

The meeting was opened by Chairman Palmieri at 7:30 p.m.

Chairman Palmieri read a statement of compliance with the *New Jersey Open Public Meetings Law* as follows:

*This is a regular meeting of the Zoning Board of Adjustment of the Borough of Tinton Falls and is being held in compliance with the New Jersey Open Public Meetings Law. Adequate notice of this meeting has been given by posting on the bulletin board of the Municipal Building and by publishing in the The Coaster and the Asbury Park Press.*

Chairman Palmieri then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present Chairman Palmieri; Mr. Slazyk, Mr. Lomangino, Mr. Battista, Mr. Porzio  
Mr. McKinley, Mr. Brawner, Ms. Berk, Ms. Hatami,

Absent: None

Also present: Mr. Aikins attending for Mr. Hirsch  
Mr. Neff, Board Engineer  
Ms. Connolly, Board Secretary

Mr. Palmieri read a statement of procedural guidelines.

### **New Business**

#### **BA 2017-02 Standard Supply Co., 40 Shark River Road, Blk 146 Lot 2.01 – Seeking variances for lot width, minimal lot area, fence material**

Mr. Aikins states that he has reviewed the Affidavit and Proof of Mailing and it is in order as to form.

Motion is made to accept service was made by Mr. Brawner and seconded by Mr. Lomangino. All in Favor.

John Giunco states that he is appearing on behalf of the applicant, Standard Supply. He states that this is an application asking for relief for an undersized lot deficient in lot width and area. Mr. Giunco also states that one of the fences has been removed and that all other fencing would be made compliant.

Mr. Giunco has one witness this evening, Barbara Ehlen, licensed Planner. Mr. Akins swears in Ms. Ehlen and the Board accepts here credentials as stated

Ms. Ehlen testifies as to the particulars of the site and the variances requested. A-1 is the application from the client; A-2 is an aerial of the overall location and A-3 is a photo array of four neighboring residences. Ms. Ehlen states that she took the photos herself on April 18, 2017. Ms. Ehlen describes A-2 and A-3.

Ms. Ehlen states that if a house were to be located on the site, there be adequate room for setbacks, a useable front yard and a useable rear yard and states that a home could be approximately 2000 square feet, with a pool and deck.

Ms. Ehlen states that the property was offered to the neighbors and unfortunately there was no interest.

Ms. Ehlen testifies as to why the positive criteria would outweigh any detriments should the Board grant the requested variances.

Ms. Ehlen states that all requirements raised by Mr. Neff in his review letter can and will be satisfied.

Chairman Palmieri asks what the total square footage is in comparison to the applicant's lot size.

Mr. Battista asks what would happen to the property if the variances were not granted.

Chairman Palmieri asks if the Board members have any other questions for Ms. Ehlen. Hearing none, Ms. Ehlen asks if the public has any questions or comments. Hearing none.

Mr. Lomangino makes a motion and Mr. Brawner seconds the motion to close the public portion of this application. All in favor.

Mr. Lomangino makes a motion and Mr. McKinley seconds the motion to approve the application.

#### Roll Call

Ayes: Mr. Lomangino, Mr. McKinley, Chairmain Palmieri, Mr. Slazyk, Mr. Battista, Mr. Porzio, Mr. Brawner  
Nays: None  
Absent: None  
Not eligible: None

**BA 2017-03 – David Jones, 23 Sire Stakes Drive, Blk. 62.01 Lot 23**  
**Seeking variances for the bar side yard setback; shed side yard setback; building coverage; lot coverage.**

Mr. Aikens states that he has reviewed the Affidavit and Notice of Publication and find same to be in order as to form.

Motion is made by Mr. Lomangino and seconded by Mr. Slazyk to accept service. All in favor.

Dante Alfieri, Esq., appearing for applicant. Mr. Alfieri states that the applicant will be testifying with relation to the improvements to the backyard of the property. In the backyard there is a patio, in-ground pool an outdoor bar and a shed.

