

The meeting was opened by Chairman Palmieri at 7:40 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 Asbury Park Press and The Coaster.

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

Ms. Connolly took roll call.

Present Mr. Palmieri, Mr. Slazyk, Mr. Lomangino, Mr. Porzio, Mr. McKinley, Mr. Brawner, Ms. Berk

Absent: Mr. Battista, Ms. Hatami

Also present: Thomas Hirsch, Esq.
 Mr. Neff, Board Engineer
 Ms. Connolly, Board Secretary
 Ms. Keefer, Board Secretary in training

Chairman Battista read a statement of procedural guidelines.

New Business

BA 2016-04, Michael J. Williams, 43 Riverdale Avenue East, Block 34.02 Lot 2

Mr. Hirsch states that with regard to **BA 2016-04, Michael J. Williams, 43 Riverdale Avenue East, Block 34.02 Lot 2**. The applicant provided proof of service of the property owners via the 200 ft. list. However, the Press was not noticed in a timely manner. Mr. Hirsch asks if there is anyone here from the public who is interested in this application. Hearing none, Mr. Hirsch states that the application will be carried until July 7, 2016. The date of July 7, 2016 will need to be re-noticed in the Press in a timely fashion.

Vincent & Jill Ryan, 10 Pond View Drive, Blk 55 lot 1.03

Mr. Hirsch states that the second application is **Vincent & Jill Ryan, 10 Pond View Drive, Blk 55 lot 1.03**. The same situation applies to this application. They have notified appropriately, via certified mailings, from the 200 ft. list and failed to properly

notice the Press in a timely fashion. This application is also being carried to July 7, 2016 and will need to be re-noticed in the Press in a timely fashion.

Bethel Christian Center, Block 128.03, Lot 1.04, 371 Essex Road

Chairman Palmieri states that the next matter is the request for extension of time from **Bethel Christian Center, Block 128.03, Lot 1.04, 371 Essex Road**. Mr. Hirsch explains the Municipal Land Use Law and the Permit Extension Act pertaining to this request. The applicant may apply for three separate one-year extensions, which the Board, in its discretion, may grant.

The Bethel Christian Center application was approved on April 7, 2011. This applicant is essentially asking for a one-year extension of time, Mr. Hirsch explains, why, in his view, the request for extension would encompass the dates of January 1, 2016 – December 31, 2016. It is within the Board's discretion to grant this extension if inclined.

Mr. Brawner makes a motion to grant the request for extension of Bethel Christian Center and is seconded by Mr. Porzio.

Roll Call

Ayes: Mr. Brawner, Mr. Slazyk, Mr. Porzio, Chairman Palmieri, Mr. Slazyk, Mr. Lomangino, Mr. McKinley, Ms. Berk

Nays: None

Absent: Mr. Battista, Ms. Hatami

Borough Properties, LLC and 3230 Shafto Road Associates – Block 138, Lot 2; Blocks 139.01 through 139.10 Block 144, Lot 4.02, Block 145, lots 26, 26.01, 26.02 and 26.03

Mr. Hirsch states that the next matter is another request for one-year extension of approvals. The matter is **Borough Properties, LLC and 3230 Shafto Road Associates – Block 138, Lot 2; Blocks 139.01 through 139.10 Block 144, Lot 4.02, Block 145, lots 26, 26.01, 26.02 and 26.03**. Robert Inglema, Jr., Esq., is in attendance on behalf of the applicants.

Mr. Inglema explains the history of this application. He explains that this request relates to two different approvals that were granted in 2008. Both of them pertain to a subdivision off of Shafto Road. Mr. Inglema states that the request to operate a vehicle auction house at the property has been abandoned, so an extension of time is not requested with regard to that specific approval. Discussion ensues pertaining to the different approvals that have been granted for these two applicants.

Mr. Hirsch explains that his interpretation of the time frame of the extension would run from January 1, 2016 to December 31, 2016. Mr. Inglema states that they would be willing to stipulate that the new tenant, taking the place of CIMS gas / 3230 Shafto Road

Associates, would come before the Board and simply confirm that they are going to meet all of the standards, criteria and operate their business exactly as the previous expected tenant had presented themselves as part of the prior application.

