

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

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.

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

Ms. Connolly took roll call.

Present Chairman Battista, Mr. Palmieri, Mr. Lomangino, Mr. Porzio, Mr. McKinley, Ms. Hatami, Ms. Berk

Absent: Mr. Slazyk, Mr. Kuzmin

Also present: Mr. Hirsch
Mr. Neff
Ms. Connolly, Board Secretary

Chairman Battista read a statement of procedural guidelines.

Minutes

Chairman Battista states that the minutes from January 3, 2019 have been previously distributed via email for the Board to review.

Motion is made by Mr. Porzio and seconded by Mr. Lomangino to accept the minutes of January 3, 2019. All in favor by those eligible to vote.

Resolutions

No Resolutions this evening.

New Business

BA 2018-16 Wendy Dutch, Executrix: Estate of Garell; 26 Cranberry Drive:
Blk. 124.10 lot 7
Building coverage; rear yard setback; accessory structure too close to dwelling

Mr. Hirsch states that he has reviewed the Affidavit and Proof of Service and find same to be in order as to form. Motion is made by Mr. Porzio and seconded by Mr. Lomangino. All in favor.

The applicant, Wendy G. Dutch, 20 Pierce Avenue, Eatontown, NJ 07724, is sworn in by Mr. Hirsch.

Chairman Battista asks Ms. Dutch what relief she is seeking this evening.

Ms. Dutch states that this is her parent's home and her mother has recently passed away in May of 2018 leaving her as executrix of the estate. She wishes to sell the home but there is a problem. The enclosed porch needs a variance as no permits can be found enclosing the deck. The deck had been permitted. Ms. Dutch states that the deck had been enclosed at least thirty years ago prior to when her parents had bought the home. The only change her parents had done was change from the original screens to windows. Try as she might, Ms. Dutch states that she cannot find any permits among her parents' paperwork.

Ms. Dutch produces a series of photographs that Mr. Hirsch marks into evidence. Ms. Dutch states that A-1 is the front view of the home; A-2 is of the right half of the home with porch.; A-3 Closer shot of A-2; A-4 is of the porch on the left, right is the neighbor's property; A-5 Picture showing the shed in the yard; A-6 Same picture with the shed showing a measurement.

Ms. Dutch reiterates that she spent a lot of hours looking through all of the paperwork that her parents had in their home. Her parents had saved a tremendous amount of receipts and paperwork with regard to the home. There was no paperwork found with regard to the deck. With regard to the shed, it was rotated last year. Originally the shed was 2 ft. from the house. It was moved so that it met the requirement of being 10 ft. from the house. Mr. Neff confirms via Google Earth that the shed was rotated and that it meets the 10 ft. setback thereby removing the need for one of the variances.

With regard to building coverage, Ms. Dutch states that she needs to get her parent's home on the market. The Certificate of Occupancy is not attainable without the variances requested.

Building coverage is discussed. Existing is 25% where 20% is permitted. Mr. Neff states that permits were not obtained for the enclosed porch and the shed. We have a survey from 1991 that shows the enclosed porch as a regular deck. Mr. Neff surmises that sometime in the 90's it was roofed over and screened in and then later on fully enclosed with windows. Ms. Dutch explains that when her parents bought the house, the deck had already been roofed over and screened. Mr. Neff states that the sun room and the shed combined is 3.2%. If the shed was taken away and leave the enclosed porch that would be 23.8%. Mr. Hirsch brings up that there is a possibility that when the house was built the percentages may have been greater than they are now.

Mr. Palmieri seems to recall that when Park Place I was constructed, the homeowner was given an additional 4% to build as the homeowner would see fit but needed permits.

Chairman Battista reviews the lot coverage issues and discusses with Ms. Dutch regarding removing the shed and leaving everything else “as is.” Ms. Dutch would be more than happy with that compromise.

Mr. Palmieri brings up the side-yard setback issue. Ms. Hatami states that it seems that this house was build “to code” at the time and percentages have since changed.

Various Board members further discuss the building coverage and the size of the lot.

Mr. Hirsch states that with regard to the neighbor (lot 6), 22 Cranberry Drive, the house on lot 6 looks to be approximately 18 feet. Ms. Dutch states that 22 Cranberry fronts on Cranberry Drive.

Chairman Battista asks if there are any other Board members that have any questions. Hearing none, Chairman Battista asks if there is any public in attendance that may have a question or statement regarding this matter, none heard.

Chairman Battista reviews the application. By removing the shed, the percentage is reduced by 1.2% thereby the overage coverage would be 3%.

Motion is made by Mr. Lomangino and seconded by Mr. Palmieri. All in Favor.

Chairman Battista asks the Board members for any discussion or comments with regard to this application.

Ms. Hatami voices her opinion with regard to this application stating that the lot is slightly undersized and that this is a corner lot. She reviews that the shed is now properly located with the correct setback. She does not have a problem with the shed staying on the property as the lot coverage percentage is not significant.

Mr. Porzio states that the shed does contribute to the building coverage percentage and even taking the shed off of the property, the building coverage percentage is still over what is permitted.

Mr. Porzio makes a motion to approve the application but removing the non-permanent shed from the property, seconded by Mr. Palmieri.

