

REGULAR MEETING OF THE EATONTOWN ZONING BOARD OF ADJUSTMENT

January 7, 2025

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: Chairman East, Vice-Chairman Granata, Mr. Lisanckie, Mr. Gilmore, Mr. Anderson, Mr. Mednick, Ms. Faccone, Ms. Larsen

Absent: None

Also present: Marc Leckstein, Board Attorney; Colleen Matthews, Board Secretary; Ed Herrman, Board Engineer; McKinley Mertz, Board Planner

Reorganization

Chairman

Mr. Gilmore nominates Mr. East for Chairman, seconded by Mr. Granata.

Ayes: Mr. Gilmore, Mr. Granata, Mr. East, Mr. Lisanckie, Mr. Anderson, Mr. Mednick, Ms. Faccone

Nays: None

Not eligible: Ms. Larsen

Vice-Chairman

Chairman East nominates Mr. Granata for Vice-Chairman, seconded by Mr. Mednick.

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

Nays: None

Not eligible, Ms. Larsen

Legal Counsel

Ch. East nominates Marc Leckstein, Esq., for Legal Counsel, seconded by V.C. Granata.

Ayes: Ch. East, V.C. Granata, Mr. Lisanckie, Mr. Gilmore, Mr. Anderson, Mr. Mednick, Ms. Faccone

Nays: None

Absent: None

Not eligible: Ms. Larsen

Engineer

Chairman East nominates T&M Associates, Ed Herrman, for Board Engineer, seconded by Mr. Gilmore.

Ayes: Ch. East, Mr. Gilmore, V.C. Granata, Mr. Lizanckie, Mr. Anderson, Mr. Mednick, Ms. Faccione

Nays: None

Not Eligible: Ms. Larsen

Planner

Chairman East nominates McKinley Mertz, Heyer & Gruel, for Board Planner, seconded by Mr. Gilmore.

Ayes: Ch. East, Mr. Gilmore, V.C. Granata, Mr. Lizanckie, Mr. Anderson, Mr. Mednick, Ms. Faccione

Nays: None

Not Eligible: Ms. Larsen

Board Secretary

Ch. East nominates Colleen Matthews as Board Secretary, seconded by Mr. Anderson.

Ayes: Ch. East, Mr. Anderson, V.C. Granata, Mr. Lizanckie, Mr. Gilmore, Mr. Mednick, Ms. Faccione

Nays: None

Not eligible: Ms. Larsen

Approval of Minutes

Minutes

Motion is made by Chairman East and seconded by V.C. Granata to approve the December 9, 2024 minutes by all those eligible to vote.

All in Favor

Resolutions to be Memorialized

ZB 2024-20 Anderson, Leon & Yan

105 Reynolds

Blk 2501 Lot 38

Rear yard setback proposed is 24' where 40.7' is required

ZB 2024-14 18 Judy Road

Block 3001 Lot 42

-Driveway expansion without permits introduced new variances:

-Maximum front yard impervious coverage is 12% where 27% exists considering the pre-existing impervious layout; 33% with the current driveway layout

-Side yard setback of 5 ft is required for the existing shed where 2.7 ft currently exists

ZB 2024-18 5 Iris Street

Block 4101 Lot 41

-D-1 Use variance for sports court

-Impervious coverage existing is 13.60%; proposed is 37.13% and permitted is 36%

-Front yard impervious coverage existing is 18.40%; proposed is 39.07%; and permitted is 12%

Motion is made by Chairman East and seconded by Ms. Faccone to memorialize the three resolutions concurrently.

Ayes: Ch. East, Ms. Faccone, V.C. Granata, Mr. Lizanckie, Mr. Gilmore, Mr. Anderson, Mr. Mednick

Nays: None

Not eligible: Ms. Larsen

Memorialize all Reorganizational Resolutions

Motion is made by Chairman East and seconded by Mr. Anderson to memorialize all reorganizational resolutions.

Ayes: Ch. East, Mr. Anderson, V.C. Granata, Mr. Lizanckie, Mr. Gilmore, Mr. Mednick, Ms. Faccone

Nays: None

Not eligible: Ms. Larsen

Break taken from 7:09 p.m. until 7:13 p.m. Atty. Leckstein confirms that there has been no change to attendance on the dais.

Continuing Business

ZB 2024-16 Joseph Fontana

Paul and Knox Avenue (corner lot)

Block 3309 lot 32

Proposed new home

Atty. Leckstein marks the following into evidence:

A-10 revised topographic survey dated December 11, 2024

A-11 revised variance plan dated December 19, 2024

A-12 neighborhood aerial

A-13 site rendering

B-4 T&M second engineering review letter dated January 3, 2025

Daniel O'Hearn, Esq., states that he is continuing to represent the applicant, Mr. Fontana from the first hearing date in November, wherein the applicant has incorporated the suggestions made at that time into the revised plans. The most significant change to the application is that the location of the house was moved 3 ½ ft. closer to Knox Avenue.

