

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 Asbury Park Press and The Coaster.

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

Ms. Connolly took roll call.

Present Mr. Lomangino, Mr. Battista, Mr. McKinley, Mr. Brawner, Ms. Berk,
 Ms. Hatami

Absent: Chairman Palmieri, Mr. Slazyk, Mr. Porzio

Also present: Thomas 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 the Meeting Minutes of June 16, 2016 have been previously distributed for review.

Motion is made by Mr. Lomangino and seconded by Mr. McKinley to accept the meeting minutes of June 16, 2016. All in Favor by those eligible to vote.

Resolutions

Vice-Chairman Battista states that the next matter is the Resolution of BA 2016-06 – Sara James, 64 Cloverdale Circle, Blk 48.04 Lot 11.

Motion is made by Mr. Lomangino and seconded by Mr. Brawner to memorialize this Resolution. All in Favor by those eligible to vote.

Mr. Hirsch states that the two other matters that were originally on the agenda: 1) Bethel Christian Center, and 2) Borough Properties, LLC and 3230 Shafto Road Associates are

not required to have memorialized resolutions, as the Permit Extension Act has been extended until December 31, 2016. Mr. Hirsch further explains the Permit Extension Act and why it was extended.

New Business

The first order of business is **BA 2016-04, Michael J. Williams, 43 Riverdale Avenue East, Block 34.02 Lot 2**. This matter was carried from June 16, 2016 as there was a publication deficiency issue. The applicant is not in attendance at this time and the Board Secretary has not been advised that the applicant is expecting to be late. This matter will be held in abeyance. The Board will move to the second matter on the agenda.

The next matter is **BA 2016-08, Vincent & Jill Ryan, 10 Pond View Drive, block 55 lot 1.03**. Mr. Hirsch states that he has reviewed the affidavit of publication and proof of service and they are in order as to form.

Motion made by Mr. Battista and seconded by Ms. Berk to accept service of BA 2016-08. All in Favor.

Vincent Ryan, 10 Pond View Drive and Jill Ryan 10 Pond View Drive were sworn in by Mr. Hirsch.

Mr. Ryan states that he and his wife are requesting a variance increasing lot coverage from 18% to 21% in order to install an in-ground swimming pool in their back yard. The lot coverage percentage is 15%. There is a pre-existing non-conforming percentage of 18%.

A Photo array was marked into evidence as A-1.

Mrs. Ryan testifies that the size of the pool is 19' x 35.' Mrs. Ryan also testifies as to the details of the pool area including the concrete, the equipment, the waterfall and fencing. Mrs. Ryan testifies that they are intending to have a mulch path from the deck to the pool with 7 concrete pavers that are 14" x 24."

A sketch of the waterfall is entered as exhibit A-2.

Various Board members proceed to ask several questions regarding details of the back yard including the proposed pool area as well as the existing wood deck.

Mr. Ryan explains that when they moved into the house in December 2014, there was 31% lot coverage. There were pavers that ran completely alongside of the house and covered part of the back yard; there was a dog pen; a hot tub; two (2) sheds and steps in the back yard that let down into the conservation area. We removed all of this at our expense and then paid for sod to be laid in the yard.

The seven (7) 14" x 24" pavers are discussed and the lot coverage percentage is amended to include the pavers. The percentage increases from 21.3% to 21.4%

Mr. Neff testifies as to his drainage findings regarding the property. For the record, Mr. Neff asks for confirmation that the applicant will not be encroaching into the conservation easement area at all.

Vice-Chairman Battista opens up the floor for questions only. The time for statements will follow.

The first witness is Nancy Arno, 495 Tinton Ave., Mrs. Arno questions Mr. Neff about drainage impact upon her property. Discussion ensues regarding run off from the proposed improvements and the conservation easement next to her property. Mrs. Arno questions whether or not the fence will encroach into the conservation easement.

Vice-Chairman Battista asks if there are any other questions from the public. Hearing none, the floor is now being opened for statements.

Mrs. Nancy Arno is sworn in by Mr. Hirsch. Mrs. Arno makes a statement concerning the history of the development of Pond View Drive and how she believes it has impacted her property. Mrs. Arno states that she would like two conditions attached to the variance. The first one is that the applicant would be required to address the issue of additional water/pooling on her property should she experience it and secondly, that there be no disturbance of the conservation easement.

Mr. Ryan asks if he could address Mrs. Arno's statements. Mr. Ryan states that they have not touched the conservation easement and, to the contrary, have planted 20+ trees in front of the easement to fortify the area. Mr. Ryan states any pooling or drainage issues on Mrs. Arno's property has nothing to do with his property.

Discussion ensues concerning drainage issues on Mrs. Arno's property.

The second witness that wishes to make a statement is Gerard Artz, 13 Pond View Drive. Mr. Artz is sworn in by Mr. Hirsch. Mr. Artz makes a statement in support of Mr. and Mrs. Ryan's variance application citing that they are much better property owners than the previous owners.

The third witness is Mr. Michael Matozzi, 14 Pond View Drive, and is sworn in by Mr. Hirsch. Mr. Matozzi makes a statement in support of Mr. and Mrs. Ryan's variance application.

Vice-Chairman Battista asks if there are any further witnesses who wish to make a statement. Hearing none, Motion is made by Mr. Brawner and seconded by Ms. Hatami. All in Favor.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
July 7, 2016

Motion is made by Mr. Lomangino and seconded by Mr. Brawner to approve application BA 2016-08.

Roll Call

Ayes: Mr. Lomangino, Mr. Brawner, Mr. Battista, Mr. McKinley, Mrs. Berk,
Ms Hatami
Nays: None
Absent: Chairman Palmieri, Mr. Slazyk, Mr. Porzio

Revisiting **BA 2016-04, Michael J. Williams, 43 Riverdale Avenue East, Block 34.02 Lot 2**, Vice-Chairman Battista asks if the applicant is in the audience. The applicant has not arrived. Mr. Hirsch asks if there is any public in attendance with regard to this application. No one in the audience verbalizes acknowledgement.

Mr. Hirsch states that it is very odd that the applicant has not appeared. Mr. Hirsch states that the Board has two options. The first is the Board can accept jurisdiction and carry the matter to a specific date. The other option is to dismiss the application on procedural grounds, which would allow the applicant to re-file. Discussion ensues among Board members and it is decided that the matter will be carried to a new date.

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. Brawner and seconded by Mr. McKinley to accept service. All in Favor.

Motion is made by Mr. Lomangino and seconded by Mr. Brawner to carry this matter, BA 2016-04, to August 4, 2016. All in Favor.

Mr. Hirsch states that just to be clear, the applicant did not appear when the case was called and there were no objectors, no neighbors for or against that appeared before the Board and in an abundance of caution, that there may have been an unforeseeable event that prevented the applicant from appearing, is carried, announcing to the public, the new date and time for the hearing of August 4, 2016 at 7:30 p.m.

Motion is made by Mr. Lomangino and seconded by Mr. Brawner to adjourn the meeting at 8:40 p.m. All in Favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on August 4, 2016