

**REGULAR MEETING OF THE
EATONTOWN ZONING BOARD OF ADJUSTMENT
March 9, 2026
Minutes**

Call to Order

Mr. East called this in-person meeting to order at 7:05 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: Mr. East, Mr. Mednick, Mr. Anderson, Ms. Faccone, Mr. Murphy, Mr. Lizanckie, Mr. Wilson, Ms. Larsen, (alt. #1) Mr. Wilson (alt. #2)

Absent: Mr. Gilmore

Also present: Marc Leckstein, Board Attorney; Colleen Matthews, Board Secretary; Greg Gitto, Board Engineer, M. McKinley Mertz, Board Planner

Motion is made by Mr. Mednick and seconded by Ms. Faccone to appoint Mr. East as Chairman.

Ayes: Mr. Mednick, Ms. Faccone, Mr. East, Mr. Gilmore, Mr. Anderson, Mr. Murphy, Ms. Larsen

Nays: None

Absent: Mr. Lizanckie

Minutes

Motion is made by Ms. Faccone and seconded by Mr. Mednick to memorialize the minutes

All in favor by those eligible to vote.

Resolutions to be Memorialized

ZB 15-2025 Tinton Villas, LLC

29-31 Tinton Avenue Blk 201 lot 13

Preliminary & Final Major Site Plan approval, conditional use permit, with “d(3)” conditional use variance relief and bulk “c” variance relief to permit construction of two two-story three-bedroom townhomes along with additional site improvements

Atty. Leckstein states that this resolution will be carried for memorialization to the April 13, 2026 meeting.

New Business

**ZB 02-2026 Bornhoeft, Robert & Kathleen
24 Larkspur Drive
Blk 2701 lot 21**

Propose to construct a 1,619 sq. ft. detached garage, driveway to be expanded to meet garage, requiring the following variances:

1. Side yard setback is 6' where 15' is required
2. Building coverage is 3.85%, where 2 % is permitted for the garage
3. Existing non-conforming front yard impervious coverage of 18%, where 10% is permitted

Atty. Leckstein marks the following exhibits:

A-1 Application

A-2 Survey

A-3 Sketches by homeowner

A-4 Updated sketches by homeowner

Atty. Leckstein swears in Robert and Kathleen Bornhoeft. Mr. Bornhoeft states that he would like to build a 3-car detached garage in the backyard. He is proposing electricity but no heat. Mr. Bornhoeft agrees to file with the County Clerk a Deed restriction stating that there will be no plumbing in the garage.

There is a set-back variance required, as 6' is proposed and 15' is required. Mr. Bornhoeft states that the garage is located in this position because it is an irregularly shaped lot. There is an attached shed at the rear of the garage proposed for lawn equipment. Mr. Bornhoeft agrees to an additional Deed restriction stating that this garage cannot be used for commercial purposes.

Mr. Bornhoeft reviews where the driveway will be extended to the three garage doors for access.

Mr. Bornhoeft states that he has four cars in his existing garage. He has a lift in the garage with one car on top of the other and two cars in the other bay.

The Board Engineer asks if there will be gutters and downspouts. Mr. Bornhoeft states yes. He is instructed to have them pointed towards the street or their own yard and not towards any neighbors' property. The Board Engineer states that this will be verified during the grading plan review. The Board engineer states that the driveway should also drain towards the street. The Board states that the applicant needs a grading plan to be provided to the Board Engineer for review. The Board attorney states that a grading plan will be needed as well as architectural plans to build this structure.

Mr. Bornhoeft states that the structure would be 1728 sq. ft, not 1619 sq. ft. that was noticed for. This would mean that the building percentage is more than the 3.85% stated on the zoning denial.

Due to the discrepancies in the notice aligning with the plans submitted and the required drainage plan submission, this matter will be carried.

Motion is made by Chairman East and seconded by Mr. Lizanckie to carry this matter until April 13, 2026.

All in favor.

Atty. Leckstein states that if there is any public in attendance for this matter, it will be adjourned until April 13, 2026. If the applicant is going to keep the 1619 ft. application, no new notice is required. If the applicant will be applying for the 1728 sq. ft. garage, new notice will be required.

