

REGULAR MEETING OF THE EATONTOWN ZONING BOARD OF ADJUSTMENT

July 8, 2024

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. Liszanckie, Mr. Gilmore, Mr. Anderson, Ms. Faccone

Absent: Mr. Mednick

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

Minutes

Motion is made by Vice-Chair Granata and moved by Mr. Anderson to accept the minutes of June 10, 2024 All in favor by those eligible to vote.

Resolutions to be Memorialized

None

New Business

ZB 2024-07 Willow Wellness Center
40 Broad Street, Blk 1001 Lot 8
Conditional Use Variance

Atty. Leckstein makes the announcement that this application will not be heard tonight and the application will be carried to the August 12, 2024 meeting without any further notice required. If there is anyone that wishes to be heard regarding this application, please be here on August 12, 2024 at 7:00 p.m.

ZB 2024-09 Jamie Pavlis
Certificate of Non-Conformity
Two Family Dwelling
289-291 Broad Street, Block 1101 Lot 25

Atty. Leckstein swears in Jamie Pavlis, who owns 289-291 Broad Street.

Atty. Leckstein marks as Exhibit A-1, the applicant's application packet.

Atty. Leckstein reviews that this is not an application for a variance but a Certificate of Non-Conformity. Mr. Pavlis currently operates the premises as a two-family home and the zoning ordinance does not permit a two-family home. The argument being made is that it has always been a two-family home and its existence pre-dates the ordinance that says you cannot have a two-family home. Mr. Pavlis bought the home in 1984 as a two-family home. Atty. Leckstein states that he found that Saks Fifth Avenue opened a military shop at 289 Broad Street in 1942. The structure was built in 1910.

Mr. Pavlis states that both units have separate entrances, separate mailing addresses, and separate utility meters. Mr. Pavlis has a witness, Ted Lewis who was living in the immediate vicinity in 1952 and recalls that this property was a two-family house at that time.

Atty. Leckstein swears in Theodore Lewis, 227 Wyckoff Rd., and in 1952 Mr. Lewis was living at 35 Locust Avenue. Mr. Lewis states that he was a first grader at that time and walked to school and past this house every day and it was a two-family house at that time.

Chairman East asks if there is anyone in the audience that wishes to ask a question or make a comment, none heard.

Mr. Liszanckie makes a motion to grant the Certificate of Non-Conformity for a two-family home located at 289-291 Broad Street, seconded by Mr. Anderson.

Ayes, Mr. Liszanckie, Mr. Anderson, Chairman East, Vice-Chair Granata, Mr. Gilmore, Ms. Faccone
Nays: None
Absent: Mr. Mednick

ZB 2024-03 **76 Broad Street, LLC**
76 Broad Street, Blk 1002 Lot 4
Non-conforming use Variance, Site Plan

Atty: Leckstein marks the following exhibits:

- A-1 Application
- A-2 Resolution of the Board dated July 19, 2001
- A-3 Site Plan
- A-4 Architectural Plans
- A-5 Survey
- A-6 Aerial Exhibit prepared by David Boesch
- A-7 Preliminary and Final Site Layout Plan revised 5/30/2024 color rendered
- A-8 Aerial prepared by Insight Engineering dated May 13, 2024 with shading and lot numbers

- B-1 Planner's Review Letter
- B-2 Engineering Review Letter
- B-3 Fire Prevention Review Memo
- B-4 Shade Tree Review Memo
- B-5 Historic Commission Review Memo

Jennifer Krimko states that she represents the applicant in this matter. Ms. Krimko reviews that the application requests to expand the non-conforming residential use by constructing a three bay garage. Additionally, it was to convert an existing accessory structure into a recreation for the occupant of the apartment.

The owner states that since covid, the demand for office space has waned. While there are realtors affiliated with the office, more often than not, they are working from home.

Mr. Schecher plans to use this residential apartment as his New Jersey residence. He also wants to start his yoga studio on the property. The zoning officer has determined that the yoga studio is not a permitted use. The applicant has withdrawn his request to put a yoga studio in the office building. Now the application is to allow conforming office uses to continue to operate on the first floor and request that the second floor be allowed to expand for an apartment use and to allow a three car garage and an accessory recreation space.

