

REGULAR MEETING OF THE EATONTOWN ZONING BOARD OF ADJUSTMENT
July 14, 2025
Minutes

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-Chair Granata, Mr. Anderson, Mr. Mednick, Ms. Faccone
Absent: Mr. Lizanckie, Mr. Gilmore, Ms. Larsen

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

Approval of Minutes

Minutes

Motion is made by Chairman East and seconded by Vice-Chair Granata to approve the minutes by all those eligible to vote.

All in Favor

Resolutions to be Memorialized

- | | |
|-------------------|--|
| ZB 07-2025 | Angel Rodriguez
96 Lewis Street, Blk 902 lot 6 |
| ZB 08-2025 | Richard Hearon & Lindsey Devlin (Hearon)
187 Broad Street Blk 302 Lot 16.01 |
| ZB 10-2025 | Douglas Rossback
17 Campbell Drive Blk 2607 Lot 14 |

Motion is made by Ms. Faccone and seconded by Mr. Anderson to memorialize these three resolutions.

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

Nays: None

Not Eligible: Mr. Lizanckie, Mr. Gilmore, Mr. Mednick, Ms. Larsen

ZB 2024-02 **Ramon Quezada**
76 South Street Block 902 Lot 40

Motion is made by Chairman East and seconded by Ms. Faccone to memorialize this resolution.

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

Nays: None

Not eligible: Vice-Chair Granata, Mr. Lizanckie, Mr. Gilmore, Ms. Larsen

New Business

ZB 12-2025 **Tanner Shea**
234 Grant Avenue, Block 1903 Lot 5

Applicant proposes to expand existing non-conforming driveway by 176 sf. Requiring a variance for existing driveway side yard setback is 5 ft. at closest, proposed no change, required 12.5 ft.

Atty. Leckstein marks the following into evidence:

A-1 Denial and Application

A-2 Survey

Mr. Shea is sworn in by Atty. Leckstein. Mr. Shea states that he wishes to repave and repair his existing driveway and add 176 sq. ft. There are roots pushing up in the existing driveway that has caused damage and needs to be fixed. The additional square feet to be added is for the purpose of being able to turn around in the driveway in order to access Grant Avenue safely. The expansion of the driveway is reviewed.

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

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

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

Nays: None

Not eligible: Mr. Lizanckie, Mr. Gilmore, Ms. Larsen

ZB 13-2025 **Estate of Angela Venezia**
Certificate of Non-Conformity
18 Maple Avenue, Blk 55 Lot 38

Applicant proposes to maintain two separate dwelling structures; a primary residence and a detached secondary structure, both of which appear on a survey dated from the 1950's.

Atty. Leckstein marks the following into evidence:

A-1 Denial

A-2 Survey

A-3 Photo of the property

A-4 Application packet

Pasquale Menna, Esq., states that he is representing the applicant, which is the estate of Angela Venezia. The administrator of the estate is here tonight.

Atty. Leckstein reviews that the applicant is stating that this existing two-family pre-exists zoning ordinances that state you cannot have two dwellings on one property.

Atty. Menna states that the same family has lived on this property since the early 1950's. The cottage consists of one room, a small kitchenette and a bathroom and this cottage sits behind the main residence.

Michael Venezia is sworn in by Atty. Leckstein. Mr. Venezia states that he grew up in this house and he does not remember a time when the cottage was not occupied, usually by a family member. There have also been numerous renovations made to both houses with borough approvals and never any expansions. The two structures have always been assessed by the Tax Assessor's office.

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

Anne Venezia is sworn in by Atty. Leckstein. Anne is Michael's sister. She states that the cottage has been occupied for as long as she can remember.

Chairman East makes a motion to approve the Certificate of Non-Conformity regarding two dwellings on one property as discussed, seconded by Vice-Chair Granata.

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

Nays: None

Ineligible: Mr. Lizanckie, Mr. Gilmore, Ms. Larsen

ZB 09-2025 **Eatontown Chicken, LLC.**

25 Route 35, Block 1002 lot 21

Preliminary and Final site plan with variances including drive-thru for proposed Popeye's Chicken fast food restaurant

Atty. Leckstein marks the following:

A-1 Major site plan prepared by Matthew Bersch, Dynamic Engineering

A-2 Architectural plans

A-3 Survey

A-4 Drainage Statement

A-5 Traffic impact parking assessment

A-6 Water and Sanitary Sewer Engineering Report

A-7 Aerial photograph of site 7-14-2025

A-8 Site Plan Exhibit colorized 7-14-2025

A-9 Rendering of the proposed building

A-10 Rendering of a prototype building

A-11 Signage Exhibit

B-1 T&M Engineering review letter

B-2 HGA Planning Review Letter

Atty. Leckstein swears in the Board Planner and Engineer for this evening.

