

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 4, 2021**

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

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 Coaster and the Asbury Park Press.

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

Ms. Sena took roll call.

Present Chairman Battista, Vice Chairman Palmieri, Mr. Porzio, Mr. McKinley,
 Ms. Hatami, Mr. Kuzmin, Ms. DeMaio

Absent: Mr. Slazyk, Mr. Lomangino

Also Present: Ms. Sena, Board Attorney Mr. Hirsch, Engineer Mr. Neff

Chairman Battista gave a brief explanation of the COVID-19 guidelines in place for tonight's meeting.

MINUTES-

Chairman Battista stated that the minutes of the December 3, 2020 meeting have been previously distributed via email for the Board Members to review.

Mr. Kuzmin offered a motion to approve the minutes of the December 3, 2020 meeting, seconded by Mr. Porzio.

ROLL CALL

AYES: Mr. Kuzmin, Mr. Porzio, Chairman Battista, Vice Chairman Palmieri, Mr. McKinley, Ms. Hatami, Ms. DeMaio

NAYES: None

ABSENT: Mr. Slazyk, Mr. Lomangino

INELIGIBLE: None

RESOLUTIONS-

BA2020-11 RESOLUTION IN THE MATTER OF STEPHEN & SUSAN FISHER, 38 SIRE STAKES DRIVE

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Chairman Battista advised that the proposed Resolution in this matter has been previously forwarded to the Board Members prior to tonight's meeting.

Chairman Battista asked if any of the Board Members have any comment on said Resolution? Hearing none, Mr. Battista asked for a motion to adopt Resolution BA2020-11.

Vice Chairman Palmieri offered a motion to memorialize Resolution BA2020-11 seconded by Mr. Porzio

ROLL CALL

AYES: Vice Chairman Palmieri, Mr. Porzio, Chairman Battista, Mr. McKinley, Ms. Hatami, Mr. Kuzmin, Ms. DeMaio

NAYES: None

ABSENT: Mr. Slazyk, Mr. Lomangino

INELIGIBLE: None

NEW BUSINESS-

BA2020-07 ERIC PUMA: 6 MANZO COURT, BLOCK 97.01 LOT 1.04 APPLICATION FOR BULK VARIANCE (CARRIED FROM DECEMBER 3, 2020 MEETING)

Attorney Hirsch stated that he has reviewed the proofs and affidavit of service from the applicant, all is in order as to form. He stated that the Board accepted jurisdiction on this matter on December 3, 2020.

Attorney Hirsch certified the Board Members who listened to the audio recording of the December 3, 2020 Meeting who are now eligible to vote tonight.

Mr. Puma stated that he has researched various other Variances granted by the Tinton Falls Zoning Board of Adjustment since his previous hearing on December 3, 2020. He explained that many of the Variances granted are similar to the one he is requesting. Based upon that evidence, and his neighbor's testimony at the previous meeting, he believes the Board should grant him his Variance. Mr. Puma understands that mistakes were made during the permitting process, however he is trying to rectify the issue by applying for the Variance.

Mr. Hirsch addressed Mr. Puma's statement in regard to the Board approving similar variances. He discussed the Variance process and explained that each Variance is unique to a specific piece of property. The Board must examine and evaluate the facts of each specific case under the Municipal Land Use Law.

Mr. Puma stated that he does not wish to specify what Variances he researched at this time. Mr. Puma stated that Mr. Neff has signed off on all of the Variances. Mr. Neff clarified for the record that he does not sign off on Variances, Variances are granted by the Board. Mr. Puma stated that the Variances he has researched are all similar to the one he is requesting.

Mr. Palmieri asked if the granted Variances he researched are located on his street? Mr. Puma stated the cases he examined are in Tinton Falls. Mr. Palmieri explained that the Board is

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concerned with his property and the properties located on his street. He discussed properties located on Crown Court that have been before the Board. He explained that every piece of property is unique to itself.

Mr. Kuzmin inquired if Mr. Puma obtained any expert reports relative to the water and runoff issue since the time he was before the Board on December 3rd? He also asked if he has anything from an expert indicating that by constructing the patio to the dimensions built, if it has affected the rain runoff in anyway? Mr. Puma stated that he has not obtained and professional reports he explained that his neighbors provided testimony on this issue at the last meeting.

Mr. Kuzmin stated at the previous meeting the Board asked if Mr. Puma would consider reducing the patio in anyway, he asked Mr. Puma if he has given any thought to that? Mr. Puma stated that he did consider reducing the patio, however he then researched other Variances that received similar approval. He is requesting approval for the patio as is and has asked the Board to vote on his application this evening.

Chairman Battista asked if any members of the public wish to ask any questions or make any statements?

Seeing no public, Chairman Battista asked for a motion to close the Public Discussion.

Chairman Battista offered a motion to close the Public Discussion, seconded by Mr. Kuzmin, all present voted in favor.

Chairman Battista asked if the Board had any further question or comments?

Mr. Kuzmin stated that he did research on the case Wilson VS Brick Township Zoning Board of Adjustment. He discussed the case and noted various similarities between this case and Mr. Puma's application.

In Mr. Kuzmin's opinion this application has not satisfied the criteria set forth in the Municipal Land Use Law.

Chairman Battista asked if the Board had any further questions or comments, hearing none he asked for a motion.

Mr. Kuzmin offered a motion to deny BA2020-07, seconded by Mr. Palmieri.

ROLL CALL

AYES: Mr. Kuzmin, Vice Chairman Palmieri, Chairman Battista, Mr. Porzio, Mr. McKinley, Ms. Hatami, Ms. DeMaio

NAYES: None

ABSENT: Mr. Slazyk, Mr. Lomangino

INELIGIBLE: None

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MOTION TO ADJOURN

Chairman Battista asked for a motion to adjourn.

Mr. Porzio offered a motion to adjourn, seconded by Mr. McKinley.

All in Favor: AYE

Respectfully submitted,


Trish Sena
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: **March 4, 2021**