

The meeting was opened by Mr. Lomangino at 7:30 p.m.

Mr. Akins 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.

Mr. Lomangino then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present Mr. Lomangino, Mr. Slazyk, Mr. Brawner, Mr. McKinley, Ms. Hatami

Absent: Mr. Palmieri, Mr. Battista, Mr. Porzio, Ms. Berk

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

Mr. Akins read a statement of procedural guidelines.

Resolutions

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

Mr. Lomangino states that the Board members have reviewed the proposed resolution and find same to be in order. Mr. Brawner makes a motion and is seconded by Mr. Lomangino to memorialize the resolution. All in favor by those eligible to vote.

BA 2018-07, Haralam, 276 Riveredge Road, Blk 32.01 lot 14, Building coverage and set back variances.

Mr. Lomangino states that the Board members have reviewed the proposed resolution and find same to be in order. Mr. Neff states that a revised survey has been submitted and approved by him conforming to agreements made during the hearing. Mr. Lomangino makes a motion and is seconded by Mr. McKinley. All in favor by those eligible to vote.

New Business

BA 2018-10 McCauley, Michael & Colleen, 91 Rosalyn Dr., Blk. 124.41, Lot 8
Building coverage; side-yard setback

Michael McCauley, 91 Rosalyn Dr., is sworn in by Mr. Aikins. Mr. Aikins states that he has reviewed the Affidavit and Proof of Service and find same to be in order as to form.

Ms. Hatami makes a motion and is seconded by Mr. McKinley to accept service. All in favor.

Mr. McCauley states that he wishes to construct a 10'x10' addition to the rear of his home. He states the request was originally denied because of pre-existing non-conformity. It requires 35 ft. total on both sides to meet the setback requirements.

Mr. Lomangino asks where the nearest neighbor's homes are with regard to property lines. The property lines are reviewed and the survey discussed with regard to adjacent properties.

Mr. McCauley states that the proposed addition is one and a half story 10' x 10' addition behind the garage, connecting the garage to a proposed mudroom to the kitchen. Currently the garage is only accessible by going outside of the home. Above the garage is a proposed master bathroom. He states that he has three children and only one bathroom on the second floor for all five of the family members.

Mr. Lomangino confirms that the proposed addition matches the materials and style of the home.

Mr. Neff reviews the side-yard setback variance that is required. 35 ft. is required for a combined setback. The applicant is proposing 28.08 ft. . There is also a building coverage variance. The building coverage proposed is 1.2% over what is permitted. 21.2 % is proposed and 20% is permitted. The addition is taking over a portion of the existing deck. The deck is not being expanded.

Mr. McCauley states that the bump out in the rear of the home will be taken off and therefore the building coverage would be slightly less.

Mr. Lomangino asks if there are any comments or questions from anyone in attendance this evening. None heard.

Mr. Brawner states that there is not a specific percentage that we are voting on, therefore, how will the Resolution be written. Mr. Neff states that he recommends keeping the percentage as is and the actual percentage will only be minimally less. Keep the variance request at 21.2%

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

Motion is made by Mr. Slazyk and seconded by Ms. Hatami to approve the application based upon the testimony.

Ayes: Mr. Slazyk, Ms. Hatami, Mr. Lomangino, Mr. McKinley, Mr. Brawner

Absent: Mr. Palmieri, Mr. Battista, Mr. Porzio, Ms. Berk

Nays: None

BA 2018-12 Davidson, 102 Willshire Drive, Block 65.04 lot 20 – Lot coverage

Mr. Aikins states that he has reviewed the Affidavit and Proof of Service in this matter and find same to be in order as to form.

Ms. Hatami makes a motion and is seconded by Mr. Brawner to accept service. All in Favor.

Mr. Aikins swears in Mr. Jeff Davidson, 102 Willshire Drive, Tinton Falls. Mr. Aikins also swears in Mr. Jeff Rausch, licensed engineer, CentraState Engineering for Mr. Davidson. The Board accepts Mr. Rausch's credentials.

Mr. Rausch states that the applicant currently has an existing above-ground pool that is surrounded by a deck, both of which are in need of repair. The applicant is proposing to remove and replace. The existing lot coverage is 24.18%, proposed is 24.15%. The permitted lot coverage is 15%. The overage is primarily due to stone coverage in the rear of the property due to erosion issues. The applicant has tried to grow grass in the area but has been unable to do so. As a result of constant erosion, stone was applied and small retaining walls were constructed. Pine Brook runs along the rear of the property with a steep incline from the property to Pine Brook. There is a shed, gazebo, stone area and the retaining walls that were constructed without permits. The applicant will be filing for permits in the near future for these structures.

Mr. Lomangino reviews that a lot coverage variance is requested.

Mr. Brawner asks to go over Mr. Neff's letter. Mr. Neff states that the applicant received approvals for the pool and the back decks. Since then the applicant came to replace the pool and the deck and at that point, all of the additional improvements that were done without prior approvals. The lot coverage overage is a combination of the shed, the gazebo, all of the various paver areas and the stone areas. The lot coverage is significantly over the 15% that is allowed.

