

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 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. Lomangino, Mr. Battista, Mr. Porzio, Mr. Brawner, Ms. Berk, Ms. Hatami

Absent:            Mr. Palmieri, Mr. McKinley, Mr. Slazyk

Also present:    Mark Aikins, for Mr. Hirsch  
                     Mr. Neff, Board Engineer  
                     Ms. Connolly, Board Secretary

Vice-Chairman Battista read a statement of procedural guidelines.

Vice-Chairman Battista wants to express the Board's good wishes to our attorney, Mr. Hirsch who has had some medical issues recently.

### **Minutes**

Vice-Chairman Battista states that the minutes from June 7, 2018 have been previously distributed via email to the Board members for review. Motion is made by Mr. Porzio and seconded by Mr. Lomangino. All in favor by those eligible to vote.

### **Resolutions**

Vice-Chairman Battista states that with regard to **BA 2018-07, Haralam, 276 Riveredge Road, Blk 32.01 lot 14**, the applicant has not submitted a revised survey to include the lot coverage changes in order to conform to agreed upon percentages. Therefore, this resolution will be listed for memorialization at the July 19, 2018 meeting if complete by this date.

**BA 2017-22 NJ Laser Dentistry, 818 Shrewsbury Avenue, Blk. 7 Lot 21,  
Application for Sign Variance**

Vice-Chairman Battista states that the proposed resolution has been reviewed by the Board.

Mr. Porzio makes a motion to approve for memorialization and is seconded by Ms. Berk.

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

**BA 2017-19 Tinton Falls Solar Farm – Trailer not permitted, building should be built, amendment to site plan**

Vice-Chairman Battista states that the proposed resolution has been reviewed by the Board.

Mr. Porzio makes a motion to approve for memorialization and is seconded by Ms. Berk.

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

**New Business**

**BA 2017-17 Michalowski, Bruce & MaryAnn, 6 Bermet Court, Blk 55 lot 3.05;  
Building coverage; lot coverage; multiple variances regarding accessory structures.**

Mr. Aikins states that he has reviewed the affidavit and proofs of service and find same to be in order as to form.

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

Bruce and Mary Ann Michalowski, individually, state that they reside at 6 Bermet Court and are sworn in by Mr. Aikins.

Mr. Michalowski states that they are looking for multiple variances and explains that they are including paving an area that is currently dirt and gravel in order to finish the

driveway. Also looking to construct an additional two-car garage. He also states that there are two existing sheds on the property. He currently has a two-car garage attached to the home.

Vice-chairman Battista asks if there have been any additions to the home since the home has been purchased. Mr. Michalowski state that an above-ground pool has been installed. Originally, the home was on eleven acres and then the property was subdivided for a development. The two sheds were added.

Mr. Neff states that neither one of the sheds would qualify as a cabana.

Mr. Battista states that there are two sheds, an above-ground pool and a proposed detached two-car garage. Mr. Neff state that this property would need a variance for three accessory structures. Mr. Neff also states that there are a number of other variances in association with the proposed attached garage; including building coverage, lot coverage, location, setbacks, etc.

Mr. Lomangino asks what the sizes are of the two existing sheds and is told by Mr. Michalowski that each of them are 8 x 10.

Mr. Battista asks for elaboration of the proposed driveway expansion. Mr. Michalowski states that prior to the subdivision, his address was 447 Tinton Avenue. It has since become 6 Bermet Court. We were obligated to install a driveway from Bermet Court and the best way to do it was for it to be across the front of the house in a shape similar to a question mark, to the garage. There used to be a tree, grass and rocks that we had to plan around. Years later, the tree was struck by lightning and was taken down. Now we have a void where the tree used to be and the space is an eyesore. The applicant states he wishes to have this area paved. The applicants state that they hired a contractor to pave the vacant area and then found out the contractor was supposed to obtain a permit to patch this area of approximately 1200 sq. ft. The applicant states that this void is a hazard.

Mr. Battista asks the applicants if they conduct a business out of the home. The applicants state that they do not. Mr. Michalowski states that he owns a business but does not conduct business out of his home.

