

**REGULAR MEETING OF THE EATONTOWN ZONING BOARD OF ADJUSTMENT**  
**March 13, 2023 – Regular Meeting**

**Call to Order**

Chairman East called this in-person meeting to order at 7:04 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 has been posted on the bulletin board in Borough Hall, and on the Borough website.

**Roll Call**

*Members Present: Chairman East, Vice-Chair Faust, Mr. Granata, Mr. Lisanckie, Mr. Mednick, Mr. Anderson, Mr. Gilmore, Ms. Faccone*

*Absent: None*

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

**Approval of Minutes**

Motion is made by Mr. Lisanckie and seconded by Mr. Granata to accept the minutes of February 13, 2023.

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

Nays: None

Not eligible: Ch. East, Mr. Gilmore

**Resolutions to be Memorialized**

**ZB 2022-22**      **A&P Pork Store, LLC – (continued)**  
**15 Highway 35 Blk 304 lot 19**  
**Use variance, bulk variances**

**ZB 2022-26**      **AYR Wellness Inc., a/k/a Garden State Dispensary NJ, LLC**  
**59 Highway 35 (Main Street) Block 301 Lot 5**  
**D-3 use variance and bulk variances**

Motion is made by Mr. Lisanckie and seconded by Mr. Granata to memorialize both resolutions.

Ayes: Mr. Lisanckie, Mr. Granata, VC Faust, Mr. Mednick, Mr. Anderson, Ms. Faccone

Nays: None

Abstentions: Ch. East, Mr. Gilmore

## New Business

### **ZB 2022-24 DeMarzo, John & Stephanie**

#### **6 Taylor Place, Block 401 lot 121**

Applicant started replacing front porch without proper approvals. During review, the following existing variances were noted:

1. This property is an existing non-conforming lot, 4819 sf whereas 10,000 sf is required;
2. Existing lot width 50', whereas 75' is required;
3. Principle dwelling existing rear yard setback 27', required 30';
4. Existing building coverage 27%, proposed 29.5%, whereas 25% maximum permitted;
5. Existing front yard impervious coverage 20%, proposed 20%, 15% maximum permitted;
6. Principle dwelling existing side yard setback 5'20', proposed 5'18', required 7'20'
7. Principle dwelling existing front yard setback 17, proposed 10', required 30'

John DeMarzo, applicant in this matter is sworn in by Atty. Leckstein.

Atty Leckstein marks the following into evidence:

A-1 Denial by the Zoning Officer

A-2 Application to the land use board

A-3 Survey

Ch. East asks the applicant what relief he is asking of the Board. Mr. DeMarzo states that the front porch on this property was in disrepair and he began to repair it. Once he started this process, it was determined that he needed framing and new footings, among other things. When he made the trip to the Boro, the Zoning Officer determined that there was a zoning permit needed for the porch repairs as well as pre-existing conditions that needed variances. Also, the gravel driveway for this house is located on an adjoining lot, not belonging to Mr. DeMarzo.

After discussion, it is decided that Mr. DeMarzo will have the survey amended to show that the paver patio in the back yard has been removed and the newly agreed-upon driveway dimensions that will be on Mr. DeMarzo's lot, which includes a 2 ft. side yard setback, and 5 ft. from the house/structure 12 x 42 paved driveway. Front yard impervious coverage needs to be re-figured. The applicant agrees to forward to the Board secretary a current survey with the newly proposed driveway, as well as the proposed removal of the paver patio in the back yard from Lakeland Surveying. The Board secretary will then forward the up to date proposal with coverage percentages to Atty. Leckstein so that he may have a resolution ready for the April 24, 2023 Zoning Board meeting.

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

Motion made by Mr. Liszanckie and seconded by VC Faust to carry this application to the April 24, 2023 meeting with no new notice required.

Ayes: Mr. Liszanckie, VC Faust, Ch. East, Mr. Granata, Mr. Mednick, Mr. Anderson, Mr. Gilmore, Ms. Faccione.

Nays: None

Absent: None

**ZB 2022-25**

**Antonio Goncalves de Oliveira Jr.**

**30 Victor Place, Block 1605 lot 5**

Applicant proposing to install a new 10' x 18' asphalt driveway, creating the following variances:

1. Front yard impervious coverage, existing 2%, proposed 17%, max. permitted 15%;
2. Driveway side yard setback proposed +/- 2', minimum requirement 7 ft.
3. Existing detached garage is not utilized as a garage, storage only, no access for cars to be stored, existing building coverage for storage 8%, where 2% is permitted.

Antonio Goncalves de Oliveira, Jr., applicant and his friend Gissele Brock is sworn in by Atty. Leckstein. Ms. Brock will interpret for the Board if Mr. de Oliveira has any questions or if he does not understand anything that is being said as English is not his first language.

Atty. Leckstein marks the following into evidence:

A-1 Denial

A-2 Survey

Ms. Brock explains that there was previously a shared driveway between this property and the neighbor. However, when the neighbor's house sold, the new neighbor did not wish to share their driveway. Therefore, Mr. de Oliveira needs to construct a driveway for his home. The applicant's proposal is to construct a new 10 x 18 ft. driveway.

The Board members discuss the application.

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

Mr. Liszanckie makes a motion to approve this application as discussed and is seconded by Mr. Anderson.

