

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 Vice-Chairman Battista, Mr. Lomangino, Mr. Slazyk, Mr. Porzio, Mr. McKinley, Ms. Berk, Mr. Kuzmin

Absent: Chairman Palmieri, Sheila Hatami

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

Vice-Chairman Battista read a statement of procedural guidelines.

Minutes

Vice-Chairman Battista states that the minutes from November 1, 2018 have been previously distributed via email for the Board to review.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to accept the minutes of November 1, 2018. All in favor by those eligible to vote.

Resolution

The Resolution approving the 2019 meeting dates have been previously sent out for review.

Motion is made by Mr. Lomangino and seconded by Mr. Porzio to accept the Resolution setting the 2019 meeting dates. All in favor.

Mr. Hirsch states that BA 2018-11 – Junior Athletes, BLK 120.02 Lot 1.01 is not in finalized form and will be ready for the next meeting.

New Business

BA 2018-14-- ANDERSON, James & Dorothy; 79 Shark River Road; Blk 137.02, lot 4; Lot coverage; Fence in front yard; Fence encroachment into right-of-way

Mr. Hirsch states that he has reviewed the Affidavit of Publication and Proof of Service and same are in order as to form.

Mr. Porzio makes a motion to accept service, seconded by Mr. McKinley. All in Favor.

Dorothy Anderson, 79 Shark River Road, 07753, is sworn in by Mr. Hirsch.

Mrs. Anderson states that they are looking to put in an in-ground pool. She states that her lot is on a peninsula and a corner and technically has three front yards. Mrs. Anderson describes her lot.

Mr. Hirsch enters into evidence multiple pictures given to him by Mrs. Anderson of their lot and describes each photo. A-1 is a view from driveway; A-2 is a view of Almar Avenue; A-3 is a picture showing their trampoline, which is the location that the pool is proposed; A-4 and A-5 are pictures of their play area; A-6 is of the corner of Almar and Wardell; A-7 is a picture of the back of the house; A-8 is a picture of the driveway/Wardell side; A-9 is a picture showing the nearest neighbor's house.

Mr. Battista asks how the family enters the home. Mrs. Anderson states that their front door faces Shark River Road. There is no door facing Almar Avenue. The driveway leads to a side door which is how the family enters the home. The driveway accesses Almar Avenue.

Ms. Berk asks how long they have lived in the home. Mrs. Anderson states that her husband purchased the home in 2004.

Mr. McKinley asks what is in the present location that is proposed for the in-ground pool. Mrs. Anderson states that there is grass.

Mrs. Anderson states that her mailing address is 4 Almar but she pays taxes to 79 Shark River Rd.

Mr. Battista states that, in theory, the pool location would be a front yard. The neighbors' lots are looked at and compared to the Anderson property.

Mr. Slazyk discusses that there are trees lining the driveway acting as a buffer to the neighbor's yard.

There is discussion regarding if there is another possible location for the pool. Where it is proposed is where the family uses the land as a back yard and the pool is proposed directly behind the home inside the building envelope.

Mr. Battista states that the current lot coverage is 18.1% which is .1% over what is permitted. Total proposed is 21.6%. Mr. Battista reviews that there is the minimum 3 ft. concrete apron around the pool and then there is a patio portion for a table and chairs toward the southwestern part of the back of the house.

Mr. Slazyk asks about the existing paver patio that is part of the lot coverage percentage. Mr. Neff states that if this existing patio is taken up, it would bring the total to 20.6% Mrs. Anderson states that they would be willing to take up this patio.

Mrs. Anderson states that there are two windows at the back of the house which are going to be replaced with a sliding door, which will access the back yard. Mrs. Anderson states that there will be steps down from the sliding door to the yard.

Mr. Neff states that a 2 'x 8 'walkway from the sliding door to the pool would be .06%.

Mr. Neff brings up that the required fence for the pool is not permitted in the front yard. The fence that exists needs to be relocated inside the property. It looks like the fence extends into the right-of-way, which was done in error. Mrs. Anderson was not aware that the fence company installed the fence in the wrong location. The fence needs to be re-located five (5) feet closer to the house. Mrs. Anderson states that the pool company has to temporarily take down that portion of the fence and she will make sure it is put back in the proper place.