**ZB 20-2025 Reinaldo M. DeSousa
16 Campbell Dr., Blk 2609 Lot 4**

Requesting variance relief for the purpose of demolishing the front step and landing, constructing a covered front porch step rear basement entrance, install granite block curb pavers on the driveway, make patio and walk improvements and related improvements, requesting the following variances:

1. Existing driveway 0' setback, 7' required
2. Front yard impervious coverage existing 28%, proposed 30%, 13% permitted
3. Front yard setback, existing 25.4', proposed 17.5', required 30'
4. Side yard setback, existing 7'/22', proposed 7'/17', minimum required 7'/20'

Atty. Leckstein marks the following into the record:

- A-1 Application
- A-2 Survey
- A-3 Lot coverage chart
- A-4 Variance plan
- A-5 Photographs (6)

Paul Edinger, Esq., states that he is representing the applicant in this matter. The applicant wishes to lay pavers in the backyard, install a driveway, there is an existing in-ground pool, would like to put in an entrance to the basement from the backyard. There is an existing front porch that he wishes to expand by 2 ft. on each side and construct a roof over it.

Atty. Edinger reviews that there is a 0 ft. setback on the driveway that is pre-existing and there is no other location in which to have the driveway.

Matthew DuBois, Engineer, is sworn in by Atty. Leckstein.. Mr. Dubois reviews the variances requested. He reviews that the existing driveway is gravel and the applicant wishes to make it pavers. The applicant also wishes to make it slightly wider than currently existing so that the applicant can fit two cars side-by-side.

The front yard impervious coverage is proposed to be 2% larger to 30% because of the slightly wider driveway of 18 ' wide and slightly wider front walk, where 13% is permitted.

With regard to the front porch, it is currently 6' x 4', it is requested to expand to 10 ft by 4 ft porch with a roof.

Mr. DuBois states that this is an undersized lot.

Reinaldo DeSousa, applicant, is sworn in by Atty. Leckstein. Mr. DeSousa explains that where he is proposing the basement entrance is where the window well is now. The applicant also explains that there is some gravel in the back yard and he wishes to place pavers around the pool where some of the gravel is currently located. The other gravel areas in the back yard are to be removed.

The applicant states that he has just finished the basement, which has a bathroom and game room, and would like to access that bathroom from the backyard without going into the main house. The applicant states that he is aware that he cannot rent out the finished downstairs and that it will be a condition of approval that he cannot rent out the downstairs as an apartment. The Board is requesting a Deed restriction that states the basement cannot be rented as an apartment.

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

Motion is made by Mr. Mednick and seconded by Vice-Chair Anderson to approve the application as discussed.

Ayes: Mr. Mednick, Vice-Chair Anderson, Chairman East, Ms. Faccone, Mr. Murphy, Mr. Lizanckie, Ms. Larsen

Nays: None

Absent: Mr. Gilmore

Not eligible: Mr. Wilson

**ZB 01-2026 Diogo Ferreira, 36 Lafetra Ave.
Blk 1005 lot 3**

Application to obtain post-construction approval of a second-floor expansion and basement walk-out stairs, to expand two bedrooms (create a full second floor). This is an expansion of a non-conforming building. The following variances are requested:

1. Minimum lot area, 7,279 sq. ft. existing, whereas 10,000 sq. ft. is required (pre-existing).
2. Minimum lot width, 50 ft. existing, whereas 75 ft. is required (pre-existing),
3. Minimum principal front yard, 29 ft. 11 in. (Lafetra) and 14 ft. 11 in. (Byrnes), whereas 30 ft. is required (pre-existing),
4. Expansion of a non-conforming building

Atty. Leckstein marks the following:

A-1 Application

A-2 Survey

A-3 Site Plan/Architecturals

B-1 Denial

Paul Edinger, Esq., states that he is representing the applicant in this matter. Mr. Edinger reviews where the home is located and that it is a corner lot. The purpose of the application is to bump-out the second floor. The footprint of the property is not changing. The applicant would also like to create a rear entrance into the basement of the house from the yard. The work has been started but not completed as there was a "stop work order" issued.

Rachel Harari, licensed architect, is accepted by the Board. Ms. Harari explains that the existing building is a 1 ½ story dwelling, having 3 total bedrooms- two on the first floor and one on the second floor. There is a large free-standing garage in the rear of the lot.