Ayes: Mr. Liszanckie, Mr. Anderson, Ch. East, VC Faust, Mr. Granata, Mr. Mednick, Mr. Gilmore, Ms. Faccione

Nays: None

Absent: None

**ZB 2022-28 – continued from January 3, 2023**

**373 South Holdings, LLC (BB Tents)**

**373 South Street, Blk 1401 Lot 20.01**

Applicant BB Tents is permitted to occupy space to operate a party supply rental business consisting of all party event supplies, primarily chairs, tables and tents. Deliveries will be made daily, coordinated to load and unload the rental items. Additionally, the interior space will be used for cleaning of the rental items. A large portion of the space will be utilized for a customer service call center, operations, and management offices. Work to be performed, removal of wall as per plans submitted by Rise NJ Arch, dated 4.5.22 Exterior use for cleaning not permitted No exterior storage permitted. All signage by separate permit.

Atty. Leckstein swears in the Board Professionals

Atty. Leckstein marks in B-6 as a new and revised Board Planner's review letter. Atty. Giunco is aware that there are now D variances involved in this application.

Planner Mertz states that, as a result of the information that came to light during the last meeting, there are now two -three D variances attached to this application. Planner Mertz reviews the use variances which are outside storage for the concrete blocks, long-term outside storage for the hauling trailers and outside cleaning of the tents.

Atty. Giunco reviews his client's application along with the use variances. Mr. Giunco states that, with regard to the request for sidewalks, there are multiple trees and telephone poles located in the area proposed for the sidewalks. With regard to the outside storage of concrete blocks, they can be stored two-high, taking up 5 parking spaces and will not be seen from the street. His client is requesting an 8 ft. fence solely based on security issues.

Atty. Giunco introduces Yakov Jacob Blech who is the Chief Operating Officer of B&B Tents. Atty. Leckstein swears in Mr. Blech. Mr. Blech states that he began occupying this space less than a year ago and explains the services his company provides for an event which is everything needed except for food.

Mr. Blech explains the process of securing the different size tents and details the cement blocks that are used. The most common blocks are 750 lbs. and he also has 250 lb. blocks. He retains approximately 100 blocks on the premises.

Exhibit A-6 – site plan, is discussed. The fence location, outside storage, everything located on the site is discussed as to their specific location.

Mr. Blech states that he has 23 company vehicles, at this time, including 5 bathroom trailers, 4 generator trailers, 2 hauling trailers, 1 refrigerator/freezer trailer. Bathroom trailer operations are discussed. Waste protocols are discussed.

Atty. Leckstein marks the following into evidence:

A-7 – Photocopy of bathroom trailers

A-8 – Three pages of specs for medium gold restroom trailer rental

A-9 – Photos of proposed area for sidewalk

The Board asks what the latest time trucks have returned to this parking lot and Mr. Blech states that because of out-of-state venues, it could be anytime, it could be 5:00 a.m. during the summer high-season. The nuisance ordinance is discussed and that it applies to the entire town. There is a noise concern pertaining to the residents across the street possibly hearing the returning of trucks during late night and early morning hours.

Mr. Blech states that he has reconsidered renting out any space in the main building and the "for rent" portion of his monument sign will be adjusted to reflect that there is no additional office space for rent.

Mr. Blech requests an 8 ft. fence for security of all vehicles parked at the site. There have been catalytic converters stolen on two separate occasions and believes the 8 ft. fence would help to protect the vehicles. An 8 ft. pvc fence around the entire site is proposed.

Atty. Leckstein re-visits that there are 13 spaces marked on the site plan for trailer storage and that Mr. Blech would like to hopefully expand his fleet in the future noting that there are 12 trailers at the present time. There are 26 parking spaces along the fence. This concern is discussed and Mr. Blech states that he would like 20 spaces, which is less than the 26 spaces.

The sidewalk that is requested along South Street is discussed. Sidewalk location is discussed. Mr. Blech is amenable to installing a meandering sidewalk, even though it will not be a normal straight sidewalk, with input from the Board Engineer.

John Rea, Traffic expert was sworn in at the prior meeting, Mr. Rea observed that there are approximately 15 office vehicles parked in the lot at the time of his visit. Mr. Rea states that there is adequate parking spaces for this applicant.

Paul Ricci, Planner, is sworn in by Atty. Leckstein and is accepted by the Board as an expert. Mr. Ricci reviews the positive and negative criteria of the variances requested.

The monument sign is discussed as it appears to be not be located in the proper location. It is agreed upon that the sign will be fully compliant.

The nuisance ordinance is further discussed pertaining to the drop off of equipment after normal business hours.

Chairman East asks if there is any public in attendance that wishes to ask a question or make a comment. It is noted that there is no public in attendance.

Atty. Leckstein reviews the application. The noise ordinance is again discussed. It is agreed upon that the latest the trailers can be parked is 8:00 p.m., which is one hour longer than the ordinance allows.

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

Ayes: Mr. Gilmore, Mr. Anderson, Ch. East, VC Faust, Mr. Granata, Mr. Liszanckie, Mr. Mednick, Ms. Faccione

Nays: None

Absent: None

### **Miscellaneous**

None

### **Adjournment**

Motion is made by to close the meeting at 10:35 p.m.. by Mr. Anderson and seconded by Mr. Liszanckie. All in Favor.

Respectfully Submitted,

Colleen Matthews  
Board Secretary