

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
SEPTEMBER 3, 2020**

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

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 Coaster and the Asbury Park Press.*

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

Ms. Sena took roll call.

Present Chairman Battista, Mr. Lomangino, Mr. Porzio, Ms. Hatami, Ms. Berk, Mr. Kuzmin

Absent: Vice Chairman Palmieri, Mr. Slazyk, Mr. McKinley

Also Present: Ms. Sena, Board Attorney Mr. Hirsch, Engineer Mr. Neff,

*Chairman Battista gave a brief explanation of the COVID-19 guidelines in place for tonight's meeting.*

**MINUTES- NONE**

**RESOLUTIONS-**

**BA2020-03 RESOLUTION IN THE MATTER OF WAYNE AND FRANCES HANUS: 76 SUNSET DRIVE**

Chairman Battista advised that the proposed Resolution in this matter has been previously forwarded to the Board Members prior to tonight's meeting.

Chairman Battista asked if any of the Board Members have any comment on said Resolution? Hearing none, Mr. Battista asked for a motion to adopt Resolution BA2020-03.

*Mr. Porzio offered a motion to memorialize Resolution BA2020-03 seconded by Mr. Lomangino*

**ROLL CALL**

AYES: Mr. Porzio, Mr. Lomangino, Chairman Battista, Ms. Hatami, Ms. Berk,

NAYES: None

ABSENT: Mr. Palmieri, Mr. Slazyk, Mr. McKinley

INELIGIBLE: Mr. Kuzmin

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
SEPTEMBER 3, 2020**

**BA2020-02 RESOLUTION IN THE MATTER OF JEMAL'S DOGTOPIA OF TINTON FALLS, LLC.**

Chairman Battista advised that the proposed Resolution in this matter has been previously forwarded to the Board Members prior to tonight's meeting.

Chairman Battista asked if any of the Board Members have any comment on said Resolution? Hearing none, Mr. Battista asked for a motion to adopt Resolution BA2020-02.

*Mr. Porzio offered a motion to memorialize Resolution BA2020-02 seconded by Mr. Lomangino*

**ROLL CALL**

AYES: Mr. Porzio, Mr. Lomangino, Chairman Battista, Ms. Berk,

NAYES: None

ABSENT: Mr. Palmieri, Mr. Slazyk, Mr. McKinley

INELIGIBLE: Ms. Hatami, Mr. Kuzmin

**NEW BUSINESS-**

**BA2020-04 THOMAS F. & DONNA HELIOTIS: 14 GREEN MEADOW DRIVE, BLOCK 33 LOT 10. APPLICATION FOR BULK VARIANCE**

Attorney Hirsch stated that he has reviewed the proofs and affidavit of service from the applicant, all is in order as to form.

*Motion is made to accept service, all present voted in favor.*

Robert Holden, Esq. Attorney on behalf of the Applicant gave a brief description of the Bulk Variance relief they are requesting for an existing structure.

Attorney Hirsch swore in Thomas L. Heleotis as the Applicant.

The following exhibit(s) were entered into record:

A-1 Site Plan of Block 33 Lot 10: 14 Green Meadow Drive, prepared by Thomas P. Santry, P.A. dated 11-14-2018 consisting of 2 sheets.

A-2 Zoning Permit Denial Letter: Composed by Lori Paone, Borough Zoning Officer Dated March 23, 2018

A-3 Email from Kathy Muscillo, Administrative Assistant to the Code Zoning Officials dated October 9, 2019

B-1 Completeness and First Engineering Review, prepared by Thomas P. Neff, Board Engineer dated July 13, 2020 consisting of 3 pages.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
SEPTEMBER 3, 2020**

Dr. Heliotis explained that in 2006 he hired a contractor to construct a screened-in covered rear porch ON his property at 14 Green Meadow Drive. The contractor informed Dr. Heliotis that he would obtain all necessary permits from the Borough, however he failed to do so. Dr. Heliotis was unaware that his deck was constructed without proper permits or approvals, until he received a letter from the Borough informing him that the permit was never closed out. Mr. Holden stated that there was no permit taken out for the deck enclosure.

Mr. Holden explained that Dr. Heliotis would need variance approval so he could move forward with getting his Zoning and Building permits to obtain proper approvals for the structure. Dr. Heliotis learned that he had a violation on his property in 2018 when he applied for a permit to install solar panels.

Mr. Neff stated that they obtained a permit to build a deck, however constructed the enclosure without permits. The deck was never inspected by the Borough; therefore, the permit was never closed. Mr. Neff stated that 10% building coverage is permitted whereas their property is currently at 10.89% they are approximately 239 feet over what is permitted. Mr. Neff clarified that a deck is usually considered lot coverage, however because they enclosed the structure, it now counts towards building coverage.

