

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 3, 2022

The meeting was opened by Chairman Battista at 7:35 PM.

Chairman Battista read a statement of compliance with the *New Jersey Open Public Meetings Law* as follows:

This is a special 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. Acken took roll call.

Present: Chairman Battista, Vice-Chairman Palmieri, William Kuzmin, Charles Lomangino, Marc McKinley, Sheila Hatami, Scott Provines

Absent: Steven Porzio, Emily DeMaio

Also Present: *Ms. Regina Acken, Board Secretary*
Mr. Thomas Neff, Board Engineer
Mr. Thomas Hirsch, Esq., Board Attorney

Chairman Battista read the Statement of Procedural Guidelines for Public Hearing.

MINUTES

Chairman Battista indicated that the minutes of the regular meeting held on October 6, 2022, have been previously distributed via email for the Board Members to review.

Mr. Kuzmin offered a motion to approve the minutes of the October 6, 2022, meeting. The motion was seconded by Vice-Chairman Palmieri.

ROLL CALL

AYES: Mr. Kuzmin, Vice-Chairman Palmieri, Chairman Battista, Mr. Lomangino, Mr. McKinley, Mr. Provines

NAYES: None

ABSENT: Mr. Porzio

INELIGIBLE: Ms. Hatami. Ms. DeMaio

RESOLUTIONS

BA2022-01 Resolution in the Matter of 5171 Asbury Ave., LLC

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 3, 2022

Chairman Battista advised that the proposed Resolution in this matter has been previously distributed to the Board Members prior to tonight's meeting. The Board previously approved this application on June 2, 2022.

Chairman Battista asked if any Board Members have any comment on said Resolution?

Upon hearing none, Mr. Kuzmin made a motion to memorialize Resolution BA2022-01. The motion was seconded by Vice-Chairman Palmieri.

ROLL CALL

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

NAYES: None

ABSENT:

INELIGIBLE: Mr. Porzio, Ms. DeMaio, Ms. Hatami, Mr. Provines

BA2022-06 Resolution in the Matter of Monmouth by the Sea, LLC

Chairman Battista advised that the proposed Resolution in this matter has been previously distributed to the Board Members prior to tonight's meeting. The Board previously approved this application on September 15, 2022.

Chairman Battista asked if any Board Members have any comment on said Resolution?

Upon hearing none, Mr. Lomangino made a motion to memorialize Resolution BA2022-06. The motion was seconded by Mr. Kuzmin.

ROLL CALL

AYES: Mr. Lomangino, Mr. Kuzmin, Chairman Battista, Vice-Chairman Palmieri, Mr. McKinley, Mr. Provines

NAYES: None

ABSENT: Mr. Porzio, Ms. DeMaio

INELIGIBLE: Ms. Hatami

BA2022-08 Resolution in the Matter of Michael DeVito

Chairman Battista advised that the proposed Resolution in this matter has been previously distributed to the Board Members prior to tonight's meeting. The Board previously approved this application on October 6, 2022.

Chairman Battista asked if any Board Members have any comment on said Resolution?

Upon hearing none, Vice-Chairman Palmieri made a motion to memorialize Resolution BA2022-08. The motion was seconded by Mr. Lomangino.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 3, 2022

ROLL CALL

AYES: Vice-Chairman Palmieri, Mr. Lomangino, Chairman Battista, Mr. Kuzmin, Mr. McKinley, Mr. Provines

NAYES: None

ABSENT: Mr. Porzio, Ms. DeMaio

INELIGIBLE: Ms. Hatami

BA2022-12 Resolution in the Matter of Georgette Cazeau

Chairman Battista advised that the proposed Resolution in this matter has been previously distributed to the Board Members prior to tonight's meeting. The Board previously approved this application on September 15, 2022.

Chairman Battista asked if any Board Members have any comment on said Resolution?

Upon hearing none, Vice-Chairman Palmieri made a motion to memorialize Resolution BA2022-12. The motion was seconded by Mr. Lomangino.

ROLL CALL

AYES: Vice-Chairman Palmieri, Mr. Lomangino, Chairman Battista, Mr. Kuzmin, Mr. McKinley, Mr. Provines

NAYES: None

ABSENT: Mr. Porzio, Ms. DeMaio

INELIGIBLE: Ms. Hatami

BA2022-14 Resolution in the Matter of Down to Earth Landscaping, LLC

Chairman Battista advised that the proposed Resolution in this matter has been previously distributed to the Board Members prior to tonight's meeting. The Board previously approved this application on September 15, 2022.

Chairman Battista asked if any Board Members have any comment on said Resolution?

