

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 2, 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 Ronald Battista, Vice-Chairman Ronald Palmieri(arrived at 7:34 PM), Charles Lomangino, Steven Porzio, Marc McKinley, Sheila Hatami, William Kuzmin, Emily DeMaio

Absent: John Slazyk

Also Present: *Ms. Trish Sena, Board Secretary
Mr. Thomas Neff, Board Engineer
Mr. Thomas Hirsch, Board Attorney*

MINUTES- None

RESOLUTIONS- None

CONTINUED BUSINESS-

BA2021-10 Michael Rummel, 123 Peach Street, Block 13.01 Lot 5- Application for Bulk Variance (Carried on record from November 4, 2021)

Attorney Hirsch stated for the record that the Board previously accepted service on this matter on November 4, 2021. The Board carried this application on record to tonight's meeting without any further notice or publication

Attorney Hirsch reminded Mr. Rummel that he is still under oath from November 4, 2021.

Michael Rummel, 123 Peach Street, Applicant

Mr. Rummel testified that he has revised the plans for the proposed in-ground pool to better comply with the Ordinance and address some of the concerns voiced by the Board Members at the previous meeting. He explained that the new design has shifted the pool over which has eliminated the variance for the side-yard setback. The pool is now located 15 feet from the

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 2, 2021**

property line which complies with the Ordinance. The proposed patio has also been reduced to 3 feet around the entire pool. A 5 foot by 8-foot drywell has also been added at the back corner of the rear yard to better assist with drainage. Mr. Rummel stated that they are also proposing a 12-inch square catch basin at the lowest point in the yard to collect any runoff.

Mr. Neff noted for the record that the permitted lot coverage is 38%, the Applicant previously proposed a lot coverage of 42.8%, whereas the new proposed lot coverage is 40.9%.

Attorney Hirsch asked Mr. Neff if he has any comments or concerns on the proposed drywell? Mr. Neff stated that the Applicant's Engineer designed what he requested at the last meeting. The Engineer has provided drainage calculations on the plan; therefore, he has no objection to the proposed drainage plan.

Vice-Chairman Palmieri indicated that the Applicant cut down the lot coverage requirement in half.

Chairman Battista acknowledged that the Applicant listened and complied with almost all of the concerns outlined at the previous meeting. Based on the updated plan, he asked Mr. Neff if he has any concerns from an engineering standpoint? Mr. Neff stated that he has no concerns from an engineering perspective.

Chairman Battista asked the Board if they have any further questions of Mr. Rummel?

Mr. McKinley asked to clarify that the only variance that is now needed is to exceed the permitted lot coverage and Chairman Battista indicated that the Applicant now only needs a variance for lot coverage.

Chairman Battista asked if any interested member of the public wish to ask any questions of this Applicant? Seeing none, he asked if the any member of the public wish to make any statements at this time?

Seeing none, Chairman Battista asked for a motion to close the public discussion.

Vice-Chairman Palmieri offered a motion to close the public discussion, the motion was seconded by Mr. Kuzmin.

Chairman Battista asked if any Board Members have any further questions or comments? Hearing none, he asked for a motion.

Mr. Porzio offered a motion to approve BA2021-10, the motion was seconded by Mr. Lomangino.

ROLL CALL

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

NAYES: None

ABSENT: Mr. Slazyk

INELIGIBLE: Ms. DeMaio

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 2, 2021**

**BA2021-11 Karen Herrick, 23 Leland Terrace, Block 58.03 Lot 6- Application for Bulk Variance
(Carried on record from November 4, 2021)**

Attorney Hirsch stated for the record that the Board previously accepted service on this matter on November 4, 2021. The Board carried this application on record to tonight's meeting without any further notice or publication.

Attorney Hirsch reminded Ms. Herrick that he is still under oath from November 4, 2021.

Karen Herrick, 23 Leland Terrace, Applicant

Ms. Herrick testified that she has revised her original plan to erect two gazebos in her rear-yard as per the Board Member's concerns at the previous meeting. She is now proposing one, 12x20 gazebo on her property as opposed to two 12x12 gazebos. Ms. Herrick explained that she has provided the Board with revised plans that depict the newly proposed 12x20 gazebo.