Mr. Battista asks if there are any trucks or supplies that are stored on the property as a result of the business. Mr. Michalowski states that he has one work box truck that is kept at the house. Mr. Michalowski states that all of his materials are stored on the box truck and a small amount of supplies are stored in the sheds.

Mr. Brawner asks to go down the list from the Engineer's review letter.

Under D-1 – regarding lot coverage. Mr. Neff reviews this paragraph. He states that the bulk of this overage is due to the driveway and discusses. There is also a large driveway towards the rear of the house. Mr. Neff asks if there is a way to work with a landscaper instead of paving the approximate 1200 sq. ft. void. Mrs. Michalowski explains that she

would prefer to pave the void. She states that she has a letter from 2008 that states lot coverage permitted is 22%. Mr. Neff states that that ordinance has since changed and permitted coverage is now 15%.

Mr. Brawner asks for clarification of the driveway expansion. Mr. Michalowski explains what he wishes to do and his reasons for doing so.

Mr. Aikins reviews and states that the area where the former large specimen tree was planted, now has left a depressed area with weeds and a less than ideal yard condition. This is the area that is requested to be filled in. To the east of the residence, there is an existing asphalt drive. To the north of that asphalt drive is where they have proposed a detached two-car garage.

Vice-chairman Battista asked if the driveway could be straightened out instead of going around the area that the tree occupied. Mr. Michalowski and Mr. Neff discuss this option in an attempt to reduce lot coverage. Mr. Michalowski states that they have tried to landscape this area but it is impossible to keep up with the weeds and that it would be easier to simply black-top the area. Mrs. Michalowski states that it is an easier turn if the entire area is paved.

Mr. Brawner asks for specific numbers as you are shaving off parts of the driveway here and there. Mr. Michalowski states that he doesn't want to shave any parts of the driveway. He would prefer to put in the approximate 1200 sq. ft. of paved surface. Mr. Michalowski states that is why he does not have Plan B percentages.

Mr. Michalowski asks what if he proposes to take down the two existing sheds. What would that do to help lot coverage.

Vice-Chairman Battista says to the applicants that he understands what they want and the purpose of a plan b is to get closer to the percentages that are permitted.

Mr. Brawner states that the applicants are asking for eight (8) variances. Let us go through each variance.

Mr. Lomangino asks Mr. Neff to take off the two sheds, since we know the size of them and see what that does for lot coverage and how it affects any other variances connected with the two sheds.

Mr. Neff states that if the two sheds are removed, two variances would be removed. The variance noted in no. 3 (engineering review letter April 17, 2018 Section D) referencing multiple accessory structures would be removed. Also no. 6 would come out referencing accessory structures closer than ten feet to other buildings. Lot coverage and building coverage would be revised by only .4%. Building coverage if the sheds were removed would be 7.95% where 7% is permitted. Lot coverage would go down from 26.24% to 25.84% where 15% is permitted.

Mr. Battista reminds the applicant that any variances obtained would stay with the property should the applicant move. Also, this property already has a two-car attached garage and you are asking for an additional two-car garage. Mr. Michalowski states that the attached garage stores two restored antique cars and the additional two-car garage would house cars, pool equipment and lawn equipment.

Discussion ensues regarding the current site plan, in that it is from 2008 and that the zoning table is not accurate. There are no measurements depicted on the driveway sketch. Mr. Neff indicates that these sketches may need to be more specific. For instance, when he scaled the void from the tree, the square footage seemed to be closer to 1300 sq. ft. instead of 1200 sq. ft. Mr. Neff suggests coming back with an up-to-date plan. Mr. Michalowski states that the only rendering from the architect is the two car garage. Mr. Michalowski says that, for now, disregard the proposal for the two-car garage, and let's focus on getting the paving done and leave the two sheds on the property.

Mr. Battista wishes to take a recess. Off the record from 8:20 p.m. until 8:37 p.m.

Mr. Neff states that if the applicant focuses on the driveway expansion only, with the two-car detached garage off the table, the lot coverage of 26.24% reduces to 24.84%.

Mr. Brawner asks what is existing. Mr. Neff states that existing lot coverage is 21.45% when you add in the 1,340 sq. ft. driveway expansion, lot coverage would increase to 24.84% and 15% is permitted.

