

REGULAR MEETING OF THE EATONTOWN ZONING BOARD OF ADJUSTMENT

November 18, 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, 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

Minutes

Motion is made by Mr. Liszanckie and seconded by Vice-Chair Granata to memorialize the October 21, 2024, minutes by all those eligible to vote.

Resolutions to be Memorialized

ZB 2024-13 **Michael J. Sweetman**
140 Broad Street
Blk 1003 Lot 6

Motion is made by Mr. Liszanckie and seconded by Vice-Chairman Granata to memorialize this resolution.

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

Nays: None

Not eligible: Mr. Gilmore, Mr. Mednick

New Business

SZB 2024-10 **Sligo Bay**
Certificate of Non-Conformity
29 Main Street
Block 304 lot 1

Kevin Kennedy, Esq., states that he is representing the applicant, his brother Greg Kennedy- Sligo Bay, in this matter. There has been one apartment on the second floor of the building for a long time and the applicant is seeking a Certificate of Non-Conformity for this apartment.

This property was purchased by the applicant in 2005 with the downstairs as commercial and the upstairs as residential with one apartment. Atty. Kennedy reviews the history of the zoning officers and of the property. Atty. Kennedy states that Certificates of Occupancy were always applied for and received every time there was a new tenant.

Atty. Leckstein marks the entire application with supporting documentation as A-1. Atty. Kennedy submits prior correspondence from previous zoning officers and copies of certificates of occupancy and additional copies of documents, Atty. Leckstein marks the package as A-2.

Atty. Lekstein swears in Greg Kennedy, owner of Sligo Bay. He states that the building was built in the 1940's. Mr. Kennedy states that he purchased the building with a commercial use tenant occupying the first floor and a residential tenant occupying the second floor. As far as Mr. Kennedy knows, it has always been configured as a residential unit on the second floor and a commercial unit on the first floor.

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

Motion is made by Mr. Gilmore, seconded by Ms. Faccone, to grant the certificate of non-conformity with regard to the upstairs apartment as discussed.

Ayes: Mr. Gilmore, Ms. Faccone, Ch. East, V.G. Granata, Mr. Liszanckie, Mr. Anderson, Mr. Mednick, Ms. Larsen
Nays: None
Absent: None

**ZB 2024-07 Richard Farrah
Willow Wellness Center
40 Broad Street, Blk 1001 Lot 8
Conditional use variance for a medical massage practice**

Board member Anderson is stepping down, as he has a conflict of interest regarding this application.

Atty. Leckstein marks in the following exhibits:

A-1 – Application
A-2 – Boundary Survey
A-3 – Site Plan with location of bike racks
A-4 - Notice of Violation dated February 27, 2024
A-5 – Unit Layout Plan
A-6 – Zoning Denial dated March 19, 2024
A-7 – 10 page overview of services rendered by Willow Wellness
A-8 - Vicinity map dated August 9, 2024
A-9 - Copy of business license

B-1 – Borough of Eatontown Ordinance 12-2020
B-2 – Borough of Eatontown Ordinance 13-2020
B-3 – Board Planner's review letter

B-4 – Engineer’s review letter

Mark Steinberg, Esq., states that he represents the applicant in this matter. Mr. Farrah owns this building where there are three suites currently occupied, and one suite is vacant. Willow Wellness was denied a zoning permit to occupy, as a massage parlor is not permitted in this location. Atty. Steinberg states that Willow Wellness is not a massage parlor but a medical therapist.

Mr. Richard Farrah, owner of the property since 2009, is sworn in by Atty. Leckstein. Mr. Farrah stated that he assumed Willow Wellness would be allowed to occupy since it was, what he considered, to be a medical use. Mr. Farrah states that there are no renovations or changes proposed to the interior or exterior of the building. There is sufficient parking. There will be a bike rack installed, which can accommodate three bikes. The applicant has agreed that the Willow Wellness sign will not have the word “massage “ on it.

Chairman East asks if there are any public in attendance that wish to ask a question of Mr. Farrah. None heard.

Paula Phillips, owner of Willow Wellness is sworn in by Atty. Leckstein. Ms. Phillips holds a New Jersey State massage therapy license. Ms. Phillips reviews all of her education. She states she treats infants with amniotic fluid in their lungs; cancer patients; lymphedema; lipedema; edema; Parkinson’s; MS; concussions; dementia; Alzheimer’s; cystic acne; pre and post op surgical patients, etc.,.

Ms. Phillips states there is one other therapist, who is on medical leave currently, that works at Willow Wellness. Ms. Phillips states there are no walk-ins, there are only appointments. Flexible Spending Accounts (FSA) allow treatments at Willow Wellness; whereas, FSA does not allow it to be used at Hand and Stone or Massage Envy. She states that her hours are 10:00 – 7:00 p.m.. The office is closed on Sunday.

Ms. Phillips states that for every type of massage that she offers, she has a certification from an accredited institution. This is an extra step that she does not need to take, as a massage therapist’s state license states that you can perform multiple types of massages.