Mr. Neff noted for the record that the maximum building coverage permitted is 10% whereas 9.53% currently exists. 10.54% was originally proposed with the two gazebos, therefore the Applicant is now proposing 10.40% which is .4% over the permitted building coverage. By proposing one gazebo, Ms. Herrick has eliminated two variances that were previously required. Previously, a variance was needed to permit three accessory structures on the lot, that variance is no longer required. As per the original plan, a variance was also needed to allow two accessory structures of the same use, that variance is now no longer required. He explained that the Applicant still needs a variance to exceed the total area of 400 square feet for all accessory structures. The Applicant has reduced the total area from 468 square feet to 428 square feet.

Mr. Kuzmin asked Mr. Neff for the square footage of the new 12x20 structure, and he indicated that it is 248 square feet.

Chairman Battista explained that the previous proposal of two gazebos required a number of variances, therefore the proposal of one gazebo eliminates various concerns raised by the Board previously.

Chairman Battista asked if any member of the Board have any further questions at this time?

Mr. Kuzmin inquired if there will be any type of heating or plumbing element added to the gazebo? Ms. Herrick confirmed that there will be no heating or plumbing added to the structure.

Chairman Battista asked if any interested member of the public wish to ask any questions of this Applicant? Seeing none, he asked if the any member of the public wish to make any statements at this time?

Ms. Herrick thanked the Zoning Board for their consideration and acknowledged how important it is to have a Zoning Board. She commended them on a wonderful job.

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 2, 2021**

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

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

Chairman Battista asked if any Board Members have any further questions or comments?
Hearing none, he asked for a motion.

Vice-Chairman Palmieri offered a motion to approve BA2021-11, the motion was seconded by Mr. Lomangino.

ROLL CALL

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

NAYES: None

ABSENT: Mr. Slazyk

INELIGIBLE: Ms. DeMaio

Vice-Chairman Palmieri announced that John Slazyk has tendered his resignation from the Zoning Board of Adjustment. Mr. Slazyk is one of the longest-serving members on the Board and he would like to recognize his years of dedicated service to the Borough of Tinton Falls. Chairman Battista echoed the comments of Mr. Palmieri and expressed his appreciation for the experience and knowledge Mr. Slazyk brought to the Board.

Chairman Battista noted that the Board has received several applications from residents interested in serving on the Board. He noted that with the resignation of Mr. Slazyk, Mr. Kuzmin, Alternate #1 will now fill the unexpired term of Mr. Slazyk, and Ms. DeMaio, Alternate #2 will now become Alternate #1. The Board will now seek to fill the Alternate #2 position as this is a Borough Council appointed position.

Chairman Battista indicated that Ms. Hatami raised concerns with the way in which the minutes are being prepared at the last meeting. He asked Ms. Hatami to explain what she would like to see changed in the minutes going forward. Ms. Hatami discussed various ways in which she believes the minutes could be improved for transparency. For example, she thinks that adding the full names of Board Members to the minutes would allow for a clearer record as to who is sitting on the Board during a particular time. She also suggested adding more detail to the minutes for transparency. Chairman Battista asked Attorney Hirsch how the minutes should be prepared from a legal perspective. Attorney Hirsch explained that the true record of the meeting is the audio-recording, and the Resolution that he prepares. Typically, the minutes are a summation of what occurred at the particular meeting. Attorney Hirsch also explained that first and last names are typically not used during meetings, in the resolution, or in the minutes. Vice-Chairman Palmieri suggested that Ms. Sena email the minutes to Ms. Hatami for her review prior

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 2, 2021

to the meetings. Ms. Sena stated that the minutes are always emailed to the Board Members for the review and welcomes their comments and suggestions.

MOTION TO ADJOURN

Chairman Battista asked for a motion to adjourn.

Ms. Hatami offered a motion to adjourn, seconded by Mr. Lomangino.

All in Favor: AYE

Time: 8:09 PM

Respectfully submitted,



Trish Sena
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: January 6, 2022