

REGULAR MEETING OF THE EATONTOWN ZONING BOARD OF ADJUSTMENT
June 12, 2023 – Regular Meeting

Call to Order

Chairman East called this in-person meeting to order at 7:00 p.m. and announced that the meeting had been advertised in accordance with the Open Public Meetings Act and had been noticed in the Asbury Park Press and the Star Ledger and a copy of the agenda for this meeting has been posted on the bulletin board in Borough Hall, and on the Borough website.

Roll Call

Members Present: Chairman East, Vice- Chair Faust, Mr. Granata, Mr. Liszanckie, Mr. Mednick, Mr. Anderson, Ms. Faccone

Absent: Mr. Gilmore

Also present: Marc Leckstein, Board Attorney and Colleen Matthews, Board Secretary;

Approval of Minutes

Motion is made by Mr. Liszanckie and seconded by Mr. Anderson to accept the minutes of May 8, 2023.

Ayes: Mr. Liszanckie, Mr. Anderson, Ch. East, Vice Chair Faust, Mr. Granata, Mr. Mednick, Ms. Faccone

Nays: None

Absent: Mr. Gilmore

Resolutions to be Memorialized

ZB 2022-27 Cleuza Lagares

144 Malibu Drive

Block 2401 lot 4

ZB 2022-21

Claudia S. Balderrama

45 Ruth Place,

Block 3311 Lot 5

ZB 2023-04 Alex & Natalie Habbaz

72 Georgetown Rd.,

Block 4401 lot 18

Motion is made by Mr. Liszanckie and seconded by Mr. Granata to memorialize all three resolutions.

Ayes: Mr. Liszanckie, Mr. Granata, Ch. East, Vice-Chair Faust, Mr. Mednick, Mr. Anderson, Ms. Faccione
Nays: None
Absent: Mr. Gilmore

New Business

ZB 2023-09 Joyce Ann Zadorozny **34 Locust Avenue, Block 1101 Lot 32**

Expansion of gravel driveway, the existing side yard setback is 0', whereas 7' is required;
Installation/expansion of front paver walkway- the expansion of the driveway and installation of additional pavers increase the front yard impervious coverage, creating a variance. Existing in 1981, 18% on current survey, submitted is 20%, whereas 14% maximum is permitted. (2 variances)

Atty. Leckstein marks the following into evidence:

A-1 Denial
A-2 Survey

The applicant is sworn in by Atty. Leckstein and explains that she wishes to add two bedrooms to the second story of her home and in so doing, there were pre-existing non-conformities regarding the property that need to be addressed before she can proceed with the work.

Atty. Leckstein reviews that the home addition is not triggering any variances. The applicant is here for impervious coverage and side yard setback for the driveway.

Chairman East asks if there is any public in attendance that wishes to ask a question or make a comment, none heard.

Motion is made by Mr. Liszanckie and seconded by Ms. Faccione to accept the application as discussed.

Ayes: Mr. Liszanckie, Ms. Faccione, Ch. East, Vice-Chair Faust, Mr. Granata, Mr. Mednick, Mr. Anderson
Nays: None
Absent: Mr. Gilmore

ZB 2023-07 Lawson, Carl & Gloria **30 Kremer Avenue; B 1302 Lot 6**

Driveway side yard setback is 0' whereas 7' is required; side and rear yard paver patio with wall was installed without proper approvals, side yard setback is 3' whereas 7' is required; front yard impervious coverage is 56% whereas 12% is permitted. (3 variances)

Atty. Leckstein marks the following into evidence:

A-1 Denial
A-2 Survey

The applicants are sworn in by Atty. Leckstein and state that the variances requested are pre-existing. The paver patio has been there for 20 years and the driveway is from 2007.

Chairman East asks if there is anyone from the public that wishes to ask a question or make a comment.

Wanda Christ and Jacob Broyles, 32 Kremer, ask about the fence that was installed. They believe it is not in the correct location. They are advised that the Board does not get involved in survey disputes and to contact code enforcement. Ms. Christ also has some questions about the driveway. Ms Christ also states that the applicant's backyard has an abundance of tables and other things and looks terrible. Atty. Leckstein refers Ms. Christ to code enforcement if she wishes to make a complaint.