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

Nays: None

Absent: Mr. Slazyk, Mr. Kuzmin

BA 2018-18 Roberts, Anthony, 301 Water Street; Blk 68.01 Lot 3.01 – Front yard setback; side yard setback; lot coverage; building coverage

Mr. Hirsch states that he has reviewed the Affidavit and Proof of service and find same to be in order as to form.

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

Mr. Hirsch swears in Lynn Migliorino Ercole and Anthony Roberts, both using the address of 301 Water Street, Tinton Falls.

Mr. Roberts states that he wishes to submit some pictures for exhibits. Mr. Hirsch marks the photos in evidence. Mr. Roberts explains each picture:

- A-1 front driveway
- A-2 neighbor across street
- A-3 neighbor to left
- A-4 backyard/existing foundation
- A-5 showing deck that applicant wishes to make larger
- A-6 property beyond home
- A-7 neighboring property on garage side
- A-8 property to left
- A-9 circular drive
- A-10 foundation & driveway entrance

Mr. Roberts states that he is looking to re-build the garage on the existing foundation and also to make the existing deck larger. Mr. Roberts states that the existing deck is 84 sq. ft. and he wishes to expand to 286 sq. ft. Mr. Roberts wants to remove the existing deck and build a new expanded deck.

Mr. Battista reviews that, according to the survey and application, the footprint remains the same except for the proposed expansion of the deck.

Mr. Neff states that there was a garage previously on the foundation. The garage was removed approximately six months ago. Mr. Roberts states that it was falling down and not repairable. Mr. Neff states that when something is torn down, it must be built to today's standards. A number of the variances relate to the rebuilding of the garage and expanding the deck which increases the lot coverage which is already an issue. The existing footprint of the garage is 576 sq. ft. – approximately 24 x 24 a standard two-car garage.

Ms. Hatami asks when the house was built. Mr. Roberts states that the house was built in 1938.

Chairman Battista states that this application is asking for eight (8) variances, which is a lot.

Chairman Battista asks how many variances would be needed if the garage was not included. Mr. Neff states that would leave lot coverage, building coverage and rear yard set back for the deck.

Chairman Battista asks a few questions with regard to the neighboring lots and where structures are in relation to the applicant's home. The stream and its location are discussed.

Ms. Ercole states that the reason that they are requesting the enlarged deck, is that because of the stream, the land is very wet and the deck will be dry, since it will be slightly elevated and be able to be utilized for themselves and their grandson.

Mr. Hirsch further explains about losing the pre-existing non-conforming status once a structure is taken down.

Chairman Battista brings up the circular driveway. Mr. Roberts states that he would consider removing the circular driveway if need be and replace the asphalt with grass. Mr. Neff states that it would be a benefit as the applicant is significantly over lot coverage. Proposed is 37.3% whereas 18% is permitted. If the circular driveway is removed, the lot coverage would be 32.9%. Mr. Neff also states that the house is very close to the road. Mr. Neff states that three would be design waivers or variances needed to keep the circular driveway, as the lot is very small. Mr. Neff states that Water street is not very busy.

Chairman Battista reviews that the applicant is amenable to removing the circular driveway, if need be. Mr. Palmieri asks if it makes much of a difference in the percentage if the circular driveway is kept for safety reasons. Mr. Palmieri states that it is a very narrow street and the applicant is very near a curve. Mr. Palmieri would like to leave in the circular driveway for safety reasons. Ms. Hatami asks about the gravel driveway with regard to lot coverage. Mr. Neff states that gravel in landscaping does not generally count but a gravel driveway always counts. Mr. Lomangino asks what the lot coverage percentage is with and without the circular driveway. Mr. Neff states that with the driveway intact it is 37.3% and without the circular driveway it is 32.9% and 18% is permitted. Mr. McKinley states that the lot is extremely irregular and is familiar with the location of this property. Mr. McKinley states that if the applicant has family or friends over with two or three cars, there is no parking. Mr. Lomangino agrees that the safety factor outweighs the lot coverage percentage.

The applicants support leaving in the circular driveway for the reasons of safety. Mr. Neff recommends still taking the circular driveway out and putting in a traditional back-up area off the side of the asphalt driveway. Mr. Neff states that the entire front yard is basically driveway. There is really no discernable green space in the front yard. Mr. Porzio agrees that the safety concerns outweigh the lot coverage percentage in this particular case.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
February 21, 2019

Ms. Ercole states that their intention is the clean up the front yard and the berm. Right now, the space is overgrown and needs work to bring it up to par.

Mr. Neff states that the property is 14,795 sq. ft. Ms. Hatami asks how far the front of the home is to the street. Mr. Neff states that a portion of the house is .1 ft from the road and 18.4 from a portion of the garage. The garage itself is approximately 41 ft. from the road.

Chairman Battista asks if there is any public in attendance that has any questions or comments. Hearing none.

Mr. Porzio makes a motion to close the public portion of the application, seconded by Mr. McKinley

Mr. Lomangino makes a motion to grant the application which would include leaving the circular driveway as is for safety reasons. Seconded by Mr. Porzio.

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

Absent: Mr. Slazyk, Mr. Kuzmin

Nays: None

Motion to Close

Motion is made by Mr. Palmieri and seconded by Mr. Lomangino to close the meeting at 8:35 p.m. All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on March 7, 2019