

The meeting was opened by Chairman Palmieri at 7:30 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 The Coaster.

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

Ms. Connolly took roll call.

Present Chairman Palmieri, Mr. Slazyk, Mr. Lomangino, Mr. Battista, Mr. McKinley, Ms. Hatami

Absent: Mr. Porzio, Mr. Brawner, Ms. Berk

Also present: Mark Aikins Esq. (filling in for Mr. Hirsch)
 Mr. Neff, Board Engineer
 Ms. Connolly, Board Secretary

Chairman Palmieri read a statement of procedural guidelines.

New Business

BA 2016-07 – Massaro Realty, LLC, Block 145 Lot 14.01

Chairman Palmieri states that James Berube, attorney for Massaro Realty, has sent a letter dated October 14, 2016 requesting an adjournment of this matter from tonight until December 15, 2016. Mr. Berube also consents to the extension of time frames for completion of hearings and waiver of claim under the statute.

Chairman Palmieri asks if there is anyone from the public attending tonight's meeting for this application. Hearing none, this matter is hereby adjourned until December 15, 2016. Furthermore, the applicant does not have to re-notice.

BA 2016-11 – Wawa Store #996

Chairman Palmieri states that Duncan Prime, attorney for Wawa Store #996, has sent a letter dated October 14, 2016 requesting an adjournment of this matter from tonight until December 1, 2016. Mr. Prime also consents to an extension of time through December 31, 2016 for the Board to hear and decide the application.

Chairman Palmieri asks if there is anyone from the public attending tonight's meeting for this application. Hearing none, this matter is hereby adjourned until December 1, 2016 and furthermore, the applicant does not need to re-notice

BA 2016-17 – BATTISTA, Ronald & Tiffany

Chairman Palmieri states that there is only one application this evening, which is BA 2016-17, Ronald and Tiffany Battista, 240 Riveredge Road, Block 32.01 lot 90.

At this time, Mr. Ronald Battista steps down from the dais to sit in the audience, as it is his application that will be heard at this time.

Mr. Akins has reviewed the file and Affidavit of Service and it is in order as to form.

Motion is made by Mr. McKinley and seconded by Mr. Lomangino to accept service in this matter. All in Favor.

Mr. Akins swears in Mrs. Tiffany Battista, 240 Riveredge Road. Chairman Palmieri asks what brings her before the Board this evening.

Mrs. Battista states she is requesting a variance for lot coverage and side-yard setback as it pertains to a shed.

Mrs. Battista wishes to enter into evidence a set of three (3) pictures of different angles/views of the shed in question located in the northwest corner of the property. Mrs. Battista states she took the photos herself a few days ago.

Mr. Akins gives this exhibit the number A-2. Mr. Akins states that the application with survey is A-1.

Mrs. Battista explains that the first picture is of the shed straight on showing that to the left of it is their neighbor's shed and to the right of the shed is a large tree. The second picture of the shed is from the same view but more magnified. The third picture of the shed is a further magnified view of the right side (east) of the shed in relation to a very mature large tree – most likely an oak tree. Mr. Akins states that it looks like the position of this tree has most-likely limited the placement of the structure. Mrs. Battista agrees with that statement. Mrs. Battista states that the roots of this tree had an impact upon the shed placement. Mr. Akins states that the survey seems to indicate that the shed is placed on the top of a slope. Mrs. Battista states that right beyond the slope, the property drops

off. Mrs. Battista states that they could not place the shed on the slope, there is a lack of useable space. Chairman Palmieri asks what is behind there. Mrs. Battista states that there is a lot of overgrowth, bushes and trees that go down to the water. There is a fairly steep incline there.

Chairman Palmieri states that in looking at the survey at lot 91, how many feet is the house on lot 91 from the common property line. Mrs. Battista states that it is about the same as her house, which would be greater than twenty-five (25) feet. Chairman Battista states that the survey shows that the fence is not on the property line. Mrs. Battista is asked how tall the fence is. Mrs. Battista states that it is approximately six (6) foot fence.

Mr. Lomangino asks if this a new shed. Mrs. Battista states that it was put up right after Superstorm Sandy. Mrs. Battista states the shed was put in by a shed company. Mrs. Battista states that the location of the shed was measured from the fence. The shed company mistakenly believed that the fence was on the property line, when, in reality, it is not. The shed is slightly more than ten (10) feet from the fence.

Mr. Akins states that in looking at the survey, it looks like the fence is further west on the property line, being on neighbor's property. Mrs. Battista states that the neighbor constructed the fence. Mrs. Battista states that she and her husband maintain this area.

Chairman Palmieri refers to the code enforcement officer's letter dated September 29, 2016, there were two reasons listed for denial. The first is because maximum lot coverage is exceeded wherein 18% is permitted and 18.59% is existing; and, the second is that accessory structure side yard setback of 10' is required, 4.3 'is existing. Chairman Palmieri asks if there are any other additions that have contributed to the overage. Mrs. Battista states that besides the shed there were stone pavers put in directly behind the house, which is partly shown in the first picture.

Ms. Hatami asks if there was a pre-existing shed that the current shed replaced. Mrs. Battista states that, yes, there was a previous shed that was destroyed by a tree that had come down onto the pre-existing shed as well as the neighbor's fence.

Mrs. Battista states that there is no heat or electric in the shed. Chairman Palmieri summarizes that the reason this matter came up is because the applicant is in the process of selling their house and these issues came up while applying for a Certificate of Occupancy.

Chairman Palmieri asks if there are any further questions from the Board. Ms. Hatami asks when the two decks/patios were installed in the backyard. Mrs. Battista states that the deck was approximately at least ten (10) years ago and the patio was installed right after Hurricane Irene, approximately six or so years ago.

Chairman Palmieri asks if there are any questions from the public, none noted.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
October 20, 2016

A motion is made by Mr. Slazyk and seconded by Mr. Lomangino to close the public portion of the meeting. All in favor.

A motion is made by Mr. Lomangino and seconded by Mr. McKinley to approve the variances as requested.

Roll Call

Ayes: Mr. Lomangino, Mr. McKinley, Chairman Palmieri, Mr. Slazyk, Ms. Hatami

Nays: None

Absent: Mr. Porzio, Mr. Brawner, Ms. Berk.

Chairman Palmeri explains that the Resolution will be written and it will be memorialized at the next meeting, which is scheduled for November 3, 2016.

Resolutions

Chairman Palmieri states that the resolution pertaining to BA 2016-09, Antonio & Odalys Bomnin has been previously distributed to the Board Members. Mr. Battista has re-joined the Board. Chairman Palmieri asks if any member has any questions regarding the resolution. None noted.

Mr. Lomangino makes a motion to memorialize the resolution, seconded by Mr. Battista.

Roll Call

Ayes: Mr. Lomangino, Mr. Battista, Mr. McKinley, Chairman Palmieri, Mr. Slazyk, Ms. Hatami

Nays: None

Absent: Mr. Porzio, Mr. Brawner, Ms. Berk.

Meeting Minutes

Chairman Palmieri states that the Meeting Minutes of October 6, 2016 have been previously distributed for review. Chairman Palmieri asks if there are any comments regarding same.

Motion is made by Mr. Lomangino and seconded by Mr. McKinley to accept the meeting minutes of October 6, 2016. All in Favor by those eligible to vote.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
October 20, 2016

Chairman Palmieri states that the next meetings are scheduled for November 3, then December 1 and December 15 to round out the year.

Motion is made by Mr. Lomangino and seconded by Mr. McKinley to close the meeting at 8:00 p.m. All in Favor

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on November 3, 2016