Mr. Aikins states that during the recess, the applicant indicated that they would like to possibly consider speaking with a surveyor or architect to refresh these plans and consider their alternatives and may also consider retaining an attorney as well.

Mr. Michalowski states that in 2008 the permitted lot coverage was 22% according to the letter from the town and the proposed at that time was 24% and currently it has been reduced to 15%

Mr. Michalowski asks how many of the original eight (8) variances. April 17, 2018 is the date of the engineer's review letter

Further discussion ensues regarding the engineer's review letter and different options.

In summary, Mr. Michalowski states that he is still proposing the two-car detached garage, filling the void and if he can have the two-car detached garage and fill the void, then he will take away the two sheds.

So, Mr. Lomangino states that would leave a building coverage variance and a lot coverage variance.

Ms. Hatami asks for the lot coverage and building coverage percentages if the proposed two-car detached garage is reduced. Mr. Neff states that the building coverage would be 7.51% and the lot coverage goes to 25.4%.

Mr. Porzio reviews that the proposal is still for four garages.

An addition to the house is discussed in order to do away with the accessory structure of the two-car garage.

Mr. Neff states that if you want to stay with a detached garage proposal, you (the applicant) will have to come back with a revised plan that clearly has all of the dimensions and areas and lot coverages in black and white prepared by a surveyor or architect. If you are abandoning an additional garage for now, and will be focusing on the driveway expansion, then we have enough information for that.

The applicant states that he wants to get the void filled. If the two sheds are left on the property, can we come to an agreement tonight? Mrs. Michalowski states that if she can pave the void, the excess driveway could be cut at a later date.

Mr. Aikins said there would have to be a variance for the two sheds. Discussion ensues with regard to taking away the two existing sheds and replacing with a single larger shed.

Mr. Porzio states he still feels we need more information and a current plan, he does not feel the proposal is clear with the 2008 plan.

Mr. Aikins suggests to the applicants the possibility of modifying the application to only seek to fill the void and eliminate one shed. The applicants make this request to fill the void and to remove one of the sheds.

Mr. Neff states that if one of the sheds is taken away, building coverage would stay as it is. No variance pertaining to building coverage would be needed. The variance would be for lot coverage for adding the additional impervious surface for the driveway (1340 sq ft) and the proposed lot coverage would be 24.64% where 15% is permitted.

Vice-Chairman Battista asks if there is any public in attendance that has any questions or comments regarding this application. None heard.

Vice-Chairman Battista makes a motion and is seconded by Mr. Lomangino to close the public portion of this application. All in Favor.

Motion is made by Mr. Lomangino and seconded by Mr. Porzio to fill void with paving in the amount of 1,340 sq. ft.; to eliminate one shed; whereby increasing lot coverage to 24.64%.

Ayes: Mr. Lomangino, Mr. Porzio, Mr. Battista, Mr. Brawner

Nays: Ms. Berk, Ms. Hatami

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

Motion passes 4-2.

**Further Business**

With regard to **BA 2017-10 McCauley, Michael & Colleen, 91 Rosalyn Dr., Blk. 124.41** Lot 8, this matter will be given a new date of July 19, 2018. Mr. Aikins states that he has spoken with Mr. McCauley regarding his position that his service was adequate. The Press publication was not made in a timely manner. Following our conversation, Mr. McCauley understands that he must re-notice for the next available meeting, which is July 19, 2018.

Also, in the matter of **BA 2018-02 – 7<sup>th</sup> Day, Wardell Road and Rte. 33**, it is being moved to August 16, 2018, as there are only five Board Members that are eligible to vote on this matter here this evening and the applicant would like to postpone in the hopes that additional Board members will be able to attend the meeting. There is no one in the audience who is in attendance for this matter.

**Motion to Close**

Motion to close the meeting at 9:15 p.m. is made by Mr. Porzio and seconded by Ms. Berk . All in favor.

Respectfully submitted,

Colleen Connolly  
Zoning Board Secretary

Approved at Board of Adjustment  
Meeting on July 19, 2018