

REGULAR MEETING OF THE EATONTOWN ZONING BOARD OF ADJUSTMENT
May 8, 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, Mr. Gilmore, Ms. Faccone

Absent: None

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

Approval of Minutes

Motion is made by Mr. Liszanckie and seconded by Ms. Faccone to accept the minutes of April 24, 2023.

Ayes: Mr. Liszanckie, Ms. Faccone, Ch. East, Mr. Anderson, Mr. Gilmore

Nays: None

Not eligible: VC Faust, Mr. Mednick.

Resolutions to be Memorialized

ZB 2023-08

Taylor, Dan & Elizabeth

Certificate of Non-Conformity

1 Franklin Ave., Blk 908 lot 25

Property has been utilized as a 2-family dwelling in the R-10 zone.

ZB 2023-01

Robert Gemignani

2 Hampton Rd., Blk 3304 lot 23

Rear deck setback is 20 ft. where 40 ft. is required; Front yard impervious coverage is 9%, proposed is 15.33% where 12% is permitted.

ZB 2023-02 McDonalds Corp.

18 Route 35, Blk 902 Lots 24 & 25

Preliminary and Final Site Plan – Applicant seeks to install a side-by-side drive-through accessory use

Motion is made by Mr. Liszanckie and seconded by Mr. Anderson to memorialize all three resolutions at this time.

Ayes: Mr. Liszanckie, Mr. Anderson, Ch. East, Mr. Granata, Mr. Gilmore, Ms. Faccione

Nays: None

Abstain: Mr. Mednick, VC Faust

New Business

(It is noted that this application is heard before “Old Business” because the attorney for 45 Ruth is a few minutes late)

ZB 2022-27 Cleuza Lagares

144 Malibu Drive

Block 2401 lot 4

Atty. Leckstein states that this matter is back before the Board as a result of improper noticing. The notice is now accurate and the application is ready to move forward. Atty. Leckstein marks the following into evidence:

A-1 Denial

A-2 Variance Plan

A-3 Topographical Survey

A-4 Sketch of Building

A-5 Series of photos of property

Paul Edinger, Esq., states that he is representing the applicant in this matter.

Atty. Leckstein states that this is an application to approve several improvements that were done without prior approval.

John Buletza, Engineer and Planner, is sworn in by Atty. Leckstein and is accepted by the Board as an expert. Mr. Buletza reviews the nine variances.

Atty. Leckstein notes that the applicant has two front yards and that the applicant has made the improvements on what he considers to be his back yard.

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

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

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

Old Business

ZB 2022-21 (con't from December 12, 2022)

Claudia S. Balderrama

45 Ruth Place, Block 3311 Lot 5

Applicant proposes installation of second 20' x 37' paved driveway, increasing the existing non-conforming front yard impervious coverage.

Existing is 18%, proposed is 31%, whereas maximum permitted is 14%

Atty. Leckstein reviews that this application is a continuation of an application that began on December 12, 2022 and the applicant is looking to install a second driveway. During the first hearing, the Board allowed the applicant to return with a different proposal.

Atty. Leckstein marks a new driveway plan dated February 24, 2023 submission as A-3.

Robert C Shea, Esq., states that he is representing the applicant in this matter. He states that the applicant is looking for another driveway to be constructed on the property. The applicant has a number of relatives living in the house with larger vehicles that do not fit into the garage. The variance requested is for front yard coverage where 35.18% being proposed and 14% is maximum allowed.

Colleen McGurk, Planner, is sworn in by Atty. Leckstein and is accepted as an expert by the Board. Atty. Leckstein marks A-4 as Planner's Package; and the tax map is marked as A-5. Ms. McGurk reviews the location of the property and reviews the front yard impervious coverage variance. Expanding the existing driveway as well as a circular driveway were looked at as alternate proposals, but it was determined that the issues associated with these alternatives deemed them as not feasible. Ms. McGurk reviews some of the other properties in the area, noting that there are several residences that park cars on the grass as well as gravel expansions.