Motion is made by Mr. Liszanckie to approve the application as discussed, seconded by Vice-Chair Faust.
Ayes: Mr. Liszanckie, Vice-Chair Faust, Ch. East, Mr. Granata, Mr. Mednick, Mr. Anderson, Ms. Faccone
Nays: None
Absent: Mr. Gilmore

ZB 2023-06 Fausto Souza
101 Wyckoff Road, B 1301 lot 87

Applicant is proposing to expand the existing non-conformity, the following variances are required: Pearce Avenue existing front yard setback is 24.8', whereas 30' is required; rear yard existing setback is 22.8' whereas 30' is required

Atty. Leckstein marks the following into evidence:

- A-1 Denial
- A-2 Survey
- A-3 Architectural Plans

Atty. Leckstein states that this is a non-conforming corner property and the applicant is looking to expand their home which is triggering these variances.

Atty. Leckstein swears in the applicant Fausto David DeSouza and his architect Antonio Scalise.

Mr. Scalise states that the applicant owns an existing ranch and the applicant wishes to add a second story. There are two existing non-conformities which are a front yard setback and two rear-yard setback issues. The addition itself does not create any new variances. There is also a detached garage being added, but no new variances regarding the garage. The curb cut is discussed.

Chairman East asks if there are any public that wishes to make a comment or ask a question. None heard.

Motion is made by Mr. Anderson and seconded by Mr. Liszanckie.

Ayes: Mr. Anderson, Mr. Liszanckie, Ch. East, Vice-Chair Faust, Mr. Granata, Mr. Mednick, Ms. Faccone
Nays: None
Absent: Mr. Gilmore

2023-03 Silvercar, Inc – use variance
95 Rte. 36 (Audi Dealership) B 2401 lot 55

Applicant is proposing to add a use, motor vehicle rentals, to the existing auto dealership. Motor vehicle rentals is not a permitted use in the MB zone

Atty: Leckstein marks the following exhibits into evidence:

- A-1 Denial
- A-2 Zoning Board Application
- A-3 As-Built Plan
- A-4 Use Variance Plan
- A-5 Existing Conditions Site Aerial

- B-1 Engineering Review Letter
- B-2 Planning Review Letter
- B-3 Environment Commission Review Letter
- B-4 Historical Committee Review Letter – no comment
- B-5 Traffic Safety Review Letter – no comment
- B-6 Planning Board Resolution dated April 20, 2015

Larry Calli, Esq. states that he represents Silvercar, Inc., which is owned by Audi. Silvercar provides short term leases for Audi clients from a few days up to about a month. This service is offered at multiple Audi dealerships. There is no new construction and no new employees and no new signage asked for with regard to adding Silvercar to the Audi dealership.

Atty. Leckstein asks Atty. Calli if it an accessory use of the Audi dealership and Atty. Calli states that it is. If Audi were to leave the building, Silvercar would not remain as a sole occupier.

Atty. Leckstein swears in the operational witness for Silvercar, District Manager Sergio Mejia. Mr. Mejia details the operation. He states that the reservations are made through an app. There are approximately 5-6 customers per day on a good day. The fleet is about 8-10 vehicles at the dealership. Customers do not leave their own cars at the dealership.

The Board Planner brings up that there has been some concerns that the Audi dealership has been taking customers on test drives on Marin Way and asks that you work with your salespeople to not utilize that access. Also a reminder that parking vehicles on the grass bordering Route 36 is prohibited. Also, please be aware that there is an ordinance prohibiting trash pick up prior to 7:00 a.m. or after 7:00 p.m. Also, vehicle loading and unloading is not to take place on Rte. 36. Atty. Calli states that he also represents Penske Group, who own this Audi dealership and will help correct these issues.

After discussion, a bike rack will be installed.

Chairman East asks if there are any public that wish to ask a question or make a comment at this time. None heard.

