

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 1, 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, Vice Chairman Palmieri, Mr. Lomangino, Mr. Porzio, Mr. McKinley, Ms. Hatami, Ms. Berk, Mr. Kuzmin

Absent: Mr. Slazyk

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-

Chairman Battista stated that the minutes of the August 6, 2020 meeting have been previously distributed via email for the Board Members to review. He asked if any Board members had any questions or comments.

Ms. Hatami asked why Mr. Kuzmin was marked ineligible on the roll call vote for both applications. Ms. Sena stated that Vice Chairman Palmieri was the only absentee on August 6th, therefore Ms. Berk was the only alternate eligible to vote.

Mr. Porzio offered a motion to approve the minutes of the August 6, 2020 meeting, seconded by Mr. Kuzmin.

ROLL CALL

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

NAYES: None

ABSENT: Mr. Slazyk

INELIGIBLE: M. Palmieri

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 1, 2020**

RESOLUTIONS-

**BA2020-04 RESOLUTION IN THE MATTER IF THOMAS F. AND FONNA HELIOTIS,
14 GREEN MEADOW 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 BA2020-04.

Mr. Lomangino offered a motion to memorialize Resolution BA2020-04 seconded by Mr. Mr. Porzio

ROLL CALL

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

NAYES: None

ABSENT: Mr. Slazyk

INELIGIBLE: Mr. Palmieri, Mr. McKinley, Ms. Berk

**BA2020-02 RESOLUTION IN THE MATTER OF GALWAY BUILDERS, LLC 747
SYCAMORE AVENUE**

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. Lomangino offered a motion to memorialize Resolution BA2020-05 seconded by Ms. Berk

ROLL CALL

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

NAYES: None

ABSENT: Mr. Slazyk

INELIGIBLE: Mr. Palmieri, Mr. McKinley

NEW BUSINESS-

**BA2020-06 AL COVAS: 145 SUNSET DRIVE, BLOCK 76.03 LOT 53. 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.

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 1, 2020**

Attorney Hirsch swore in Albert Covas as the Applicant.

Mr. Covas stated that he is here this evening seeking variance relief to extend his paver patio by five feet.

Attorney Hirsch asked Mr. Covas to describe the dimensions of the paver patio. Mr. Covas stated that the patio will be 17.52 by 18.68 feet.

Mr. Neff clarified the size of the patio will be 39.5 feet by 9.3 feet. He stated that the current dimensions of the patio are 18.68 by 8.52 feet.

The overall square footage of the patio will about 528 square feet.

Chairman Battista referenced the submitted survey and inquired about the fire pit. Mr. Covas stated that it is a new fire pit that will be located on the paver patio.

Chairman Battista inquired about some of his neighbors that have expanded their patios by five feet. Mr. Covas stated that Toll Brothers received approval for about 55 houses for this same variance.

Discussion ensued regarding properties in this community with similar variance approval.

Attorney Hirsch asked Mr. Covas to describe his rear property. Mr. Covas stated that his property backs up to a common area owned by the association.

Attorney Hirsch inquired about neighboring side properties, and Mr. Covas explained that the neighboring house has the same paver patio that he has now and also back up to the common area.

Mr. Covas explained that his house was one of the first built in this community and therefore was not included in the Variance relief for a number of the properties obtained by Toll Brothers.

Mr. Neff asked Mr. Covas to briefly explain why it is necessary to extend the patio by five feet. Mr. Covas stated that he would like to enjoy his backyard and have a table, chairs, and grill on the patio.

Mr. Neff stated that as per the property survey there doesn't appear to be any drainage swales to the rear of the property. Mr. Covas stated that he will not be changing the grading of the property with the installation of the patio.

Mr. Palmieri asked if the Applicant intends to install a fence or any evergreen trees or landscaping. Mr. Covas stated they currently have holly trees on their property.

Mr. Neff confirmed that the common area behind Mr. Covas' property will remain as open space.

Seeing no public present, Chairman Battista asked for a motion to close the Public Discussion.

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 1, 2020**

Mr. Porzio offered a motion to close the Public Discussion, seconded by Mr. McKinley. All present voted in favor.

Chairman Battista asked if the Board had any further questions or comments, hearing none he asked for a motion to approve BA2020-06.

Mr. Palmieri offered a motion to approve BA2020-06 seconded by Mr. Porzio.

ROLL CALL

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

NAYES: Ms. Hatami

ABSENT: Mr. Slazyk

INELIGIBLE: Mr. Kuzmin

Mr. Neff asked Mr. Covas to discuss the matter of these variances going forward with the HOA. He explained that Toll Brothers should consider submitting to the Planning Board for Amended Site Plan Approval for properties that back up to open space.

Mr. Lomangino discussed properties previously before the Board for Zoning approvals that are not following all conditions set forth in the Resolution. He asked who would be responsible for following up on these approvals to ensure they are complying with the Resolution.

Mr. Neff stated he can follow up with Deanna Keefer in Code Enforcement with a list of properties to be inspected.

MOTION TO ADJOURN

Chairman Battista offered a motion to adjourn, seconded by Mr. Palmieri.

TIME: 7:59 PM.

All in Favor: AYE

Respectfully submitted,


Trish Sena
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: **December 3, 2020**