Mr. Inglima explains that the applicant has their county approvals and municipal approvals. Mr. Inglima states that the applicants are waiting for the DEP approvals. Part of the DEP approval involved, what is characterized as a soil mining operation. That is a process of reclaiming existing soil from the property and substituting clean fill in its place. Mr. Inglima states that the applicant will do what is necessary to re-grade the site and prepare it for development.

Mr. Hirsch further explains the Permit Extension Act as it applies to this matter.

The Board discusses the extension request.

Motion is made by Mr. Lomangino and seconded by Mr. McKinley to grant the request of extension of approvals of Borough Properties/Shafto Road Associates for the period of January 1, 2016 through January 31, 2016.

Roll Call

Ayes: Mr. Lomangino, Mr. McKinley, Mr. Brawner, Mr. Porzio, Chairman Palmieri,
Mr. Slazyk, Ms. Berk

Nays: None

Absent: Mr. Battista, Ms. Hatami

Sara James, 64 Cloverdale Circle, Block 48.04 Lot 11 BA 2016-06

The next matter is **Sara James, 64 Cloverdale Circle, Block 48.04 Lot 11 BA 2016-06**. Mr. Hirsch states that he has reviewed the Affidavit of Publication and Proof of Service and they are in order as to form

Motion is made by Mr. Porzio and seconded by Ms. Berk to accept service. All in Favor.

Mrs. Sara James and Mr. James James were sworn in by Mr. Hirsch. Mrs. James explains that they are looking to install an in-ground pool on their property. Chairman Palmieri asks about how far the neighbors' property lines are along the back, rear and side yard.

Letter dated January 21, 2016 from Lori Paone, Division of Code Enforcement & Zoning was discussed among Board members. Lot coverage allowed is 18% and 21.9% is proposed.

The applicant is also asking approval for a shed. Mrs. James states that they currently have a firewood shed that they wish to enclose on that same space. The size of this structure is 10' x 9.'

The existing patio and proposed concrete patio around the freeform pool are discussed.

Mr. Neff states that the grading is drawn on the plan. The land slopes towards the rear and side of the property and with the proposed changes the existing patterns will remain the same.

Mrs. James indicates that the proposed fence surrounding the pool is to be 4' picket – which is the minimum required. There is an existing perimeter fence around the property. The new proposed fence is for safety around the pool.

Chairman Palmieri states that there is no public in attendance. Chairman Palmieri asks if there are any questions from the Board.

Mr. Brawner explains to the applicants that if this application gets approved, to please be aware that you must stick to what is specifically approved in the Resolution. Do not be swayed by the pool company to expand in any way.

Motion is made by Mr. Brawner and seconded by Mr. Lomangino to close the public session. All in Favor.

Motion is made by Mr. Porzio and seconded by Mr. Slazyk to approve the James application.

Roll Call

Ayes: Mr. Porzio, Mr. Slazyk, Mr. Brawner, Chairman Palmieri, Mr. Lomangino, Mr. McKinley, Ms. Berk

Nays: None

Absent: Mr. Battista, Ms. Hatami

Motion is made by Mr. McKinley and seconded by Ms. Berk to accept the minutes of June 2, 2016. All in Favor by those eligible to vote.

Adoption of 2015 Annual Report

The annual report prepared by Mr. Hirsch of January 1, 2015 through December 31, 2015 has been previously distributed.

Motion is made by Mr. Brawner and seconded by Mr. Porzio to approve the Resolution adopting the 2015 annual report.

Roll Call

Ayes: Mr. Brawner, Mr. Porzio, Mr. Slazyk, Chairman Palmieri, Mr. Lomangino, Mr. McKinley, Ms. Berk

Nays: None

Absent: Mr. Battista, Ms. Hatami

Miscellaneous

Chairman Palmieri brings up the application of 7Th Day LLC. There is a copy of both the letter from Peter Falvo, Jr., Esq. and from Thomas J. Hirsch, Esq. before you. The two letters are discussed.

Motion is made by Mr. McKinley and seconded by Mr. Porzio for adjournment at 8:30 p.m. All in Favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on July 7, 2016