Chairman East asks how many cars can the current driveway accommodate and is told two on the driveway and one in the garage noting that their vehicles are too large to fit two vehicles in the garage. Atty. Shea indicates that there are four cars that need parking for this property and that all members living in the home are family members. The requested additional driveway is 20' x 30'.7" and there is 13' to the nearest neighbor's property line. Planner McGurk reviews the impervious coverage percentages for the requested second driveway and that the space would accommodate two cars. Atty. Shea also indicates that he believes there to be no drainage issues to be anticipated from the additional second driveway because the overall lot percentage is less than maximum permitted.

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

There is further discussion among Board members concerning flooding and impervious coverage. Atty. Leckstein reiterates that the applicant chose to buy this house and that it is her choice to have so many vehicles. The applicant has a two-car garage and has chosen vehicles that do not fit into the garage. That is not something that the Board is obligated to accommodate.

Atty. Shea reviews the positive and negative impacts of granting this C-2 variance.

Mr. Granata makes a motion to approve a 20' x 30.7' second driveway with additional plantings that will be approved by the Board Engineer seconded by Mr. Liszanckie. (denied)

Ayes: Mr. Granata, Mr. Liszanckie, Mr. Anderson

Nays: Ch. East, VC Faust, Mr. Mednick, Mr. Gilmore, Ms. Faccone

Abstentions: None

Atty. Shay states that he has conferred with his client and she would like to ask for a 10' x 30' second driveway.

The Board discusses this proposal. Planner McGurk states that this proposal would bring the impervious coverage down to 24% from 35.18%.

Vice-Chair Faust makes a motion to approve the 10' x 30' second driveway without the condition of additional plantings, seconded by Mr. Liszanckie.

Ayes: VC Faust, Mr. Liszanckie, Ch. East, Mr. Granata, Mr. Mednick, Mr. Anderson, Mr. Gilmore, Ms. Faccione.

Nays: None

Abstentions: None

New Business

ZB 2023-04 Alex & Natalie Habbaz

72 Georgetown Rd., Block 4401 lot 18

- Front yard impervious coverage existing 30%, 22% proposed, whereas 12% maximum is permitted;
- Existing building coverage 20.5%, proposed 24%, maximum permitted 20%;
- Proposed front yard setback 48.5 ' whereas 50' minimum required

Atty. Leckstein marks the following:

A-1 Denial Letter

A-2 Survey

A-3 Architectural Plans

Atty. Leckstein states that this application is for variance relief for home improvements.

Atty. Leckstein swears in Mr. Habbaz, homeowner and Enkela Malellari, architect.

Mr. Habbaz states that he has resided in town since 2010 and since then, his family has grown considerably since the purchase of this 3 bedroom ranch-style home.

Architect Malellari, reviews the three variances requested. The front yard impervious coverage includes the expansion of the covered front porch and some of the driveway is being removed and a front walkway to be added. Ms. Malellari reviews the floorplans of each floor.

The Board members discuss the application and the footprint of the house.

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

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

Ayes: Mr. Anderson, Mr. Liszanckie, Ch. East, VC Faust, Mr. Granata, Mr. Mednick, Mr. Gilmore, Ms. Faccione

Nays: None

Abstentions: None

ZB 2022-28 373 South Holdings, LLC (BB Tents)

373 South Street, Blk 1401 Lot 20.01

Jake Russo, Esq., states that he is here on behalf of B&B Tents, 373 South Holdings, LLC. Atty. Russo reviews that there were some issues that prevented the Resolution from being memorialized, there has been a response letter from Mr. Giunco addressing the issues. The first issue is that the applicant has applied for a grease trap. The applicant is installing dishwashers in the building in order to clean the dirty dishes from the events. The

second issue is the propane tanks. The propane tanks are used for heating the tents. A notice of violation was issued for storing this tanks too close to the building. The applicant has since moved the propane tanks and is working on securing them at this time. Atty. Russo states that this outside storage should have come up during the prior meetings, but did not.

Atty. Leckstein states that there is going to be a new Zoning Board hearing date given, the applicant is going to provide revised plans, re-notice for a new date, a resolution will not be adopted until the applicant comes in for the hearing. Atty. Leckstein requests that the new property owner attend the hearing.

Miscellaneous

None

Adjournment

Motion is made by to close the meeting at 8:40 p.m. by Mr. Lisanckie and seconded by Ch. East. All in Favor.

Respectfully Submitted,

Colleen Matthews
Board Secretary