Ms. Harari reviews the proposed floor plan. The first floor will be opened up by reconfiguring the stairs, providing a more open kitchen, dining and living space. The basement will contain a laundry area, bathroom and sitting area. Two bedrooms and two bathrooms with a laundry area are proposed for the second floor. There would be a total of three bedrooms in the house, four proposed bathrooms and two laundry rooms. There is discussion as to why there is a laundry room proposed in the basement as well as the second floor and four bathrooms. The plans look like there is an apartment set up, which is not allowed.

Diogo Ferreira, applicant, is sworn in by Atty. Leckstein. Mr. Ferreira states that he works from the basement. He would like to not have to go up the stairs to the nearest bathroom. The applicant agrees to remove the bathroom from the basement. There is now a total of 3 bathrooms and 3 bedrooms in the home and one laundry room in the basement. The applicant will agree to a Deed restriction that there is no apartment within

the house, no kitchen or bathroom in the basement. The laundry room proposed will be removed from the second floor.

Chairman East asks if there is any public in attendance that wish to ask a question or make a comment regarding this application.

All public has been sworn in by Atty. Leckstein.

1. Bryan Kozusko, 3 Schuber Place, has a question about the maintenance of the property.
2. Brian Poniatowski, 6 Schuber Place, asks if there is going to be a stove proposed for the basement. There is no kitchen proposed.

Motion is made by Mr. Mednick and seconded by Mr. Murphy to approve the application as discussed.

Ayes: Mr. Mednick, Mr. Murphy, Chairman East, Vice-Chair Anderson, Ms. Faccone, Mr. Lizanckie

Nays: Ms. Larsen

Absent: Mr. Gilmore

Ineligible: Mr. Wilson

A break was taken from 8:35 – 8:45 p.m. There was no change in Board attendance.

Continued Business

Ms. Larsen is going to recuse herself and step down from the dais. Mr. Wilson is going to take her place for this application. Mr. Lizanckie is ineligible to hear this application. Mr. Edinger states that he wishes to go forward with six members.

ZB 11-2025 Diogo Ferreira 40 Byrnes Lane Blk 1002 lot 11

2 story dwelling existing; proposed subdivision to create 2 residential lots

Proposed lot 11.02, lot width 59.8' where 75' required

Proposed lot 11.01, 25.7' front setback, 30' required

Proposed lot 11.02, 1.9' side setback for existing garage where 5' is required.

Atty. Leckstein marks in additional exhibits:

B-6- Second engineering review letter of March 4, 2026.

A-6 Drainage area maps dated February 16, 2026

A-7 Drainage analysis and design report dated February 2026

A-8 Revised minor subdivision plan dated February 16, 2026

Engineer Gitto states that he has reviewed the additional drainage exhibits and believes the drainage has improved since the prior plan, directing a lot more of the flow away from the southern property into drywells and towards Byrnes Lane. From a drainage perspective, Mr. Gitto states that he is satisfied, although there are a few remaining comments that need to be addressed. Mr. Gitto states that there is no requirement in the Borough's ordinances that require the applicant to mitigate any runoff. It is not a major development under the DEP standards. We are asking them to mitigate the runoff, and they are also under the impervious coverage requirement. He believes that what they are proposing is appropriate.

Atty. Leckstein reviews that the major part of this application is the planning aspect, rather than the engineering.

Mr. Surmonte has been previously sworn in during the last meeting. Mr. Surmonte states that he previously submitted the drainage report and analysis and reviews same. Mr. Surmonte also states they anticipate a drywell

somewhere in the back yard. Mr. Gitto asks that the depression at the back of the property be cleaned out and be sure that it drains. The applicant will also need to televisc and clean the existing pipe that is being tied into. Mr. Gitto contends that as long as all of the conditions outlined in his review letter are met, he believes the drainage plan to be adequate.

With regard to the Fire Marshall's review letter, it states that no new home would receive a Certificate of Occupancy unless it was within 400 ft. of a fire hydrant. The two nearest fire hydrants nearest to this property is closer to 500 ft. The applicant acknowledges that they will have to install a fire hydrant. The applicant would guess that it would be installed along the frontage, according to where the Fire Marshall would want it.

The driveway has been widened to 20 ft. to allow for emergency vehicles to access the driveway to the proposed house.

The Board requests sidewalk along the frontage of the property.

Chairman East asks if there are any comments or questions regarding this testimony.

