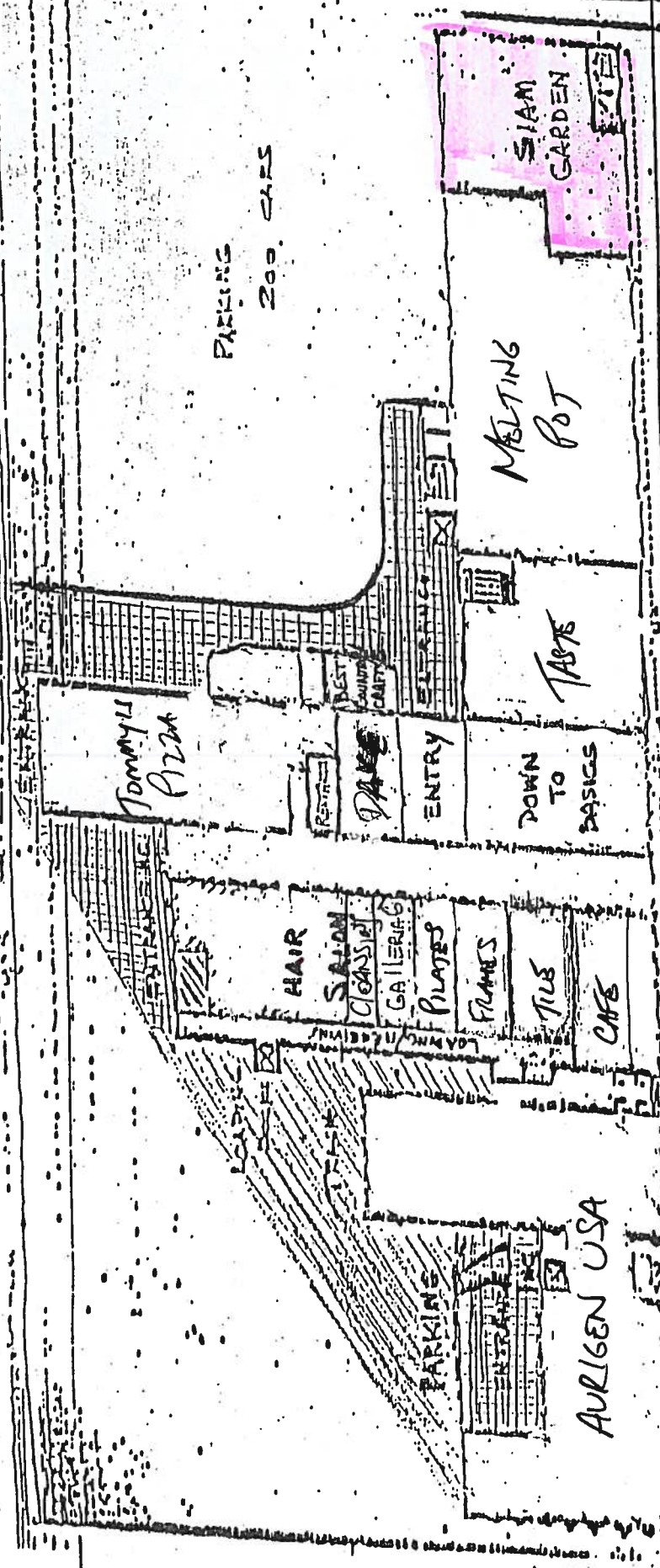
Public Hearing/Adoption: October 10, 2018

I hereby certify the above to be a true copy.

Pamela Borghi

Pamela Borghi, Municipal Clerk

SHREVEPORT AVENUE



BRIDGE AVENUE

RT 35 NORTH

RETAIL

TRAIN STATION

FIRST FLOOR PLAN

GALLERIA