Mr. Rausch shows the "pool plan" dated March 22, 2018, revised on July 10, 2018, to the Board members. He points out on the plan that there is a modular retaining wall that follows the tree line to the east. There is a very steep drop, almost 2:1 from the back yard

to the brook. There is another row of modular retaining walls and stone that is there to help with erosion issues with the slope.

Discussion between the applicant and Board members ensues discussing the slope issues and the stone areas and retaining walls towards the rear of the property.

Ms. Hatami asks Mr. Neff how he feels about the retaining walls and the stone areas. Mr. Neff states that he is okay with the retaining walls but feels that some of the stone is not necessary in all of the areas. Mr. Neff feels that on the gentle slope areas of the back yard, the stone areas could be removed. If all of the stone was pulled off, that would account for 7.4%. = 16.75%

Mr. Rausch discusses removing half of the brick paver areas and keeping the walkway. The stone area around the shed can be removed, stone area to the west in the upper part of the middle retaining wall. The area to be taken out would be 1,582 sq. ft. which would reduce the coverage by 3.8% which would bring it down to 20.35%

Mr. Brawner asks about the drainage of the back yard and if the abundance of stone areas affect run-off to neighbor's yards. Mr. Neff states he does not believe the stone areas contribute to additional run-off into neighbor's yards.

The applicant explains why he believes the combination of the small stones and retaining walls are the best plan for this property. The applicant explains that he did not realize he needed permits for this, he states that he just saw it as a functional way to help with the erosion.

Mr. Rausch presents a zoning map of the area and explains that where the applicant is located, is designated as a R-2 zone (18% lot coverage) except for four (4) lots at the end of Willshire which are designated as in the R-1 zone (15% lot coverage), one of these lots belonging to the applicant. The Willowbrook neighborhood abuts this neighborhood. The applicant's neighborhood is a closed neighborhood. It is not connected to Willowbrook.

Mr. Neff asked if the proposed additional retaining wall could be 3 ft. or less. Mr. Rausch states that yes, it will be 3 ft. or under. Mr. Rausch states that there may be one or two areas of segmented block retaining walls, that may be just above the 3 ft. requirement, maybe by 2 or 3 inches. Mr. Rausch states that he can issue a letter with his seal that the walls are structurally stable, I have inspected it and, if that is acceptable, I can do that for the existing walls and for the proposed retaining wall, we will keep to 3 ft. or under. Mr. Neff says that he would accept that.

Mr. Neff states that there is a drainage easement which has a play structure on it. The applicant will need to move the play structure out of the easement.

Mr. Aikins suggests signing off on a proposal that gives the Borough a hold harmless agreement that, in the event the easement needs to be accessed, the applicant would

remove the wall, the work could be done and the wall could then go back. That way, the easement would be protected and the applicant would not have to tear out the wall. Mr. Neff states that could work for the wall if the playground could be shifted.

Mr. Brawner asks about the concrete area around the pool and if it can be reduced in any way.

Mr. Rausch further explains the area around the multi-level deck and the hot tub.

Further discussion between the applicant and the Board members ensues regarding the specific coverage areas in the back yard.

Mr. Rausch produces a Google Earth version of the applicant's property as A-3. Mr. Slazyk asks Mr. Rausch how many feet does the yard drop down to the brook. Mr. Rausch states it is a drop of approximately 40 ft. drop to the creek. Mr. Slazyk reviews that he believes the stone is a better option to hold the soil than the grass since the slope is significant.

Mr. Lomangino reviews the application and asks each Board member to weigh in on the application, which they do.

Mr. Neff reviews his engineering report and addresses each point.

Mr. Rausch stipulates that he will submit a detailed plan as to the type of four foot high fence that will be constructed around the pool. The fence proposed will be code compliant. Also, permits will be obtained for any and all structures that are existing in the backyard.

Mr. Lomangino asks if there are any public in attendance that have any questions or comments with regard to this application.

Mr. Rausch reiterates that a new plan will be submitted that shows removal of 1582.5 sq. ft. of stone coverage. This plan will be forwarded to Mr. Neff for resolution compliance. Mr. Neff states that, if the Board is comfortable with this option, he will review the plan and make sure it is in line with the Resolution. Mr. Akins states that if the Board is comfortable leaving the discretion to the engineer to work with the applicant's engineer, he is comfortable with that on a conditional basis based on the condition of resolution compliance and no work could commence until the conditions were met. The lot coverage would be brought down to 20.35%

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

Motion is made by Mr. McKinley and seconded by Mr. Slazyk to approve this application subject to testimony and resolution compliance between Mr. Neff and Mr. Rausch.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
July 19, 2018

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

Minutes

Mr. Lomangino states that the minutes from June 21, 2018 have been previously distributed to the Board members for review. Motion is made by Mr. Brawner and seconded by Ms. Hatami. All in favor by those eligible to vote.

Motion to Close

Motion to close the meeting at 8:54 p.m. is made by Ms. Hatami and seconded by Mr. Lomangino. All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on August 2, 2018