Brian Poniatowski, 6 Schuber Place, asks about the driveway coverage for the rear house and the setbacks for the driveway. Reviews that there was a drainage ditch on the property that a previous owner had filled in at the lowest part of the property.

Toni Bianchini, 9 Schuber Place, reviews that a retention basin was created because of the Learning Experience construction. Any further development will contribute to the already dire flooding issues in this area. Ms. Bianchini submits copies of 8 photos and they are marked Bianchini -1 .

Lisa Vazquez, 200 Broad St., believes that the angle that the fire truck would need to navigate would be a problem turning into the driveway of the rear house. Atty. Leckstein read the Fire Marshall's review letter into the record. Atty. Leckstein also states that this is a Planning issue, not an engineering issue.

Roy Eisen, 43 Byrnes, thanks the applicant for redoing the drainage plan. Asks if the outflow pipe towards the street will need a curb cut. It will need a grate at street level. Questions where the driveway will be draining to. It will be draining from left to right, not towards the street. Mr. Eisen states that he does not think there should be a sidewalk, as there are no connecting sidewalks.

The Board engineer reads the sidewalk ordinance and it is determined that the Board could not grant a variance regarding contributing into the sidewalk fund instead of constructing a sidewalk, as it does not meet the criteria.

Bryan Kozusko, 3 Schuber Place, asks about the calculations as to where the water is going to be draining. How much of it is going to run off of the lot into the street or onto another lot. Mr. Surmonte explains how much of the surface runoff goes into the drywells and how much will go out onto Byrnes Lane into the municipal system.

Carol Kozusko, 3 Schuber Place, asks for clarification about the slope of the driveway. Mr. Surmonte states that the driveway is at grade level and is not elevated. Ms. Kozusko reviews where the water pools between the properties.

Rachel Harrai, licensed architect, is sworn in by Atty. Leckstein and accepted by the Board. Ms. Harrai reviews what is proposed for the rear house. It is colonial style, four bedrooms, four full bathrooms, 2,537 sq. ft. footprint and total living area of 3,309 sq. ft. Total building height 30' 6 1/2" Two stories with a crawl space and 2-car garage. Covered front and rear porch. There is an existing detached garage that will remain.

Exhibit A-9 will be a series of architectural drawings showing what the front house and rear house will look like should the application be approved.

Chairman East asks if there are any questions from the public regarding Ms. Harrai's testimony.

Phyllis Trask, Historical Committee, is sworn in by Atty. Leckstein. Ms. Trask confirms that if there is a subdivision, the entire parcel is still in the business zone with a historic overlay. Ms. Trask points out that the additional windows are not shown on the north side of the house and also the second driveway is still being shown.

Carol Kozusko, 3 Schuber Place, asks about the floor plans proposed for the new home. Ms. Harrai reviews the floor plans. Ms. Kozusko asks what the parking requirement is for the new home. There are 2.5 spaces required, rounded down to 2.

Bryan Kozusko, 3 Schuber Place, asks if it is common to have four full bathrooms with four bedrooms. Mr. Kozusko is told that it is not against any ordinance.

Chairman East states that it is after 10:00 p.m. and makes a motion that this matter be continued until the next meeting of April 13, 2026 without further notice. The applicant, his attorney and professionals state they are available for that date. However, one of the Board members will not be available. Therefore, the motion is amended to May 11, 2026, seconded by Mr. Anderson. All in Favor

Atty. Leckstein announces to everyone in attendance that this application will be continued on May 11, 2026 at 7:00 p.m. and there will be no new notice.

Executive Session

Motion is made by Chairman East and seconded by Vice-Chair Anderson to go into executive session to discuss personnel at 10:08
All in favor.

Motion is made Chairman. East and seconded by Ms. Faccone to return from executive session at 10:12 p.m.
All in favor.

Motion is made by Chairman East and seconded by Ms. Faccone to continue extending board engineering services with T&M Engineering, Greg Gitto, until December 31, 2026.

Ayes: Chairman East, Ms. Faccone Vice-Chair Anderson Mr. Mednick, Mr. Murphy, Ms. Larsen, Mr. Wilson
Nays: None
Ineligible: Mr. Gilmore, Mr. Lizanckie

Adjournment

Motion is made by Mr. Wilson, seconded by Ms. Faccone to end the meeting at 10:20 p.m. All in Favor.

Respectfully Submitted,

Colleen Matthews
Board Secretary