David Jones, 23 Sire Stakes Drive, was sworn in by Mr. Aikens. Mr. Jones explains his property, bordering properties, landscaping, and improvements. He also explains the time frame of the improvements and when he learned of all of the issues.

Mr. Alfieri explains what variances the applicant is seeking.

Chairman Palmieri explains that the Board looks at the application as the improvements are not existing, even when the improvements are already built. Chairman Palmieri states that there has been an abundance of over-building in this neighborhood. The overages proposed on this plan are numerous.

Mr. Jones states that he had added the roof structure and the bar towards the end of the process, these improvements were not part of the original plan.

Chairman Palmieri asks for the original applications for the permits and the original plans that show what was originally going to be built. The applicant does not have this information with him.

Chairman Palmieri discusses that there are numerous variances needed and that there is an option available to you to come back before the Board with a plan that would bring the improvements closer to the percentages needed than what is currently proposed.

Mr. Slazyk comments that there have been numerous applications before the Board wherein the applicants had to remove improvements in order to be in compliance. If you came before us with this current plan, you would have been denied.

Mr. Battista comments that in looking at the aerial view of the development, there has been consistent over-building on these lots, none of this over-building was done with permits.

Chairman Palmieri states that as the houses in your development come up for sale, the non-permitted improvements are found through the town's normal process.

Mr. Jones asks if all areas that stones were present were removed and replaced with mulch, if that would help the percentages.

Mr. Neff states that it would be of minimal impact, as the surveyor only included a small stone area in his calculations, not all of the stone areas that are present were included in the calculations.

Mr. Alfieri states that the applicant will move the shed to be in conformance with the setback requirement in order to alleviate that one variance.

Mr. Jones wishes to explain the circumstances as to why he is in need of variances

Mr. Akins states to the applicant that, after hearing the comments from the Board, it may make sense to consider retaining a professional such as an engineer or a landscape architect and then come back before the Board with an alternative proposal.

Mr. Neff states that if the shed were to be removed and the stone area behind the pool to the north were to be removed – the lot coverage would be 25.1%. Building coverage would still be 9.9%

Mr. Slazyk states to the applicant that you should have all the permits that you have applied for with you to present to us.

Mr. Jones explains to the Board that he was lucky enough to have the house sold in two days and have been offered a good price for the home. The development as a whole has depreciated. This is financial hardship for us because we have purchased our next home and I am paying two mortgages.

Mr. Alfieri requests a recess and the record is paused at 8:21 p.m. At 8:23 the record is resumed in order to conduct Board business unrelated to the Jones application.

Chairman Palmeri begins with BA 2016-22 IPP Solar / Stavola – Blk. 111 lot 4.01, 175 Drift Road. Everyone is eligible to vote except for myself and Ms. Berk.

Motion is made by Mr. Lomangino and seconded by Mr. Battista to memorialize BA 2016-22. All in Favor by those eligible to vote.

The second resolution is Ullery, BA 2016-21 – Blk 124.56 lot 12 – 71 Augusta Street. Motion is made by Mr. Brawner and seconded by Mr. Lomangino to memorialize this resolution. All in favor by those eligible to vote.

The next matter is adopting the meeting minutes of April 6, 2017. Ms. Hatami states that the minutes do not make mention of the fence issue but the resolution does. Mr. Brawner

point outs where the fence issue is mentioned in the minutes. Motion is made by Mr. Brawner and seconded by Mr. Lomangino to accept minutes. All in Favor.

Mr. Alfieri has conferred with his client and wish to request that the application be carried to the next available date. Chairman Palmieri states that the next meeting date is May 4 and this matter can be heard at that time. Chairman Palmieri states that this matter will be heard first and World Subaru will be heard second. No further notice is needed.

Mr. Neff states to the applicant that he recommends that your professional give an accurate breakdown of the areas and coverages. Chairman Palmieri also suggests bringing all of his permit paperwork with him for May 4.

Motion is made by Mr. Lomangino and seconded by Ms. Hatami to close the meeting. All in Favor.

Respectfully submitted,

Colleen Connolly  
Zoning Board Secretary

Approved at Board of Adjustment  
Meeting on May 4, 2017