Vice-chairman Battista asks if the Board has any other questions or statements. Hearing none.

Vice-chairman Battista asks if the public has any questions or comments. Hearing none.

Vice-chairman Battista makes a motion to close the public portion, seconded by Mr. Lomangino. All in Favor.

Motion made by Mr. Porzio to approve the application with the conditions agreed upon during the course of this hearing, seconded by Mr. Kuzmin. All in Favor.

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

BA 2018-15 BRADLEY, Scott and Caroline, 32 Thayer Drive, BLK 61.03 Lot 65
Lot coverage, Building Coverage

Mr. Hirsch states that he has reviewed the Affidavit of Publication and Proof of Service and they are in order as to form.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to accept service. All in favor.

Mr. Hirsch swears in Caroline Bradley and Frederick Scott Bradley, separately, 32 Thayer Drive.

Mr. Battista asks the applicants to explain what relief they are seeking this evening. Mrs. Bradley states that they wish to expand their family and want to put in a small in-ground pool and a small room off the back of the garage.

Mrs. Bradley gives Mr. Hirsch photos of their property. Mr. Hirsch enters into evidence the following pictures: A-1 shows front of home; A-2 shows back of home and sun porch; A-3 is a view from the back of the house looking towards neighbors; A-4 shows the backyard; A-5 shows where addition would be located; A-6 shows side and back yard.

Mr. Neff states that he has a grading plan, which had been previously requested.

Mr. Battista asks a few questions regarding the distance from the common property lines and their neighbors' houses, which is approximately 30 ft. to each one.

It is reviewed what exactly is being proposed, specifically that there is not a separate pool house proposed. The applicant has an overage of lot coverage that is pre-existing which is 20% whereas 18% is permitted and proposed is 24.4%. Building coverage permitted is 8% and pre-existing is 10.7%. Proposed is 13.5%.

Mr. Battista asks if any of the neighbors have similar additions. Mrs. Bradley says that all of her neighbors have similar additions.

Mr. Hirsch states that the addition is 35' x 20' – 700 sq. ft. The pool is proposed at 18' x 30' with a 3' surrounding walkway.

Mr. Kuzmin states that there appears to be a gap between the existing patio and where the pool is being proposed.

Mr. Battista states that the sunroom and the existing patio show a gap in between the proposed addition and the patio/sunroom. Mr. Neff reiterates that, according to plans submitted, your proposed addition does not go all the way up to the sunroom, there is

grass left in-between. Mrs. Bradley states that the addition is supposed to go right up to the house, there is not supposed to be a gap. Mr. Neff states that the most recent submission, dated October 18, 2018, there is a gap shown between the sunroom and the addition. The gap is approximately five feet.

Discussion ensues to try and come to an agreement about what is proposed.

Mr. Neff states that it looks like the building coverage would change from 13.5% to 14.2%. Mr. Neff also states that in looking at the aerials of the surrounding neighborhood, there are a number of houses that have bumped out behind the garage, and it looks like none of them are anywhere near the 35 ft. that is proposed here. It looks like you are proposing to go further back than anyone else in the neighborhood.

After further discussion, it is determined that 700 sq. ft. is appropriate for the addition, bringing the depth to 28 ft. instead of 35 ft. Ms. Berk comments that 28 ft. is the width of the existing house.

Mr. Neff confirms that the garage is staying a garage and not being converted into living area.

Mr. McKinley confirms that the addition will match the materials of the original house.

Mr. Neff confirms that the lot coverage is approximately 6.4% over what is permitted. He notes that the driveway has been previously expanded, adding to overage.

Vice-chairman Battista opens up the discussion to the public for questions or comments. Hearing none.

Vice-chairman Battista makes a motion to close the public portion, seconded by Mr. Porzio. All in Favor.

Motion made by Mr. Slazyk, seconded by Mr. Lomangino to approve the application with conditions discussed during the hearing.

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

Mr. Neff reiterates that the applicant will have to submit new plans. The architect will have to update his site plan and his building plans to show the new dimensions and location.

Motion is made by Mr. Battista and seconded by Mr. Porzio to close the meeting at 8:45 p.m. All in favor.

Motion to Close

Motion to close the meeting at 10:35 p.m. by Mr. McKinley and seconded by Ms. Berk .
All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on January 3, 2019