Upon hearing none, Mr. Lomangino made a motion to memorialize Resolution BA2022-14. The motion was seconded by Vice-Chairman Palmieri.

ROLL CALL

AYES: Mr. Lomangino, Vice-Chairman Palmieri, Chairman Battista, Mr. Kuzmin, Mr. McKinley, Mr. Provines

NAYES: None

ABSENT: Mr. Porzio, Ms. DeMaio

INELIGIBLE: Ms. Hatami

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 3, 2022

BA2022-16 Resolution in the Matter of Brock Siebert

Chairman Battista advised that the proposed Resolution in this matter has been previously distributed to the Board Members prior to tonight's meeting. The Board previously approved this application on October 6, 2022.

Chairman Battista asked if any Board Members have any comment on said Resolution?

Upon hearing none, Vice-Chairman Palmieri made a motion to memorialize Resolution BA2022-16. The motion was seconded by Mr. Kuzmin.

ROLL CALL

AYES: Vice-Chairman Palmieri, Mr. Kuzmin, Chairman Battista, Mr. Lomangino, Mr. McKinley, Mr. Provines

NAYES: None

ABSENT: Mr. Porzio

INELIGIBLE: Ms. Hatami, Ms. DeMaio

NEW BUSINESS-

BA2022-15

Anthony J Evans

24 Shark River Road

Block 146, Lot 1

Bulk Variance

Chairman Battista read the following email correspondence addressed to Anthony J Evans from Mr. Neff dated November 3, 2022.

"It has just come to our attention that you recently paved a significant portion of your property for a large parking area. This was not shown on any survey we have and you never received a permit for this expansion. We therefore have no way of determining the actual lot coverage variance that would be required at tonight's meeting. We need an updated current survey before you can go before the Board. Your application will be carried from tonight to January 5th. Please get us an updated survey at least two weeks prior to that meeting so we can update our letter accordingly. You also need to submit a Zoning Permit for the shed on your property and address any outstanding code enforcement violations. It still appears that you are using your residential property for commercial business purposes."

Attorney Hirsch stated for the record 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.

Chairman Battista asked for a motion to accept service.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 3, 2022

Vice-Chairman Palmieri offered a motion to accept service. The motion was seconded by Mr. Lomangino. All present voted in favor.

Chairman Battista reiterated that the application for BA2022-15 Anthony J Evans will be carried to the January 5, 2023, Zoning Board meeting.

BA2022-07
Maioyuan Zhou
14 Wayside Terrace
Block 118.02, Lot 14
Bulk Variance

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

Vice-Chairman Palmieri offered a motion to accept service. The motion was seconded by Ms. Hatami. All present voted in favor.

Attorney Hirsch swore in the Applicant.

Chairman Battista advised the Applicant to explain the details of the relief she is seeking. Ms. Zhou explained that she needs the variance to put an addition above the existing attached garage. Mr. Neff provided a summary by stating the Applicant seeks to add a second-floor addition to the attached garage. He added that the proposed addition will not affect the footprint of the home. He stated that the residence is situated on a significantly undersized lot and that the existing side yard setbacks are 2.35 feet and 4.47 feet, whereas a minimum of 10 feet is required. Mr. Neff stated the proposed addition will intensify the existing non-conforming side yard setback on the west side of the property, which is currently a 2.35 foot setback. Mr. Neff detailed the second variance being sought for the combined side yard setback which is 6.82 feet, whereas 35 feet is required. Additionally, Mr. Neff explained, there is a front yard setback requirement of 35 feet, whereas 26.5 feet is being proposed.

Ms. Hatami asked if there are already existing variances? Mr. Neff responded that the existing house doesn't meet the requirements and is an existing non-conformity. Mr. Kuzmin asked if there are any concerns with exceeding building coverage requirements? Mr. Neff confirmed that there are no concerns.

Referencing the Applicant's survey, Mr. Kuzmin asked if there is a barrier between the Applicant's home and the neighbor on lot 12? Ms. Zhou said there is a fence between the homes. She contributed that the neighbor to her left put the same addition to their home that the Applicant is proposing. Chairman Battista echoed Mr. Neff's statements that the lot is undersized and angular. Mr. Neff contributed that most houses on Wayside Terrace are undersized, have smaller lots and have had variances granted.

Attorney Hirsch asked if the proposed addition will be the same height as the existing roof line of second floor? The Applicant responded that it will. Mr. Neff stated that the survey from 1990 depicts the home

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 3, 2022

as being a 1 ½ story house. He said that since that time, a second floor bump out was added to the side of the home opposite the garage. Referencing the photos submitted with the application, Chairman Battista stated that the proposed addition for the Applicant is smaller than the existing addition at the next-door property, 16 Wayside Terrace.