Atty. Leckstein swears in Gene Schecher, who is the principal of 76 Broad, LLC. and of Schecher Realty, which is the occupant of the first floor. Mr. Schecher states that he wishes to retire and have dual residences. One in Jupiter, Florida and one apartment here at this location. He wishes to construct a three bay garage. Two bays being used by the resident and one for the office. There is an existing accessory structure which is basically used for storage. Mr. Schecher practices yoga and would like to use this area for a gym. The applicant is asking for a bathroom for this accessory structure, which is not permitted. There is discussion regarding putting a new bathroom in the existing accessory structure that would be the gym. There is a concern that by putting a bathroom into the existing structure, it could be used as something that would not be permitted; such as an apartment.

Atty. Leckstein swears in David Boesch, Landscape Architect, Nelson Engineering. Mr. Boesch reviews the layout of the property and the properties surrounding this site. There is a cloth-covered canopy that will be removed, and a small plastic shed that houses yard maintenance equipment that is being relocated. Mr. Boesch reviews the proposed improvements to the asphalt parking area as well as an existing gravel parking area to the rear of the site. The asphalt area is unstructured/unstriped and will be expanded to be striped and have a barrier free parking space added and have a make-ready ev charging station. With the new 3 bay garage, there will be a total of 12 parking spaces. Landscape buffering is discussed.

Chairman East asks if there is anyone in the public that wishes to ask a question or make a comment regarding the Engineering testimony, none heard.

Matt Cronin, architect, is sworn in by Atty. Leckstein. Mr. Cronin reviews the application. The first floor is existing office use. The second floor is an existing 2 bedroom apartment with a full bathroom, galley kitchen, shared living/dining room. Existing accessory structure which is 280 sq. ft. (14 x 20) and the apartment is 1,064 sq. ft. The proposed garage is 3 bays, two for residential use and one for business use separated by chain link fence. There is discussion as to why the garage is needed, as there is adequate parking on site.

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

Jason Fichter, planner, is sworn in by Atty. Leckstein. Mr. Fichter reviews the D-2 variance. Residential use is not permitted in this B-1 zone. There is an existing 2-bedroom apartment on the second floor. The improvements proposed to the residential use qualify for expansion of residential use which would require a use variance. The planner states that the improvements would not bring more people to the site. The applicant is looking to convert the existing accessory structure into a gym for the apartment, not for the business. With regard to the façade sign on accessory building, it will be removed. The applicant would like a rider sign on the existing sign and a variance, if needed. Mr. Fichter further reviews the application along with positive and negative criteria.

There is further discussion among Board members, professionals and the applicant defining expanding the residential use.

Ms. Krimko asks for a three minute recess to speak with her client after testimony is finished. The record will reflect that there has been no change in the attendance on the dais upon restarting the meeting.

Ms. Krimko asks to withdraw the application without prejudice.

Atty. Leckstein states that Ms. Krimko cannot just withdraw the application since the entire application was heard. A withdrawl can be requested but it is up to Board whether or not it wishes to grant the request or vote on a determination.

Ms. Krimko states that she does not want a vote so that they can go back and take a look to see if there can be some changes. Atty. Leckstein states that, regardless, a substantially different application would need to be presented.

Atty. Krimko asks the Board to allow a withdrawl of the application, as if it never existed.

Mr. Gilmore makes a motion to deny the request to withdraw the application, seconded by Vice Chair Granata
Ayes: Mr. Gilmore, Vice-Chair Granata, Ch. East, Mr. Liszanckie, Mr. Anderson,
Nays: Ms. Faccone
Absent: Mr. Mednick

Atty. Krimko makes a closing statement regarding the application.

Mr. Gilmore makes a motion to deny the application, seconded by Vice-Chair Granata.
Ayes: Mr. Gilmore, Vice-Chair Granata, Ch. East, Mr. Liszanckie, Mr. Anderson
Nays: Ms. Faccone
Absent: Mr. Mednick.

Correspondence

None

Adjournment

Motion is made to close the meeting at 9:00 p.m. by Chairman East and seconded by Ms. Faccone.
All in Favor.

Respectfully Submitted,

Colleen Matthews
Board Secretary