

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MAY 6, 2021**

The meeting was opened by Mr. Palmieri at 7:30 PM.

Mr. Palmieri 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.

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

Ms. Sena took roll call.

Present Vice-Chairman Palmieri, Mr. Lomangino, Mr. Porzio, Ms. Hatami, Mr. Kuzmin, Ms. DeMaio

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

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

MINUTES- None

RESOLUTIONS-

BA2020-13 RESOLUTION IN THE MATTER OF ANTHONY LONGEN, 22 OAKDALE DRIVE

Vice-Chairman Palmieri advised that the proposed Resolution in this matter has been previously distributed to the Board Member's prior to tonight's meeting.

Vice-Chairman Palmieri asked if any Board Members have any comment on said Resolution? Hearing none, Vice-Chairman Palmieri asked for a motion to memorialize BA2020-13

Mr. Porzio offered a motion to memorialize Resolution BA2020-13 seconded by Mr. Lomangino

ROLL CALL

AYES: Mr. Porzio, Mr. Lomangino, Mr. Palmieri,

NAYES: None

ABSENT: Chairman Battista, Mr. Slazyk, Mr. McKinley

INELIGIBLE: Ms. Hatami, Mr. Kuzmin, Ms. DeMaio

NEW BUSINESS-

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**BA2021-01: Matthew & Amanda Eichen, 155 Cloverdale Circle: Block 48.06 Lot 9,
Application For Bulk Variances**

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

Mark T. Apostolou, Esq. introduced himself as the Attorney on behalf of the Applicant, Matthew & Amanda Eichen.

They are here this evening seeking approval for work that was completed without permits by the previous homeowners. They are seeking a variance for building coverage; the Ordinance permits 10% whereas 13.94% currently exists.

Mr. Palmieri inquired if the Applicants received a CCO from the Borough when they purchased the house with the existing zoning violation? Mr. Apostolou explained that the Eichen's submitted a Letter of Intent to assume the responsibilities of rectifying the violation by applying for the variance. The Borough then issued a Temporary CCO in which the buyers had 30 days to submit a variance application to the Board of Adjustment.

Mr. Neff explained that the Borough does not typically issue Temporary CCO's. Usually, Zoning violations must be abated prior to the sale and issuance of the CCO.

Mr. Apostolou gave a brief overview of the property, explaining the variance requested is for the covered portion of the patio in the rear yard.

Attorney Hirsch swore-in the following witness:

Matthew Eichen- Applicant

Mr. Eichen explained the process in which they purchased the home at 155 Cloverdale Circle

The following exhibits are entered into the record:

- A-1 Photographs, front of the house
- A-2 Photographs, rear of the house
- A-3 Property Survey
- A-4 Aerial View of 155 Cloverdale Circle
- A-5 Aerial View of 155 Cloverdale Circle
- A-6 Front View of 155 Cloverdale Circle
- A-7 Neighboring Driveway to 155 Cloverdale Circle

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Mr. Eichen described the property referencing the photos. He stated that the existing addition was constructed approximately 15-20 years ago.

The property contains a fenced in yard with an inground pool.

Mr. Apostolou explained that the original variance application included a request to maintain the design of the driveway. However, after the Board Engineer's review it was determined that the existing driveway was approved through a Zoning Permit on August 6, 2001. Therefore, a variance is no longer required for the driveway.

The previous homeowners obtained approval to construct a covered front porch in 2005. However, permits were not obtained for the covered rear porch. Borough Ordinance permits a maximum building coverage of 10% whereas 13.94% currently exists.

Mr. Palmieri explained that the Board must look at this application as if the porch has not yet been constructed.

Discussion ensued regarding the positive and negative criteria. Mr. Eichen explained that this house fits with the scope of the neighborhood. There would be no negative impacts to the neighborhood by granting this variance. Mr. Eichen explained that if the Board did not grant the variance, they would have to remove the covered portion of the patio that is built into the house.

Mr. Kuzmin inquired about the timeline in which the improvements were made without permits? He stated that Mr. Eichen is in a tough position taking on a zoning violation from a previous homeowner. Mr. Kuzmin stated that he is concerned over the percentage of building coverage that they are over. Mr. Neff stated that the existing house was already over in building coverage.

Mr. Kuzmin asked the applicant if they intend to move the shed on the property to conform to the requirements or will they be seeking a variance? Mr. Apostolou indicated that the applicants will be seeking a variance for the shed as well.

Mr. Hirsch stated that a condition of approval could be to have the applicants apply for all necessary building permits and obtain inspections for the covered patio.

Mr. Palmieri asked if there are any other houses in the neighborhood that also have a circular driveway? Mr. Eichen stated that there are.

Mr. Hirsch asked if the porch is open on the sides or enclosed? Mr. Eichen stated that the porch is completely open on all sides and he does not have any intentions on enclosing the patio.

Vice-Chairman Palmieri opened the public discussion. Seeing no comment, he asked for a motion to close the public discussion.

Mr. Porzio offered a motion to close the public discussion, seconded by Mr. Kuzmin. All present voted in favor.

Mr. Palmieri asked if the applicant would consider moving the shed to conform with the Ordinance?

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Discussion ensued amongst the Board regarding the covered patio and the possibility of setting a precedent.

Mr. Kuzmin suggested that a condition of approval be requiring building inspections for the structure and moving the shed to conform to the Ordinance.

Mr. Lomangino offered a motion to approve BA2021-01, the motion was seconded by Mr. Porzio

ROLL CALL

AYES: Mr. Lomangino, Mr. Porzio, Vice-Chairman Palmieri, Ms. Hatami, Ms. DeMaio

NAYES: Mr. Kuzmin

ABSENT: Chairman Battista, Mr. Slazyk, Mr. McKinley

INELIGIBLE: None

BA2021-03 Nicholas & Nicole Perosi, 44 Gallant Fox Drive: Block 62.01 Lot 12, Application for Bulk Variance

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

Attorney Hirsch swore in the following witnesses:

Walter Hopkin, P.E. Applicant's Engineer

Nicholas Perosi, Applicant

Mr. Hopkin gave a brief overview of the property and the variances being requested. He explained that the Perosi's were previously before the Zoning Board for the installation of a paver patio. Mr. Perosi is here this evening requesting a variance to exceed the building coverage by 0.8% for the installation of a 14 x 18-foot gazebo.

Mr. Hopkin stated that the Applicant will comply with the comments outlined in Mr. Neff's Engineering Review Letter.

The proposed improvements do not exceed the lot coverage.

Mr. Neff briefly discussed this property's previous Board approval.

The proposed fireplace will be constructed at the same time as the gazebo and will remain outside the covered structure.

Mr. Hopkin stated that the Applicant will comply with the retaining wall height outlined in Mr. Neff's letter.

Mr. Neff stated that he does not have any concerns with the Stormwater Management Report.

Mr. Hopkin discussed the positive and negative criteria in regard to this application.

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Mr. Porzio offered a motion approve BA2021-03, seconded by Mr. Kuzmin

ROLL CALL

AYES: Mr. Porzio, Mr. Kuzmin, Vice-Chairman Palmieri, Ms. DeMaio

NAYES: None

ABSENT: Chairman Battista, Mr. Slazyk, Mr. McKinley, Mr. Lomangino, Ms. Hatami

INELIGIBLE: None

MOTION TO ADJOURN

Chairman Battista asked for a motion to adjourn.

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

All in Favor: AYE

Time: 8:55 PM

Respectfully submitted,


Trish Sena
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: **September 2, 2021**