Benjamin Wine, Esq., Prime & Tuvel, states he is representing the applicant in this matter. Atty. Wine reviews the site location of this proposed Popeye's Chicken. This application is as a result of the previous Popeye's Chicken restaurant having a fire and burning down approximately one year ago. This application is for a better reconstruction of the previous restaurant. There has been a shift in the fast food restaurant business of more to a take out/drive thru restaurant, as opposed to a more sit-down restaurant. Queuing and number of parking spaces has been improved. With regard to variances, A D-3 use variance is requested for the drive thru. There are also bulk variances requested for lot frontage, parking area buffer to the property line and the front yard setback. There are signage variances, foundation lighting, loading and unloading location.

Matthew Bersch, engineer, is sworn in by Atty. Leckstein. He reviews the property and its surrounding neighbors. The previous building was approximately 2,950 sq. ft. with a drive-thru. The site is surrounded by commercial zones. The proposed building is approximately 2,536 sq. ft. with a drive-thru and the same left turn/right turn in and out traffic flow. There are 24 seats internal to the building and a single-drive-thru lane.

Improvements include supplemental landscaping, lighting, parking facilities, circulation upgrades, new signage, enhanced pedestrian access and a new trash enclosure.

The three conditional use requirements that this development does not meet are the minimum lot frontage requirement of 250 ft, existing condition is 159.7 ft. The property also does not meet a minimum 30 ft. buffer zone on the sides of the property where 1.4 ft. previously exists. Minimum front yard setback of 50 ft. required where 29.9 ft. is proposed. The previous condition was 31.7 to the building façade and not measured to the overhang. The previous condition was 28.5 feet and proposed is 29.9 ft.

Access to the site is provided via the two existing driveways, the DOT has provided a letter of "no interest" regarding those driveways for both configuration and movements.

Proposing a small monument sign along the frontage in between the two driveways as well as directional signage at each driveway. Applicant is also proposing two signs on both the south and west facades and the north side that are visible from the roadway. There is a max sign area of 10% of the façade area and the west façade would exceed that percentage.

The pedestrian sidewalk is being re-done for better pedestrian access.

There is no parking proposed against the building, as it was with the previous restaurant. All of the parking is perimeter parking. The 28 parking stalls, including a make-ready ev space are proposed and 20 parking stalls are required. A bike rack will be added. The garbage enclosure area is discussed and will make for a more efficient pick-up operation.

There is no dedicated loading zone. Deliveries are provided outside of business hours.

Additional landscaping is discussed and it is reviewed that there will be 141 new plantings

The revised lighting plan will be submitted to the Board Engineer for his approval and if there is a variance needed, it will be granted.

The Board Engineer recommends considering eliminating left turns in and out of this site for traffic and safety reasons.

Atty. Wine states that his client would rather not have a right turn only traffic flow in and out of the site. He envisions that traffic would make a right turn out of the site and then make another right turn into the 7-11 in

order to make a left turn out of that site. Board members discuss this and agree that since the DOT has given a letter of no interest and the no left turn would be unenforceable, this pattern would remain as is.

It is noted for the record that there is no public in attendance and the Chairman does not need to ask if anyone wishes to ask a question or make a comment.

Robert Grimaldi, architect is sworn in by Atty. Leckstein and accepted by the Board. Mr. Grimaldi explains that the previous building was a Wendy's chain restaurant and then was retrofitted to accommodate a Popeye's fast-food restaurant. This building will be constructed as a Popeye's fast-food restaurant. This building is approximately 500 sq. ft. smaller than the previous Wendy's restaurant. There will be less inside seating in this new building. The new building is more efficient for a Popeye's restaurant and meets the standards of today.

The six signs are discussed. There is a decorative Louisiana Chicken sign that is not illuminated. Popeye's Louisiana Kitchen is the main sign on the front of the building. There is a chicken sign. There is a 3 ft. chicken disc that can be seen while driving northbound on Route 35. There is a Love that Chicken non-illuminated sign that is mostly shielded by the Valvoline building.

Justin Auciello, Planner, is sworn in by Atty. Leckstein and accepted by the Board. Mr. Auciello reviews the positive and negative criteria associated with this application. Mr. Auciello reviews the variances requested, most of which are pre-existing.

Ms. Faccone makes a motion to approve the application as discussed and is seconded by Mr. Anderson

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

Nays: None

Absent: Mr. Gilmore, Mr. Lizanckie, Ms. Larsen

Correspondence

None

Adjournment

Motion is made by Chairman East to end the meeting at 8:45p.m. All in Favor.

All in Favor.

Respectfully Submitted,

Colleen Matthews
Board Secretary