Attorney Hirsch confirmed with the Applicant that the proposed addition is 494 square feet.

Mr. McKinley inquired as to whether the neighbor's driveway is next to the Applicant's driveway. Ms. Zhou responded in the affirmative, but that the neighbor's garage is further back on their property than is hers.

Mr. Lomangino asked if the exterior of the proposed addition will be consistent with the existing home as far as material, style, and color? The Applicant responded that it will be.

Chairman Battista asked the Board and the public if they have any questions for the Applicant?

Hearing none, Chairman Battista asked the Board and the public if they have any statements for the Applicant?

Mr. Neff asked the Applicant to give testimony as to what the addition will be used for? Ms. Zhou said that the proposed addition is needed to house four additional family members who will be moving into the home. She stated it is too expensive to purchase a new home. Mr. Lomangino asked Mr. Neff if he has any concerns that the proposed addition will create any drainage issues? Mr. Neff confirmed that, due to the footprint remaining the same, he does not have any concerns regarding drainage.

Vice-Chairman Palmieri asked the Applicant if she owns the fence? She said the neighbor owns it.

Chairman Battista made a motion to close the public portion. It was seconded by Vice-Chairman Palmieri. All present voted in favor.

Vice-Chairman Palmieri offered a motion to approve BA2022-07. The motion was seconded by Mr. Lomangino.

ROLL CALL

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

NAYES: None

ABSENT: Mr. Porzio, Ms. DeMaio

INELIGIBLE: None

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 3, 2022

BA2022-17
Patricia Zilly
15 Alpine Trail
Block 117, Lot 9.06
Bulk Variance

Vice-Chairman Palmieri offered a motion to accept service. The motion was seconded by Mr. Kuzmin. All present voted in favor.

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

Attorney Hirsch swore in the following witnesses:

Patricia and Michael Zilly 15 Alpine Trail, Applicant

Chairman Battista asked the Applicant to explain the relief being requested. Ms. Zilly stated that they are requesting a variance to install a permanent roof over a portion of their existing deck, which would replace a temporary canvas awning. They are unable to use a retractable awning on the deck because the area is too large to cover.

Mr. Neff contributed that the Applicant is in the R-2 Zone. The proposed roof would put the building coverage at 12.5%, whereas 10% is permitted. He included that if the awning were retractable, it would be considered non-permanent and therefore, would not count toward building coverage. Chairman Battista confirmed with Mr. Neff that the overall aesthetic impact of the proposed roof is minimal, and that the variance is needed solely because the temporary awning will be replaced with a permanent structure.

Mr. Neff asked the Applicant to describe the proposed new structure. Ms. Zilly said that the structure will have wood framing with vinyl covering to maintain the uniformity of the exterior of the home. The roof will have a lower pitch and a shingle-like appearance. Vice-Chairman Palmieri asked if there will be any siding on the proposed roof? Ms. Zilly said there will be no siding. Ms. Hatami asked if there will be any screening? The Applicant responded that there will not be any. Mr. Lomangino asked if the posts of the roof will match the rest of the home. Ms. Zilly said that it will match the rest of the house. Chairman Battista asked if there are any drainage concerns? Mr. Zilly said that the drainage will not be any different than it has been with the temporary awnings in use. Mr. Neff confirmed that he has no concerns regarding drainage.

Chairman Battista asked the Board and the public if they have any questions for the Applicant?

Hearing none, Chairman Battista asked the Board and the public if they have any statements for the Applicant?

Jerry Spumberg, 11 Alpine Trail

Mr. Spumberg commented that the Applicant maintains the property in immaculate condition and that he supports the variance being granted.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 3, 2022

Chairman Battista asked the Board and the public if they have any additional statements for the Applicant?

Upon hearing none, Vice-Chairman Palmieri made a motion to close the public portion. The motion was seconded by Mr. Kuzmin.

All present voted in favor.

Chairman Battista asked for a motion.

Vice-Chairman Palmieri made a motion to approve BA2022-17. The motion was seconded by Mr. Lomangino.

ROLL CALL

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

NAYES: None

ABSENT: Mr. Porzio, Ms. DeMaio

INELIGIBLE:

MOTION TO ADJOURN

Chairman Battista made a motion to adjourn. The motion was seconded by Ms. Hatami

All in Favor: Aye

Time: 8:09pm

Respectfully submitted,

Regina Acken
Board Secretary

APPROVED AT A BOARD MEETING ON: December 1, 2022