

The meeting was opened by Vice- Chairman Battista at 7:30 p.m.

Vice-Chairman Battista 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.

Vice-Chairman Battista then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present Vice-Chairman Battista, John Slazyk, Mr. Lomangino, Mr. Porzio, Mr. Brawner, Mr. McKinley, Ms Berk, Ms. Hatami,

Absent: Chairman Palmieri

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

Vice-Chairman Battista read a statement of procedural guidelines.

Meeting Minutes

Vice-Chairman Battista states that Board members have reviewed the July 20, 2017 meeting minutes.

Motion is made by Ms. Berk and seconded by Mr. Brawner to accept the meeting minutes. All in Favor by those members eligible to vote.

Resolutions

BA-2017-06 – Drennan, 15 Partridge Lane, Blk. 30.03, lot 25. Mr. Battista states that the Board has reviewed the Resolution.

Motion is made by Mr. Lomangino and seconded by Ms. Berk. All those in favor by those eligible to vote.

BA 2017-10 – AMIB, 7 Hialeah Court, Blk. 64.02 lot 8. Mr. Battista states that the Board has reviewed the Resolution.

Motion is made by Mr. McKinley and seconded by Mr. Porzio. All in favor by those eligible to vote.

Business

BA 2017-05 Wellington, Patricia – 7 Hialeah Court – Mr. Battista states that this matter has been continued from May 18 and adjourned from July 20, 2017.

Richard Sciria, Esq. states that he is representing the applicant in this matter.

Mr. Hirsch reviews the question of the percentage of impervious coverage which would change the nature of the application. Mr. Sciria was retained after the first Hearing. Mr. Sciria has two concerns, one was from the original application in that there was no definitive statement in the engineering review or the zoning officer as to what the actual coverage issue was. Even though it was discussed at the end of our first Hearing. Secondly, because there was a coverage issue which may affect the drainage issue, the applicant has retained an engineer which is unavailable for tonight's meeting. Therefore, there is a request for adjournment of tonight's meeting.

Mr. Hirsch briefly discusses the lot coverage issues from the applicant.

Mr. Sciria states that considering all of the variables, including the second engineering review letter from Mr. Neff, has a substantial difference in the lot coverage and also the fact that there is a possible interpretation, he believes he has a duty to re-notice. Mr. Sciria states that he is most likely going to amend the application.

Mr. Battista states that September 7, 2017 is the first available hearing date and it is acceptable with Mr. Sciria. Therefore, the matter is carried to September 7, 2017 and Mr. Sciria states that he will re-notice.

New Business

BA 2017-17 – Burns, James, Blk. 147 lot 6, 2 Wyncrest Lane.

Mr. Hirsch states that he has reviewed the Affidavit and Proof of Service and it is in order.

Motion is made by Mr. Brawner and seconded by Mr. Porzio. All in Favor.

James Burns, 2 Wyncrest Lane, Tinton Falls. Mr. Burns states that the reason he is here this evening is that that he put a patio in without a permit and a variance is needed for a Certificate of Occupancy because he is selling his house. Mr. Burns states that it is

constructed of paver blocks and he did not realize that a permit was needed because the blocks were not cemented in place.

Mr. Hirsch reviews that 18% is permitted. There was a previous variance in place granting 19.7% A paver patio has been added and that increased the lot coverage to 23.64%.

Mr. Brawner asks about the retaining wall and Mr. Neff states that there is no variance required and this matter is being handled separately.

Mr. Hirsch asks Mr. Neff if there are any known drainage issues regarding this overage. Mr. Neff states that he is not aware of any drainage issues. He states that he is going to the site to assess the retaining walls. Mr. Burns indicates the retaining walls are approximately 2 ½ feet.

Mr. Hirsch asks various questions regarding the application.

The Board members ask various questions of the applicant. Mr. Brawner asks if he has another plan to present that is asking for less lot coverage. Mr. Burns states that he does not have a Plan B.

Mr. Battista states that the Board looks at all applications as if the improvements are not already in place and would we approve the application.

The Board discusses the former variance that had been granted increasing the lot coverage to 19.7%

The Board further discusses the details of the application and the concerns of the lot coverage overage.

Mr. Hirsch explains the option of having the Board vote now or coming back with the most scaled-down version of the overage as possible.

Mr. Slazyk explains that any variance that is granted sets a bar for applications that follow.

Mr. Burns states that he would like the come back. The next available date is September 21, 2017.

Mr. Battista announces that this matter will be carried until September 21, 2017 at 7:30 p.m. and no further notice is required.

Mr. Neff asks that if a new design is going to be presented, bring the plans to Colleen with enough time for her to send out to the Board members prior to the hearing date.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
August 3, 2017

Motion is made by Mr. Battista and seconded by Ms. Hatami to close the meeting at 8:15 p.m. All in Favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on August 17, 2017