Power is lost at 7:54 p.m. and is back in service at 7:56 p.m. and the meeting is stopped. When the power returned, Atty. Leckstein states that all of the Board members that have been attending this meeting have returned.

Paul Ricci, is sworn in by Atty. Leckstein and is accepted by the Board as a planner. Mr. Ricci reviews the negative and positive criteria and reviews the application and believes this use is particularly well-suited for this property.

Chairman East asks if there are any public in attendance that wish to make a comment or ask a question. None heard.

Motion is made by Mr. Liszanckie and seconded by Mr. Granata to approve the application as discussed.

Ayes: Mr. Liszanckie, Mr. Granata, Ch. East, Vice-Chair Faust, Mr. Mednick, Mr. Anderson, Ms. Faccone

Nays: None

Absent: Mr. Gilmore

Continued Business

ZB 2022-28 373 South Holdings, LLC (BB Tents) 373 South Street, Blk 1401 Lot 20.01 Amended Minor Site Plan

Atty. Leckstein states that on March 13, 2023, this Board heard and approved this application. To be clear, what was approved at that time is not up for reconsideration. After the approval that was granted by the Board, propane tanks were found by the Fire Marshal during an inspection and a violation was issued. After discussion with the applicant's attorney, it was decided that the applicant would come back before the Board for an amendment to ask for additional permission for the propane tanks and their storage location. If the Board were to deny the application for the propane tanks, they would fall back on the original approval and it would be memorialized at the next meeting.

Atty. Leckstein marks the following additional documents into evidence:

A-10 3-sheet amended minor site plan revised May 19, 2023

B-7 Additional review memo from the Board Planner

Atty. Giunco states that there was a summons issued for the business being sold without the proper paperwork. That is not true, the COO has changed only. Atty. Giunco states that there was a summons issued for storing generators in the building and states that the generators are stored on the trailers, not in the building.

With regard to the propane tanks, they were stored outside of the building but within 10 ft. of the building. There is a proposal to house the propane tanks next to the trash enclosure in a separate enclosure with a lock.

Atty. Leckstein asks for the new COO to give testimony on the record that there is nothing else on the site that has not already been mentioned.

Atty. Leckstein swears in Christie Botelho who is the new COO of this company. Atty. Leckstein asks Ms. Botelho that, with the exception of those trailers that we previously described, and these propane tanks that will be discussed tonight, there is nothing else going on at the exterior of the site. Ms. Botelho states that there is nothing else.

Ms. Botelho states that there are no other generators on the site besides the four on the trailers. The propane is for the heaters in the tents.

Atty. Leckstein states that the only thing before us tonight is the exterior propane tank storage.

Ms. Botelho states that the Fire Official stated that the propane tanks were too close to the building and must be moved. They were moved to the trash enclosure because it has a gate and lock was fastened.

Atty. Leckstein swears in John Taikina, Planner. Mr. Taikina reviews where the propane tank storage area is proposed which is a 15' x 15' enclosure exactly like the existing trash enclosure and with a lock. It will be located next to trash enclosure on whichever side will meet the requested setback from the Fire Marshall.

Engineer Herrman asks how many tanks will be housed in the enclosure and the response from Ms. Botelho is that there are currently 80 and could probably fit another 20. Engineer Herrman states that how much propane is being stored determines how far from the building it will need to be stored. The trash will be in the trash enclosure and the propane tanks will be in their enclosure. Nothing else will be stored in these two enclosures.

Chairman East asks if there is any public in attendance that wish to ask a question or make a comment regarding this application. None heard.

Motion is made by Mr. Liszanckie and seconded by Mr. Granata to approve this application as discussed.

Ayes: Mr. Liszanckie, Mr. Granata, Ch. East, Vice-Chair Faust, Mr. Mednick, Mr. Anderson, Ms. Faccone

Nays: None

Absent: Mr. Gilmore

Miscellaneous

None

Adjournment

Motion is made by to close the meeting at 8:30 p.m. by Mr. Anderson and seconded by Mr. Liszanckie. All in Favor.

Respectfully Submitted,

Colleen Matthews
Board Secretary