

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

Vice-Chairman 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 and the Asbury Park Press.

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

Ms. Connolly took roll call.

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

Absent: Chairman Palmieri

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

Vice-Chairman read a statement of procedural guidelines.

Meeting Minutes

Vice Chairman Battista states that the Meeting Minutes of October 20, 2016 have been previously distributed for review. Vice-Chairman Battista asks if there are any comments regarding same. There are none.

Motion is made by Mr. Lomangino and seconded by Mr. Slazyk to accept the meeting minutes of October 20, 2016. All in Favor by those eligible to vote.

Resolution(s)

BA 2016-17 – BATTISTA, Ronald & Tiffany, 240 Riveredge Rd., Blk. 32.01 Lot 90

Vice-Chairman Battista states that the resolution pertaining to BA 2016-17, Ronald & Tiffany Battista has been previously distributed to the Board Members. Mr. Battista will not be voting on this matter, as it is his application.

Mr. McKinley makes a motion, seconded by Ms. Hatami to accept memorialization of BA 2016-17.

Roll Call:

Ayes: Mr. McKinley, Ms. Hatami, Mr. Lomangino, Mr. Slazyk, Ms. Hatami, Mr. Porzio, Ms. Berk
Nays: None
Absent: Chairman Palmieri
Not eligible: Mr. Battista

New Business

BA 2016-14 Carbone, Todd, 33 Birchwood Court, Blk. 40.01, Lot 29

Mr. Akins swears in Mr. Todd Carbone and Mrs. Jennifer Carbone, 33 Birchwood Court.

Vice-Chairman Battista asks the homeowners what relief they are requesting before the Board.

Mr. Carbone explains that he wishes to install an in-ground swimming pool with surrounding patio and stepping stones. He also wishes to expand the existing deck in the near future. In order to do these improvements, he is requesting a variance for lot coverage overage.

Vice-Chairman Battista states that he is looking at the site map dated August 5, 2016. Vice-Chairman Battista and Mr. Carbone discuss how far the neighbors are from Mr. Carbone's property lines. Also discussed is the proposed patio dimensions and the deck dimensions, along with the stepping stones proposed.

Mr. Neff clarifies that 22% lot coverage is existing, proposed is 29.18%. Mr. Neff asks about the proposed time frame for the expansion of the deck. Mr. Carbone indicates that he is planning to begin expansion of the deck after the completion of the pool installation.

Mr. Neff indicates that he has worked with the applicant's engineer on the grading and drainage issues on the site. Mr. Neff states that he is satisfied with the current revised plan. Mr. Neff indicates that there is one discrepancy on the plan, which is that the pipe

detail should read 24" not 12." Mr. Akins confirms with Mr. Carbone that the pipe will be 24" not 12." Mr. Carbone confirms this statement.

Discussion ensues among Board Members regarding the lot coverage percentages and drainage. Also, the dimensions of the proposed future deck are discussed.

Mr. Carbone states that he bought the property in the summer of 2012 and it was already at 22% lot coverage.

Mr. Neff states that it looks like the applicant's engineer may have included the pool water in his calculation, which should not be included. Therefore the proposed lot coverage reduces to 27.18%

Vice-Chairman Battista asks if the Board has any further questions, hearing none, he asks if there are any questions from the public. None noted.

Motion made by Mr. Slazyk and seconded by Mr. Lomangino to close the public portion of this application. All in favor.

Motion made by Mr. Slazyk and seconded by Mr. Lomangino to approve the variance application pertaining to BA 2016-14,

Roll Call:

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

Vice Chairman Battista explains that a Resolution will be drafted and voted on for memorialization at the next hearing which is scheduled for December 1, 2016.

Vice-Chairman Battista states that the next matter is the continuation of **BA-2015-22 7th Day, LLC, Rte. 33 and Wardell Road, Block 146 Lots 6.01 & 7**
Vice-Chairman Battista notes for the record that Mr. Lomangino will be stepping down from the dais during this application.

Peter Falvo, Esq. wishes to reopen the hearing for the purpose of introducing a revised plan which addresses the concerns of several members of the Board.

Mr. Akins recommends a motion to reopen the matter in order to consider the revised plan.

Mr. Battista makes a motion, seconded by Mr. McKinley to reopen this hearing. All in favor.

Mr. Akins reminds Mr. Boesch that he is still under oath. Vice-Chairman Battista states on the record that Mr. Brawner was absent for the last hearing and has read the transcripts.

Mr. Akins states that the Agenda for tonight's meeting was published in both the Asbury Park Press and the Coaster as well as the Borough's website and posted on the public bulletin board in the atrium of Borough Hall.

Mr. Falvo states that he wishes the revised use-variance site plan dated March 7, 2016, revised September 19, 2016 to be marked into evidence as A-11. Mr. Falvo also wishes to mark A-12 as a traffic report supplementing the initial traffic report by H&A associates dated October 7, 2016.

Mr. Falvo states that this revised plan reduces the lot coverage and building coverage percentages previously brought forth before the board.

Mr. Boesch then gives testimony regarding the differences on A-11, the revised use-variance site plan.

Mr. Boesch notes that his testimony is regarding lot 7 as lot 6.01 has remained unchanged in this revision. Mr. Boesch then gives testimony as to the reductions on this use-variance site plan. The overall impervious surface of the original plan was 83.70% and is now 69.98% - which is a reduction of 13.72%.

Mr. Boesch and Mr. Falvo discuss parking spaces associated with this application.

Mr. Boesch and Mr. Falvo discuss buffer issues and the bypass lane. Mr. Neff also contributes regarding buffer requirements.

Mr. Boesch states that the applicant has already begun working with the residents bordering the property with regard to supplementing buffer plantings on the residents' properties with their permission and approval.

Further discussion ensues regarding this latest revision of the submitted plan and the two uses on the site.

It is confirmed that there will be video surveillance on the property and an in-residence maintenance person.

Further aspects of the overflow lane are discussed.

Mr. Neff and Mr. Barry ask for clarification of the building height of the flex space and clarification of the level(s) on the inside are of the flex space building. The height restriction of the car wash is also discussed.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
November 3, 2016

Vice-Chairman Palmieri asks if there are any questions or comments from the public. Hearing none, motion is made by Mr. Slazyk and seconded by Mr. McKinley to close the public portion of the meeting. All in favor.

Mr. Falvo declines to make an additional closing argument.

Comments were made by various Board members regarding this application.

Mr. Brawner makes a motion to approve the application as properly worded by the Board Attorney, taking into account the many variances contained therein.

Mr. Barree and Mr. Neff discuss the specific variances that will be attached to this last revision that are being approved by this motion to accept so that everyone is clear on the details.

Vice-Chairman Battista reviews that there is a motion made by Mr. Brawner. At this time, Mr. Porzio seconds the motion.

Roll Call

Ayes: Mr. Brawner, Mr. Porzio, Mr. Battista, Mr. McKinley, Mr. Slazyk, Ms. Berk, Ms. Hatami,
Nays: None
Absent: Chairman Palmieri
Not eligible: Mr. Lomangino

Motion is made by Mr. Brawner and seconded by Mr. McKinley to close the meeting at 9:00 p.m. All in Favor

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on December 1, 2016