

REGULAR MEETING OF THE EATONTOWN ZONING BOARD
May 9, 2022 – in-person 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 had been posted on the bulletin board in Borough Hall, and on the Borough website.

Roll Call

Members Present: Ch. East, Vice-Chair Gilmore; Mr. Granata, Mr. Liszanckie, Mr. Mednick, Mr. Anderson, Ms. Faust (7:04) Ms. Faccone

Absent: None

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

Minutes

Motion is made by Mr. Liszanckie and seconded by Ms. Faccone to memorialize the meeting minutes of February 14, 2022.

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

Nays: None

Abstentions: VC Gilmore, Ms. Faust

Motion is made by Mr. Liszanckie and seconded by Mr. Mednick to memorialize the meeting minutes of March 14, 2022

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

Nays: None

Abstentions: VC Gilmore, Mr. Granata, Ms. Faust

Resolutions to be Memorialized

ZB 2022-02 David Klimczak, 60 Reynolds Drive., Blk 2701 lot 8

Motion is made by Mr. Anderson and seconded by Mr. Liszanckie to memorialize this resolution.

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

Nays: None

Abstentions: VC Gilmore, Mr. Granata, Ms. Faust

New Business

ZB 2022-01 Luiz Dos Santos

254 Clinton Avenue, Block 1303 lot 8

Seeking bulk variance approval for a retaining wall constructed without prior approval

Atty. Leckstein states that the attorney for the applicant reached out to him and would like more time to address a few issues with his plans.

Motion is made by Mr. Lisanckie and seconded by Mr. Anderson to carry this application until the next meeting on June 13, 2022. No new notice is required. All in favor.

ZB 2021-06 NJ Cherry Hill, LLC (Tesla Center);

269 State Route 35, Block 3001 lot 1

Atty Leckstein states that he has been contacted by the applicant's attorney, Jennifer Krimko, Esq., stating that the applicant wishes to amend a service sign. Board Engineer, Mr. Herrman, states that this is a very minor request and recommends an administrative approval. Mr. Herman explains in detail the request.

Motion is made by Ms. Faust and seconded by Ms. Faccone to approve this administrative approval. All in favor.

ZB 2022-03 – Caradam, LLC – 29 Highway 35, Block 1001, lot 20

Appeal Decision of Zoning Officer

Application for use variance for drive-thru with bulk variances; site plan amendment

John. B. Anderson, II., Esq. states that he is representing the applicant. Atty. Anderson asks the Board members if anyone has a conflict with the applicant which would prevent them from rendering a fair decision. None heard.

Atty. Leckstein states that there is a question of jurisdiction, in that there is an appeal of the Zoning Officer. If the Board upholds the decision of the Zoning Officer, the application will proceed to the Zoning Board. If the Board disagrees, the application will be heard before the Planning Board at a later date.

Atty. Anderson then details the history of the building site.

Atty Anderson asks that the following be marked into evidence regarding the appeal:

A-1 Original Planning Board resolution dated July 9, 2012

A-2 Resolution granting variances dated July 9, 2012

A-3 Letter from Zoning Officer to applicant dated September 9, 2021

A-4 Development permit application of October 26, 2021

A-5 Denial of Development permit from Zoning Officer November 9, 2021

A-6 Notice of Violation dated January 4, 2022

A-7 Letter to Zoning Officer from Atty. Anderson January 11, 2022 and email response dated January 13, 2022

A-8 Letter from Zoning Officer rejecting site plan submission February 10, 2022

A-9 Notice of appeal dated February 18, 2022

Atty. Anderson presents his case for the appeal of the Zoning Officer. The Board and Board professionals discuss same

Motion is made to deny the appeal and uphold the decision of the Zoning Officer by Ms. Faust and seconded by Mr. Anderson.

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

Nays: None

Abstentions: None

Atty. Anderson now proceeds with the application for a use variance along with four ancillary bulk variances.

Atty. Leckstein marks the following into evidence:

A-1 Amended Site Plan

A-2 Architecturals

A-3 Color Aerial

A-4 Copies of Photos (4) dated 5-4-2022

A-5 Color Site Plan

A-6 Rear Booth Picture

B-1 T&M Engineering Review Letter

B-2 Heyer & Gruel Planning Review Letter

B-3 Shade Tree Commission Review Letter

B-4 Traffic Officer Review Letter

B-5 Fire Official Review Letter

B-6 Environmental Commission Review Letter

Adam Johnson, owner is sworn in by Atty. Leckstein and gives operational testimony. Mr. Johnson states that the way his business has been operating during COVID has worked and wants to keep the drive in/thru protocols in place. Patrons prefer it to not getting out of their car. The accessory structures are necessary in order to provide the customer with directions and a positive experience while getting their vehicle's oil changed.

Mr. Conduris, Architect, is sworn in by Atty. Leckstein and accepted as an expert by the Board. The accessory structures are discussed.

Mr. Kennedy, licensed Engineer, is sworn in by Atty. Leckstein and accepted as an expert by the Board. Bike rack, parking, traffic is discussed. Landscaping, buffer, signage is discussed.

Mr. Janiew, licensed Planner is sworn in by Atty. Leckstein and accepted as an expert by the Board. Mr. Janiew speaks as to the positive criteria of the use and how the site is suited for this use. Mr. Janiew also reviews the additional variances requested in conjunction with this site.

Atty. Anderson reviews the major points of the application and highlights the testimony of the experts.

Motion is made by Ms. Faust and seconded by Mr. Anderson to approve the use variance and the application as discussed.

It is noted that there is no public in attendance that wishes to make a statement or ask a question regarding this application.

Ayes: Ms. Faust, Mr. Anderson, Ch. East, VC Gilmore, Mr. Granata, Mr. Liszanckie, Mr. Mednick, Ms. Faccone
Nays: None
Abstain: None

Ms. Faust initiates a conversation with Engineer Herrman about the berm and landscaping located at the new-construction self-storage facility on Highway 35. There are numerous dead evergreens that need to be replaced as well as other landscaping issues present at this time. Engineer Herrman wishes to strongly recommend an arborist, with consent of the Board, to the applicant in order to help the existing larger deciduous trees that are showing signs of being stressed. Engineer Herrman states that he has been to the site and continues to make visits to the site in order to make sure the dead trees are replaced, gaps are filled in and there will be help for the struggling larger trees.

Adjournment

Motion is made by to close the meeting at 8:35 p.m. by Mr. Anderson and seconded by Mr. Granata.. All in favor.

Respectfully Submitted,

Colleen Matthews
Board Secretary