Mr. Neff stated that property is located on an odd shaped lot, he stated that if it was a full 30,000 sq. ft. lot, it would be within the 10% building coverage.

Attorney Hirsch swore-in Thomas Santry, Land Surveyor.

Mr. Santry referenced exhibit A-1, a Site Plan he created for this property and discussed the dimensions of the lot.

Mr. Holden stated that there is a non-conforming shed located on the property, he asked Mr. Santry if this shed could be relocated on the property and he stated that it could.

*Motion was made to open the Public Discussion, hearing no comment Mr. Porzio offered a motion to close the Public Discussion seconded by Mr. Lomangino. All present voted in favor.*

In his closing statements, Mr. Holden explained that the Applicant is seeking "C" Variance approval with the condition that the shed will be moved to another location on the property.

*Mr. Porzio offered a motion to grant a Bulk C Variance to Thomas F. & Donna Heliotis, the motion was seconded by Mr. Kuzmin.*

**ROLL CALL**

AYES: Mr. Porzio, Mr. Kuzmin, Chairman Battista, Mr. Lomangino, Ms. Hatami

NAYES: Ms. Berk

ABSENT: Mr. Palmieri, Mr. Slazyk, Mr. McKinley

INELIGIBLE: None

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
SEPTEMBER 3, 2020**

**BA2020-05: GALWAY BUILDERS, LLC-747 SYCAMORE AVENUE, BLOCK 19 LOT 9.01. APPLICATION FOR BULK VARIANCE**

Attorney Hirsch stated that he has reviewed the proofs and affidavit of service from the applicant, all is in order as to form.

*Mr. Lomangino offered a motion to accept service, seconded by Mr. Porzio, all present voted in favor.*

Jennifer Krimko, Esq. on behalf of the Applicant stated they are here this evening with an undeveloped parcel on Sycamore Avenue. Her client purchased this property with the intentions of building a home. Subsequently after the purchase, the Borough changed the zoning on the property. The only Variance they need is for lot width, otherwise the proposed house completely conforms to the Borough Ordinance.

Ms. Krimko stated that the Applicant can comply with comments set forth in Mr. Neff's Engineering review. However, she explained that if the Applicant did not need to proceed with a Variance, they would not have been required to pay into the sidewalk contribution fund. Because the Zoning Ordinance was changed while they were preparing their plans, they are asking that they be exempt from this requirement.

The following exhibit(s) were entered into record:

A-1 Aerial Photograph of Existing Conditions of Block 19 Lot 9.01 dated 09/03/2020 prepared by Patrick R. Ward of Insite Engineering.

Attorney Hirsch swore-in Patrick R. Ward PE, PP of Insite Engineering.

Mr. Ward indicated that everything proposed conforms with the exception of lot width, the existing lot width is 124.94 whereas 200 is required. Discussion ensued regarding the driveway easement submitted to the Board.

Mr. Neff discussed the purpose of the sidewalk contribution fund for any development. He stated that he has never seen this fee waived before, however, he would defer to the Board for their thoughts. He stated that there are currently no sidewalks in the immediate area of the property.

Mr. Neff stated that if this Application is approved, a Design Waiver should be granted for the portion of the driveway that goes into the easement.

*Arlene Flynn, 741 Sycamore Avenue-* Ms. Flynn inquired about issues with drainage on the property and asked if any portion of the property will be filled in. Mr. Ward stated that as per Mr. Neff's letter, they will be reducing the runoff to her property.

Attorney Hirsch swore in Arlene Flynn of 741 Sycamore Avenue.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
SEPTEMBER 3, 2020**

Ms. Flynn stated that if in fact there are issues with drainage and flooding, she would file an appropriate complaint with the Borough. Ms. Krimko encouraged her to contact Mr. Ward and they will make sure her concerns are addressed throughout this process.

*Mr. Porzio offered a motion to close the Public Discussion, seconded by Mr. Kuzmin.*

Chairman Battista stated that given the nature of this special circumstance, he would recommend granting a waiver from the sidewalk contribution fund.

*Mr. Kuzmin offered a motion to grant a Bulk "C" Variance with the conditions set forth by Mr. Hirsch, seconded by Mr. Porzio.*

**ROLL CALL**

AYES: Mr. Kuzmin, Mr. Porzio Chairman Battista, Mr. Lomangino, Ms. Hatami, Ms. Berk

NAYES: None

ABSENT: Mr. Palmieri, Mr. Slazyk, Mr. McKinley

INELIGIBLE: None

**MOTION TO ADJOURN**

Chairman Battista offered a motion to adjourn at 8:37 PM.

All in Favor: AYE

Respectfully submitted,

  
Trish Sena  
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: **November 5, 2020**