

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 Mr. Palmieri, Mr. Lomangino, Mr. Battista, Mr. Porzio, Mr. Brawner, Mr. McKinley, Ms Berk, Ms. Hatami

Absent: Mr. Slazyk

Also present: Mr. Hirsch, Esq.  
Mr. Neff, Board Engineer  
Ms. Connolly, Board Secretary

Chairman Palmieri read a statement of procedural guidelines.

### **Continuing Business**

#### **BA 2017-03 --David Jones – 23 Sire Stakes Dr., Blk 62.01 lot 23** continued from May 4, 2017

Dante Alfieri, Esq., states he is appearing on behalf of the applicant. This is the third date this matter is being heard before the Board.

Mr. Alfieri would like to recall Ms. Bullock, the applicant's engineer. Donna Bullock, 25 Elm Street, Beechwood, NJ is reminded that she is still under oath.

Ms. Bullock explains the updated plan that is marked as exhibit A-3 entitled "Site Plan dated 5/4/2017 revised 5/15/2017."

Ms. Bullock explains the variances that are being removed and the variances that relief is requested for.

The current variance relief requested is for building coverage and lot coverage. Proposed building coverage is 10.0% (which includes the proposed 200 ft. cabana) where 8% is permitted and proposed lot coverage is for 24.4% where 22% is permitted.

The homeowner explains that he is proposing removing the existing roof on the cabana in order to be in compliance and then rebuild a conforming roof after the sale of the home.

The lot coverage variance and the building coverage variance are discussed among the board members.

The history of the application is discussed and the progression regarding reducing the percentages and variances are reviewed.

Chairman Palmieri asks if there are any public in attendance that wish to ask a question of the engineer. None heard.

Chairman Palmieri asks if there are any comments that wish to be made by the public. None heard.

Mr. Mike Didal from the audience states that he is currently residing at the Residence Inn, 90 Park Road, Tinton Falls. Mr. Didal is the prospective buyer of this property. Mr. Didal is sworn in by Mr. Hirsch. Mr. Didal discusses that he has been residing at the Residence Inn for approximately three months with his son and wishes to move in as soon as possible. Mr. Didal also states that he appreciates the Board's consideration in this matter.

Motion is made by Mr. Brawner and seconded by Ms. Hatami to close the public portion. All in favor.

Motion is made by Mr. Lomangino to approve this application incorporating all changes agreed upon, seconded by Mr. Brawner.

### Roll Call

Ayes: Mr. Lomangino, Mr. Brawner, Chairman Palmieri, Mr. Battista, Mr. McKinley, Ms Berk  
Nays: Mr. Porzio  
Absent: Mr. Slazyk  
Not eligible: Ms. Hatami – poll yes after full Board vote

**New Business**

**BA 2017-04 Perosi, Nicholas & Nicole, 44 Gallant Fox Dr., Blk 62.04 lot 12**

Mr. Hirsch states that he has reviewed the affidavit and proof of service and they are in order as to form.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to accept service. All in favor.

Daniel Himelman, Esq., states that he is representing the applicant in this matter. Mr. Himelman states that the applicant is seeking a bulk variance to install 683.4 sq. ft. of additional brick pavers. The applicant purchased this property last year wherein the seller was caused to remove these pavers in order to obtain a Certificate of Occupancy as they were originally installed without a permit, resulting in lot coverage overage. The applicant wishes to re-install the pavers. With the pavers re-installed, the lot coverage would increase from 22% to 24.1%.

Mr. Hirsch marks into evidence as A-1, a survey by Charles V. Bell dated January 19, 2017. The proposed two areas involving the proposed pavers are shown on this survey.

Mr. Himelman wishes to mark into evidence a series of photographs showing what the areas looked like prior to removal as well as after. This photographs are marked A-2 through A-11.

Mr. Neff comments that the survey indicates the paver square footage is approximately 631 sq. feet whereas you have indicated 683.4 sq, feet. Mr. Neff indicates that he will use the higher number.

Dr. Nicholas Perosi is sworn in by Mr. Hirsch stating his address as 44 Gallant Fox Drive, Tinton Falls. Dr. Perosi gives the history of his purchase of 44 Gallant Fox Drive. Dr. Perosi describes all of the photographs that have been marked into evidence paying particular attention as to what had to be removed prior to his purchase which is the walk-out area and the back patio area nearest to the back sliding door.

Chairman Palmieri asks questions as to the specifics of the lot in relation to neighboring property lines as well as the easements

The drainage slope is discussed with regard to the walk-out area. Mr. Battista discusses whether or not some pavers can be taken away and replaced with shrubbery and/or grass.

A question is brought up as to whether there was an addition put on the house, as it looks from the pictures that there may have been a small section added at some time, thus

contributing to building coverage. Mr. Hirsch states that it seems that the house is larger than what was originally intended.

Mr. Lomangino and Mr. Brawner discuss taking away some of the pavers that do not affect the overall aesthetic of the property.

Chairman Palmieri asks if there are any comments or questions from the public. Hearing none. Chairman Palmieri asks if the Board has any further questions.

Chairman Palmieri asks for a motion to close the public portion of the meeting. Mr. Lomangino makes the motion, seconded by Mr. Brawner, all in favor.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to approve the variance request.

