

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
JUNE 3, 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. Slazyk, Mr. Porzio, Mr. McKinley, Ms. Hatami, Mr. Kuzmin

Absent: Mr. Lomangino, Ms. DeMaio

Also Present: *Ms. Sena, Board Secretary
Mr. Neff, Board Engineer
Mr. Mark Aikins, Esq., for Mr. Hirsch*

MINUTES-

Chairman Battista indicated that the minutes of the March 4, 2021, meeting have been previously distributed via email for the Board Members to review.

Vice-Chairman Palmieri offered a motion to approve the minutes of the March 4, 2021, meeting, seconded by Mr. Porzio.

ROLL CALL

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

NAYES: None

ABSENT: Mr. Lomangino, Ms. DeMaio

INELIGIBLE: None

Chairman Battista indicated that the minutes of the April 1, 2021, meeting have been previously distributed via email for the Board Members to review.

Vice-Chairman Palmieri offered a motion to approve the minutes of the April 1, 2021, meeting, seconded by Mr. Porzio

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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

RESOLUTIONS-

**BA2021-01 RESOLUTION IN THE MATTER OF MATTHEW & AMANDA EICHEN,
155 CLOVERDALE CIRCLE**

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

Chairman Battista asked if any Board Members have any comment on said Resolution? Hearing none, Chairman Battista asked for a motion to memorialize BA2021-01

Mr. Porzio offered a motion to memorialize Resolution BA2021-01 seconded by Vice-Chairman Palmieri

ROLL CALL

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

NAYES: None

ABSENT: Mr. Lomangino, Ms. DeMaio

INELIGIBLE: Chairman Battista, Mr. Slazyk, Mr. McKinley, Mr. Kuzmin

**BA2021-03 RESOLUTION IN THE MATTER OF NICHOLAS & NICOLE PEROSI, 44
GALLANT FOX DRIVE**

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

Chairman Battista asked if any Board Members have any comment on said Resolution? Hearing none, Chairman Battista asked for a motion to memorialize BA2021-03

Vice-Chairman Palmieri offered a motion to memorialize Resolution BA2021-03, seconded by Mr. Porzio

ROLL CALL

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

NAYES: None

ABSENT: Mr. Lomangino, Ms. DeMaio

INELIGIBLE: Chairman Battista, Mr. Slazyk, Mr. McKinley, Ms. Hatami

NEW BUSINESS-

**BOROUGH OF TINTON FALLS
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BA2021-02: Jeffrey & Gina Todd, 65 Roslyn Drive: Block 124.40 Lot 16, Application For Bulk Variances

Attorney Aikins 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.

Ms. Jennifer Krimko, Esq., introduced herself as the Attorney on Behalf of the Applicant.

Attorney Aikins swore-in the following witness:

Jeffrey Todd, 65 Roslyn Drive- Applicant

The following exhibit is entered into the record

A-1 2 Color Photos of Subject Property dated June 3, 2021

Mr. Todd gave a brief overview of his property in which he purchased in 1999. He stated that at the time of purchase, the property had a one-car garage. However, since the purchase of the home, Mr. Todd converted a portion of the one-car garage into living space.

Referencing the submitted architectural plans, Ms. Krimko explained that Mr. Todd added a wall creating a non-conforming garage of only 12ft x 8ft. Therefore, an average vehicle cannot fit inside the garage. Mr. Todd explained that his father was a contractor who completed the work and did not obtain any necessary permits for the improvements. Ms. Krimko stated that Mr. Todd is before the Board this evening to legalize the garage. She explained that as per the Borough Ordinance, all single-family homes must have a one-car garage to store a vehicle. Mr. Todd is seeking a Variance for not being able to fit a vehicle inside the garage. According to the Ordinance, a garage must be a minimum of 18 ft x 20 ft.

As per exhibit A-1 Mr. Todd can park four full-size vehicles inside this driveway without utilizing the garage. Ms. Krimko stated that if the Board were to require Mr. Todd to widen his driveway to fit an additional vehicle, the property would be over its allotted lot coverage. Ms. Krimko stated that according to A-1 there is more than ample parking for this residence despite not having a full-size garage.