Douglas Clelland, Engineer, still under oath, reviews that the plans were changed to indicate a proposed dry well. The survey was changed to indicate the existing trees on the property. Tree removal compliance was added to the plot plan and significant landscape buffering was added to the west and the north. The house was shifted 3 ½ ft. towards Knox Avenue which increased the side setback to adjacent lot 31 to 11 ft. Previously, it was at 7 ½ ft. The tree ordinance is discussed and agreed upon. The applicant has agreed to contribute to the sidewalk fund in lieu of constructing a sidewalk in the amount of \$5,667.00. Currently, the lots are two separate lots. As a condition of approval, the applicant has agreed that they will need to be consolidated.

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

Tammy Ianello, 308 Shark River Road, asks about the driveway placement and the variances needed.

Eric Kantor, 50 Paul, asks about the dry well and confirms that the dry well needs to work and pass all inspections prior to the construction of the home. Asks about the site triangle and if there is an issue. The Board engineer states that there is no site triangle issue.

Atty Leckstein swears in Robert Hudak, Planner. He reviews the negative and positive criteria on this undersized lot application. There is a minimum of 10,000 sq. ft required, where this lot is 5,000 sq. ft. There is a minimum lot width required of 75 ft., whereas this lot is 50 ft. Principal building front yard setback required is 30 ft. , proposed is 23.24 ft. along Paul Avenue and 14.5 ft. along Knox Avenue. The minimum rear yard setback required is 30 ft. and 23.28 ft is proposed; minimum front yard impervious percentage permitted is 15% and proposed is 24.1%; driveway distance from the intersection is required to be 25 ft. and the applicant is a little bit less than 25 ft.

The Board Planner weighs in on the application stating that the applicant has worked with the Board and the residents in scaling down the proposed house on this very undersized lot, moving the structure closer to Knox Avenue, landscaping has been agreed upon and believes the application can be granted under the C-1 hardship criteria.

The Board Engineer clarifies that the criteria for the driveway is that it is supposed to be 50 ft from the intersection, not 25 ft. The lot, however, is only 50 ft. wide.

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

Peggy Ciok, 11 Cortland Road. Atty. Leckstein states that Ms. Ciok is still under oath from the last hearing. Questions when the zoning ordinance went into effect regarding lot size.

Mr. Fontana is sworn in by Attorney Leckstein. He believes the lots were bought sometime prior to 1946 by his grandfather.

Peggy Ciok asks about deed-restricting the garage. Mr. Fontana states that the garage is extra deep to allow for storage and a vehicle. Ms. Ciok states that she does not want parking on the grass. Asks about several large trees that are on the property lines. Ms. Ciok states that some of the branches from these trees are shading her garden.

Mr. Fontana states that his original proposal was to take down the trees and plant trees and had an extensive landscaping plan for the lot. He re-did this plan to keep these existing trees because Ms. Ciok wanted to keep these trees.

Ms. Ciok asks about the attic access and is told they are pull-down stairs, not permanent stairs. Ms. Ciok states that she and other neighbors have a problem with another house that is being built in this neighborhood that is going to have livable space in the attic and, she believes, exceeds the allowable height. She does not want the same thing to happen here.

Ms. Stonecypher, still under oath from previous hearing, states that there are other undersized lots in the development that have been built upon with smaller homes being built on them than what is being proposed here. Ms. Stonecypher believes that this 2400 sq ft. house is too large for this undersized lot. Ms. Stonecypher has four photographs that show the smaller homes on the undersized lots. Atty. Leckstein marks the photos as S-1. S-2 is a sheet with the sizes of the lots and sizes of the homes on them.

It is discussed that families today want larger homes than years ago.

Tammy Ianello, still under oath, states that she was denied permission to construct a 2400 sq ft modular home on her property and, as a result, was made to build an 1800 sq. ft. ranch home. She states that the home built behind her at 204 Knox is despicable. Atty. Leckstein states that her application has nothing to do with this application and that each application must stand on its own. Ms. Ianello agrees that the proposed home is too large for the lot and it affects personal space and privacy.

Chairman East asks if there is anyone else that wishes to be heard. No one else comes forward.

Motion is made by Mr. Gilmore to approve the application as discussed, seconded by Vice-Chair Granata.

Ayes: Mr. Gilmore, V.C. Granata, Ch. East, Mr. Liszanckie, Mr. Anderson, Mr. Mednick

Nays: Ms. Faccone

Not eligible: Ms. Larsen

Motion made by Mr. Mednick to close the meeting at 8:20 p.m. All in favor.

Correspondence

None

Adjournment

Motion is made by Chairman East and seconded by Mr. Liszanckie. At 9:15 p.m.

All in Favor.

Respectfully Submitted,

Colleen Matthews

Board Secretary