

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH  
PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Adjustment of the Borough of Tinton Falls will hold a virtual/remote public hearing on Thursday, May 7, 2020 at 7:30 pm to adopt a Resolution memorializing the Board's decision of the following application approved on March 5, 2020: Silvestre Chipana for premises known as Lot 31 in Block 117 as shown on the Official Tax Map of the Borough of Tinton Falls and located at 1036 Wayside Road, Tinton Falls, New Jersey. **NO OTHER ACTION WILL BE TAKEN AT THIS MEETING.**

Anyone without computer access wishing to see a copy of the Resolution prior to the meeting should contact the Board Secretary between the hours of 8:30 a.m. and 4:30 p.m. at 732-542-3400 ext. 215 or via email at [planningboard@tintonfalls.com](mailto:planningboard@tintonfalls.com) and request a copy be forwarded to them by email, fax or mail. Alternatively, the Resolution can be viewed or obtained by accessing the Tinton Falls website as set forth below.

Due to the current Coronavirus/Covid-19 State Directives, this meeting is being held virtually/remotely through WebEx video conference communications. The details for this virtual meeting will be posted as follows:

Tinton Falls Website [www.tintonfalls.com](http://www.tintonfalls.com)  
Posting at the Municipal Building

The WebEx link to access the meeting can be found at:  
<http://zb.tintonfalls.com>

The Meeting Number (access code) is: 969 029 175  
Meeting Password: TintonFalls3

By Phone: US/Canada Toll Free: 1-844-531-0749  
Meeting Number (access ID) 969 029 175  
Passcode: 846 866 32

Trish Sena  
Board Secretary

# WebEx Instructions

For detailed help how to use WebEx with your device, please visit <https://help.webex.com/>

## How to Download:

Pc or Mac:

<https://help.webex.com/en-us/0tow9g/Download-and-Set-Up-the-Cisco-Webex-Meetings-Desktop-App>

Smart Phone App:

<https://help.webex.com/en-us/p3t8bg/Use-the-Cisco-Webex-Meetings-Mobile-App#Install-the-Cisco-Webex-Meetings-Mobile-App>

## Joining the meeting:

<https://help.webex.com/en-us/n62wi3c/Get-Started-with-Cisco-Webex-Meetings-for-Attendees>

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## Webex Link for TF Zoning Board of Adjustment

Meeting: <http://zb.tintonfalls.com>

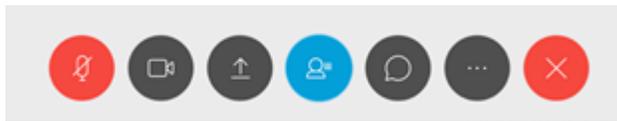
Meeting Number: 969 029 175

Meeting Password: TintonFalls3

## Raise Hand:

Use Raise Hand  next to your name in the Participants panel

## Meeting Essentials-The New Control Bar:



1. **Mute:** Clicking on the button will mute/unmute your audio during the meeting.
2. **Start my Video:** Click the camera icon to allow the host and other participants to see you. View the host and participants in full screen.
3. **Share content:** Share your desktop, files, applications, websites, or videos.

4. **Participants:** Clicking on the button will open the participants window.
5. **Chat:** Clicking on this button will open the chat window. You can then chat with anyone in the meeting or hold private discussions with any participant.
6. **More Options:** The More Options menu allows you to copy the meeting information and configure your audio connections.
7. **Leave the Meeting:** Clicking on this button will allow you to leave the meeting.

### **Pc Requirements:**

<https://help.webex.com/en-us/nki3xrq/Webex-Meetings-Suite-System-Requirements>

### **All other Web Ex Help:**

<https://help.webex.com/en-us/n62wi3c/Get-Started-with-Cisco-Webex-Meetings-for-Attendees>

### **To Connect using Telephone:**

**Call: (844) 531-0749 US Toll Free**

**Access ID/Meeting Number: 969 029 175**

**Passcode: 846 866 32**

**BOARD OF ADJUSTMENT  
BOROUGH OF TINTON FALLS APP-  
#BA-2020-01**

**RESOLUTION IN THE MATTER OF SILVESTRE CHIPANA**

**WHEREAS**, Applicant has made application to the Zoning Board of Adjustment of Tinton Falls. Applicant seeks to demolish an existing home and construct a new two-story home which would require variances for building coverage, lot width, lot area and a side yard setback.

**WHEREAS**, the premises are described as follows: Block 117, Lot 31 and located on Wayside Road in the R-1 District.

**WHEREAS**, the Board held a hearing on March 5, 2020. The Board, after considering testimony, exhibits and comments of the Applicant, and all parties in interest, all of which were duly recorded in accordance with the law, makes the following findings of fact and conclusions of law:

1. Applicant seeks to demolish an existing home and construct a new two-story home which would require variances for building coverage, lot width, lot area and a side yard setback.

The lot consists of 14,146.2 square feet and currently contains a one-story single-family dwelling, covered porch, paved driveway and associated utility services.

2. The existing house is located towards the very rear of this long narrow lot. The Existing house is small and is setback 175 feet from the front property line and the driveway therefore runs essentially the length of the lot back to the house.

3. Applicant was initially proposing a 67.6-foot front yard setback for the new house to be constructed after the demolition of the existing house, which was 15 feet further back than the adjoining property's front yard setback.

4. Applicant was proposing a 15-foot side yard setback on the south side and the adjoining home on that side is approximately 4 feet off the property line. Applicant was proposing a 10-foot side yard setback on the north side and the adjoining home on that side is approximately 19 foot from the property line. The side yard setback requirement is 25 feet.

5. Applicant is proposing 10.8% building coverage where 8% is permitted.

6. It was applicant's position that because of the lot's dimensions, the setbacks proposed were proportionate to the zoning requirements for a fully conforming lot.