Mr. Porzio inquired if this home was originally a 3 bedroom or a 4-bedroom home? Ms. Krimko stated that this house originally had 3 bedrooms, however an additional bedroom was added when the addition was completed.

Mr. Todd explained that the town noticed the illegal garage when they were at the property for inspections on the kitchen.

Mr. Palmieri inquired if the Borough ever followed up with Mr. Todd after discovering the improvements done without permits? Mr. Todd indicated that they did not.

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Mr. Kuzmin asked if his father who did the work is a licensed contractor and if the work was ever inspected. Mr. Todd stated that his father was a licensed contractor, however the work was never inspected.

Mr. Kuzmin inquired about the gas fireplace that was installed and if it ever received inspections? Ms. Krimko stated that if the Board were to act favorably, Mr. Todd would apply for all necessary inspections to ensure there are no safety issues.

Chairman Battista inquired if extending the garage or creating a carport would be possible? Ms. Krimko explained why these alternative suggestions will not work due to coverage and setback variances.

Discussion ensued regarding the Residential Site Improvement Standards (RSIS) and parking requirements.

Chairman Battista inquired about the timeline of events in which the improvements were done, and the Borough issued the zoning violation? Ms. Krimko stated that Mr. Todd did not receive any recent correspondence from the Borough, however, he knew in order to sell the home this variance must be obtained.

Discussion ensued regarding the intent and definition of the Borough's garage Ordinance.

Seeing no public present, Chairman Battista asked for a motion to close the public discussion.

Vice-Chairman Palmieri offered a motion to close the public discussion, seconded by Ms. Hatami.

Chairman Battista asked if the Board had any final comments? Motion?

Vice-Chairman Palmieri offered a motion to approve BA2021-02 with the conditions outlined by Attorney Aikins, the motion was seconded by Mr. Kuzmin.

ROLL CALL

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

NAYES: None

ABSENT: Mr. Lomangino, Ms. DeMaio

INELIGIBLE: None

BA2021-06 Jeffrey & Audrey Roderman: 32 Thayer Drive, Block 61.03 Lot 65, Application for Bulk Variances

Attorney Aikins 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.

Mr. Mark Steinberg, Esq. introduced himself as the Attorney on behalf of the Applicant.

Mr. Steinberg noted that a 2018 Resolution of Approval granted to the previous owners of this property has been included as part of the file.

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Attorney Aikins swore-in the following witnesses:

Audrey Roderman, 32 Thayer Drive: Applicant
Jeffrey Roderman, 32 Thayer Drive: Applicant
Anthony Condouris, Architect

Mr. Condouris briefly discussed the property and explained that the Applicants are seeking approval to the existing one-story single-family residence, to construct a new covered porch, concrete patio and three one-story additions. He explained that they are requesting a variance for the master bedroom addition, for a side-yard setback of 20.2 feet, whereas 25 feet is required.

Mr. Condouris explained that the second bedroom addition also requires a variance for a side-yard set back of 22.1 feet, whereas 25 feet is required. He stated that they are also seeking a variance for building coverage of 14% whereas 10% is the maximum permitted.

Mr. Condouris discussed the architectural design of the addition and improvements.

Mr. Roderman stated that he has not moved into the home yet. He explained that he is a family of 5 that needs an additional bedroom.

Mr. Steinberg indicated that the Applicant's face a hardship based upon how the house was originally built as it is located angular to the side property line.

Mr. Aikins stated that if the Board were to approve this application, the Applicant would relinquish and abandon all right, title and interest to the prior 2018 Resolution of Approval.

Mr. Porzio offered a motion to approve BA2021-06 with the conditions outlined by Attorney Aikins, the motion was seconded by Vice-Chairman Palmieri

ROLL CALL

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

NAYES: None

ABSENT: Mr. Lomangino, Ms. DeMaio

INELIGIBLE: None

MOTION TO ADJOURN

Chairman Battista asked for a motion to adjourn.

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

All in Favor: AYE

Time: 8:38 PM

Respectfully submitted,



Trish Sena
Zoning Board Secretary

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