#### Roll Call

Ayes: Mr. Porzio, Mr. McKinley, Chairman Palmieri, Mr. Battista, Mr. Brawner,  
Ms Berk  
Nays: Mr. Lomangino  
Absent: Mr. Slazyk  
Not eligible: Ms. Hatami – poll yes after full board vote

#### **BA 2017-05 Wellington, Patricia, 7 Hialeah Court, Blk. 64.02 lot 8**

Mr. Hirsch states that he has reviewed the affidavit of publication and proof of service and it is in order as to form.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to accept service. All in favor.

Patricia Wellington, residing at 7 Hialeah Court, Tinton Falls is sworn in by Mr. Hirsch.

Ms. Wellington states that she was under the impression that all of the people that worked on her yard took care of the required permits that were necessary. The permits were begun but never finalized out. The homeowner states that she recently found out that she was not in compliance which is why she is now before the Board.

Mr. Neff gives a review of the history of this property stating that in 2003 the house was built. In 2004 a permit was submitted and approved for the pool which included the hot tub and a 3 foot concrete apron around the pool. In 2005, a permit was submitted and approved for a cabana showing as 14 x 14 with an irregular front section – showing as 179 sq. ft. The survey as submitted shows that the cabana as 229 sq. ft. being what was actually built and that has triggered set back and size variances. The 3 foot concrete apron had grown into a much larger stone paver patio – none of which was ever approved. In going through the file, there is a history of drainage complaints particularly

from lot 8 (25 Wellington). The property slopes down appearing that there is considerable run-off. Even though, lot coverage is only over by 1% according to this survey, there is a lot of area depicted that is designated only as landscaping that should be counted toward lot coverage. There appears to be stone/gravel areas that have not been counted towards the lot coverage percentage.

Ms. Wellington states that there are different sizes and colors of stones throughout the landscaping as well as mulch.

Chairman Palmieri explains that the application is viewed as that the improvements do not exist. Chairman Palmieri explains that more information is needed. The survey needs to be accurate. He does not see the application being finished this evening, more information is needed.

In addition to the accurate lot coverage percentage issue, there is the cabana issue. Ms. Wellington indicates that she believes the cabana is less than 200 sq. ft. Mr. Neff states that the surveyor lists the cabana as being 229 sq. ft.

Ms. Wellington explains that at the time when Anthony Sylvan was working on the pool, she did not want his people doing the stone work and hired her own landscapers (Distinctive Landscaping). She was under the impression that they were going to do their work in compliance with the town rules. Mr. Battista and Mr. Brawner ask if she gave consent for the stone work.

Chairman Palmieri asks some questions as to how close her neighbors' dwellings are to her property lines.

Mr. Battista asks how much of the run off problem into the rear-neighbor's back yard is as a result of improper drainage from this property. Mr. Neff states that there is a good amount of run off coming from this property as well as lot 7, the applicant's neighbor.

Further discussion ensues regarding the drainage issues and the topography of the back yard.

Ms. Wellington states that her neighbor (lot 7) has absolutely no improvements in their back yard and there is still run off because of the natural downward flow.

Different possible solutions to help with the run off are discussed including, drains, dry wells and re-directing the roof/gutters.

Mr. Hirsch marks photographs into evidence as given by Ms. Wellington `A-1 through A-13 which are of the back yard and improvements. Mr. Hirsch asks Ms. Wellington to explain each photograph.

Mr. Palmieri reiterates that it is requested of the applicant that she obtain a more detailed survey. The question of the size will be answered as well as the lot coverage issue.

Mr. Hirsch states that once a more detailed survey is received, lot coverage issues and drainage issues will need to be addressed. The Board will have multiple issues to address should this hearing be carried to a future date.

Mr. Neff asks questions about the direction of the roof leaders and if they are pointed towards the back yard.

Chairman Palmieri asks if there is anyone from the audience who has any questions or comments regarding this application

Kathleen Klinger, 25 Wellington Drive (lot 8), Tinton Falls, NJ, is sworn in by Mr. Hirsch. Ms. Klinger voices her concerns regarding the drainage issues that affect her property as she lives directly behind Ms. Wellington's property. She states that it looks like there is a running stream in her back yard, across her back yard and down her driveway to the street.

Mr. Neff reiterates to Ms. Wellington to go back to the survey company and have them focus on three things: 1) lot coverage calculation with the stone areas incorporated; 2) double-check the size of the pool house; and 3) look at your roof leaders and see if a dry well makes sense or look at the inlet that is on your property and see if you can connect to that.

Chairman Palmieri explains that if the pool house is over 200 sq. ft., a host of problems will be associated with the structure and to be prepared if that happens.

Mr. Hirsch explains that in order to be continued to July 20, 2017, there needs to be permission granted for the extension of time. Ms. Wellington grants the waiver. Chairman Palmieri also states that no further notice is required.

The application is carried to July 20, 2017 to allow for a new survey to be prepared.

### **Financial Disclosure Statements**

Chairman Palmieri reminds the Board members to fill out their Financial Disclosure Statements online as they are due by the end of the month.

### **Resolutions**

Resolution regarding BA 2016-23 – World Subaru, 688 Shrewsbury Avenue, Block 18 Lot 5 & 18 has been reviewed.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to memorialize this resolution. All in favor.

**Acceptance of Meeting Minutes**

Chairman Palmieri states that the draft of the minutes of May 4, 2017 has been previously forwarded to the Board members for review.

Motion is made by Mr. McKinley and seconded by Mr. Lomangino to approve same. All in favor.

Motion is made by Mr. Brawner and seconded by Ms. Hatami to close the meeting at 9:50p.m. All in Favor.

Respectfully submitted,

Colleen Connolly  
Zoning Board Secretary

Approved at Board of Adjustment  
Meeting on June 1, 2017