7. The drainage for the lot and the existing low spot in the lot was discussed at length with the Board's professionals and applicant's engineer. Therefore, after the discussion it was agreed that the location of the new home be shifted back approximately 32 feet so it would be even with the rear of the house on the adjoining lot to the south.

8. The increased setback would help address the low spot that creates ponding of water and permit the drainage to be dealt with in front of the house with underground recharge. Applicant's engineer should submit the calculations, soil borings and detail for the underground recharge system to the Board's engineer for approval.

9. Shifting the building farther back (east) and the revised grading and drainage also resulted in shifting the building south one foot. This results in a

side yard setback to the north of 11.0 feet and a setback to the south of 14.0 feet, where 25 feet is required.

10. The building coverage being proposed is 10.8% where 8% is permitted. Lot coverage was proposed at 26.7% where 28% is permitted therefore, no variance is required. The change in the location of the house and the change in the driveway design, to be set forth hereinafter required a recalculation of lot coverage and the changes to the plan resulted in the proposed lot coverage of 27.9%.

11. Applicant had proposed a circular driveway however, the design of the driveway was changed so the driveway would be straight. The driveway would be 10 feet in width at the apron and continue at that width for 30 feet and then would expand to 18 feet in width. There would be a turnaround installed at the north side of the driveway. The plan will be amended to show the calculations on coverage related to this design and the total coverage on the lot.

12. The architecture of the house, its orientation and the roof line were designed so as to minimize the impact on the adjoining properties which are relatively close to the property lines.

13. The proposed house has a first-floor area of 1353 square feet however, without the garage it is 1033 square feet and the second floor is 1500 square feet.

14. The adjoining house to the north is a one-story house and the adjoining house to the south is a one-story house however, there are other two-story houses in the neighborhood and there is a bus depot property across the street.

15. The basement has habitable area which is 800 square feet and is 8 feet in height.

16. Applicant was advised that he would have to install sidewalks or agree to make contribution to the sidewalk construction fund of \$1,400 and applicant proposed to make the contribution.

17. The Board finds that the variances, subject to the conditions we set forth hereinafter, can be granted on the basis that Applicant does have a hardship related to the size and narrowness of the lot. In light of the size of the lot, the building coverage, lot coverage and side yard setbacks proposed are reasonable and proportionate to the requirements of the zoning ordinance.

18. The Board further finds that the proposal also presents a better zoning alternative. The existing house is situated to the very rear of the lot and has minimal rear yard area that can be used for recreation by the residents of the house. Additionally, the overall plan proposed will deal with the drainage problems on this lot and adjoining lots in a better manner than currently exists. Lastly, the construction of a new home in the neighborhood will enhance the character of the neighborhood and the values in the neighborhood.

19. The Board reviewed the nature of the development in the neighborhood and finds that the proposed home, both in character, size and design, will not create any substantial detriment to the surrounding properties or to the neighborhood. The neighborhood is a mix of single-family and two-story homes and in balancing the overall improvements to the lot, against any detriments, the Board finds that the benefits substantially outweigh the detriments.

**NOW THEREFORE BE IT RESOLVED** by the Zoning Board of Adjustment of the Borough of Tinton Falls that Applicant's application for permission to demolish the existing home on the property and to construct a new two-story home pursuant to the architectural plans submitted by the Applicant prepared by Robert Hazelrigg AIA-NJ which will have a building coverage of 10.8%, a lot coverage of 27.9%, side yard setbacks of 14 feet on the south side and 11 feet on the north side, is hereby granted subject to the following conditions:

1. Applicant is bound by all representations made during the course of the hearing whether or not specifically set forth hereinafter as conditions.
2. Applicant shall submit an underground recharge and drainage plan with appropriate soil borings and calculations to the board engineer for approval. The low spot on the property will now be in front of the house and therefore, the drainage recharge system will be constructed in that area.
3. The proposed house will shift its proposed location so that the front of the proposed house is in line with the rear of the house to the south. Applicant shall resubmit the plot plan to demonstrate the improvements related to the drainage system and the revised setbacks of the house and driveway.
4. The driveway design shall be a straight driveway 10 feet at the apron and maintaining a 10-foot width for 30 feet and then widening to 18 feet with a turnaround on the north side of the driveway. As previously noted, Applicant will recalculate the coverage requirements consistent with this approval and they will be reflected on the plan.
5. All property taxes will be paid current.

6. Applicant will pay all escrows, municipal and board fees related to the application in full.

**BE IT FURTHER RESOLVED** that notice of this Resolution will be published once in the official newspaper as required by law and a certified copy of the Resolution will be forwarded by the Secretary to the Applicant.

Adopted on a roll call on a motion by and seconded by

I certify the foregoing to be a true copy of a Resolution by the Zoning Board of Adjustment of the Borough of Tinton Falls on the 5<sup>th</sup> day of March 2020.

Battista: Second, Yes  
Pamieri: Yes  
Lomangino: Moved, Yes  
Slazyk: Absent  
Kuzmin: Absent

Berk: Yes  
Hatami: Yes  
Porzio: Yes  
McKinley: Yes

This Resolution adopted \_\_\_\_\_, 2020 memorializes the action taken at a meeting of the Zoning Board of Adjustment of the Borough of Tinton Falls on May 3, 2018, with the roll call vote on the memorialization as follows:

Battista:  
Pamieri:  
Lomangino:  
Slazyk:  
Kuzmin:

Berk:  
Hatami:  
Porzio:  
McKinley:

I hereby certify the foregoing is a true copy of a Resolution of the Zoning Board of Adjustment of the Borough of Tinton Falls memorialized on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Trish Sena, Secretary  
Zoning Board of Adjustment