Chairman East asks if there is anyone in attendance that has a question for Ms. Phillipa. None heard. Atty. Leckstein asks those in attendance if anyone is here for this application. There is no one in attendance for this application.

Allison Coffin, Planner is sworn in by Atty. Leckstein. Ms. Coffin reviews the location of the office building, current renters and parking. Ms. Coffin reviews that this massage use is a conditional use in this zone. This property does not meet all of the conditions: there is supposed to be 500 ft. between similar facilities, residential uses or zones, schools, parks and houses of worship. Since this property does not meet all of the conditions, a D variance is required. It is her opinion that special conditions exist and that a variance can be granted without detriment to the health, safety and general welfare of the public. Willow Wellness is not your typical massage parlor but is a targeted medical use.

Engineer Herrman states that there is a portion of the sidewalk at this location that is in need of repair. Mr. Farrah states that he will fix the sidewalk. Engineer Herrman also states that parking is adequate.

Mr. Gilmore makes a motion to approve this application as discussed, seconded by Ms. Faccone.

Ayes: Mr. Gilmore, Ms. Faccone, Ch. East, V.C. Granata, Mr. Liszanckie, Mr. Mednick, Ms. Larsen

Nays: None

Abstain: Mr. Anderson

ZB 2024-16

Joseph Fontana

Paul and Knox Avenue (Corner Lot)

Block 3309 Lot 32

Proposed new home

- **Min. front yard setback proposed on Paul Ave is 24.24 ft. where 30 ft. is required**
- **Min. front yard setback proposed on Knox Ave is 18 ft. where 30 ft. is required**
- **Min. rear yard setback proposed is 23.28 ft. where 30 ft is required**
- **Max. front yard impervious coverage proposed is 24.1% where 15% is required**

Atty. Leckstein marks the following exhibits:

A-1 Application

A-2 Survey

A-3 Variance plan

A-4 Architectural set

A-5 Denial

A-6 Offer letter to Stonecypher

A-7 Offer letter to Ciok

A-8 Colorized plot plan

A-9 Colorized aerial of neighborhood

B-1 Planner's Review Letter

B-2 T&M Review Letter

B-3 Shade Tree Review Letter

Dan O'Hearn, Esq., states that he is representing the applicant in this matter. Atty. O'Hearn states that there was a previous application made by the applicant that was denied and this is a new, substantially different application for this undersized, isolated lot.

Douglas Clelland, Engineer is sworn in by Atty. Leckstein. Mr. Clelland reviews the property location. The proposal is a 3 bedroom, 2 bathroom, one car garage dwelling on an existing undersized lot. This is a smaller home than previously submitted, with no basement proposed, does not exceed building coverage, has an improved front-yard setback from Knox Avenue, has an improved side rear setback, proposing a storage attic not a habitable attic, compliant driveway setback, improved and front yard reduced impervious coverage. A modest, compliant shed was added to the plan for storage of lawn equipment. Mr. Clelland reviews the variances requested.

Engineer Herrman reviews the sidewalk ordinance and if the Board deems it unnecessary for the applicant to construct sidewalks, then the applicant will be required to pay into the sidewalk fund (approx.. \$5660.00).

Chairman East asks if there is anyone in attendance that wishes to ask a question of Mr. Clelland.

Peggy Ciok, 11 Cortlandt Road, questions about driveway placement and house placement. Confirms that there is no basement. There are existing trees on location that are not on the site plan. Confirms that there are no permanent stairs to the attic but only a pull-down ladder. Confirms that stormwater management will still be in place. Confirms that the patio and shed are included in the impervious coverage percentage.

Kelly Stonecypher-Cantor, 50 Paul Avenue, questions why the house could not front on Knox Avenue.

Joseph Fontana is sworn in by Atty. Leckstein. Mr. Fontana explains why the house will not be viable if the front of the house faces Knox Avenue, mostly the garage will not fit. Mr. Fontana reviews all of the changes he has made from the last application.

Shifting the house footprint location a few feet closer to Knox Avenue is discussed. It is suggested that new plans be submitted to show variance measurements and moving the entire footprint 4 feet closer to Knox Avenue. The plans must be submitted at least 10 days prior to the next hearing date.

Deborah Berger, 67 Surrey Lane, asks how far from the principal dwelling can the shed and patio be located.

Motion is made by Mr. Liszanckie and seconded by Mr. Anderson to continue this application without further notice on January 7, 2025. All in Favor.

Atty. Leckstein announces to the public that this matter will continue on January 7, 2025. You will not receive any further notice and there will not be any further reminders. The applicant will be required to have new plans submitted 10 days prior to the hearing date.

Correspondence

None

Adjournment

Motion is made by Chairman East and seconded by Mr. Liszanckie. At 9:00 a.m.
All in Favor.

Respectfully Submitted,

Colleen Matthews
Board Secretary