

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
September 7, 2023**

The meeting was opened by Chairman Battista at 7:38pm.

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 led the meeting in a salute to the flag.

Ms. Acken, Board Secretary, took roll call.

Present: Chairman Ronald Battista, Vice-Chairman William Kuzmin, Mr. Charles Lomangino, Mr. Steven Porzio, Mr. Marc McKinley, Ms. Emily DeMaio

Absent: Mr. Ronald Palmieri, Ms. Sheila Hatami, Mr. Scott Provines

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 August 3, 2023, have been previously distributed via email for the Board Members to review.

Vice-Chairman Kuzmin offered a motion to approve the minutes of the August 3, 2023, meeting. The motion was seconded by Mr. Porzio. All in favor of those eligible to vote.

RESOLUTIONS

BA2023-04

Julianne Toto
63 Water Street
Block 68.01 Lot 9
Bulk Variance

Chairman Battista advised that the proposed Resolution in this matter has been distributed to the Board Members prior to tonight's meeting. The Board approved this application on August 3, 2023.

Chairman Battista asked if any Board Members have any comment regarding the Resolution.

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
September 7, 2023**

Vice-Chairman Kuzmin offered a motion to memorialize Resolution BA2023-04. The motion was seconded by Mr. Lomangino.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Palmieri, Ms. Hatami, Mr. Provines

INELIGIBLE: Ms. DeMaio

BA2023-05

Daniel and Lorie Jean Hirce

82 Leland Terrance

Block 58.01 Lot 25

Bulk Variance

Chairman Battista advised that the proposed Resolution in this matter has been distributed to the Board Members prior to tonight's meeting. The Board approved this application on August 3, 2023.

Chairman Battista asked if any Board Members have any comment regarding the Resolution.

Vice Chairman Kuzmin offered a motion to memorialize Resolution BA2023-05. The motion was seconded by Mr. Porzio.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Palmieri, Ms. Hatami, Mr. Provines

INELIGIBLE: Ms. DeMaio

NEW BUSINESS

BA2023-02

Liccy Fuentes & Mike Neder

5 Grant Court

Block 60.01, Lot 4.03

Bulk Variance

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

Mr. Porzio made a motion to accept service, which was seconded by Vice-Chairman Kuzmin. All present voted in favor.

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
September 7, 2023**

Maurice Maloney, Esq., Attorney for the Applicant submitted the following Exhibits:

A-1 Survey of property with fence area highlighted

A-2 through A-7 photographs of fences similar to the Applicant's fence

Attorney Hirsch swore in the Applicant, Mike Neder.

Mr. Neder stated that the fence was installed without obtaining a permit because he had no idea that one would be required. Once he received notification that he was in violation, he submitted his application to the Board for variance relief. Mr. Neff stated that fences should be 4 feet high and 50% open if dual frontage exists, and it should meet the setback requirement of 40 feet and be buffered. The Applicant agreed to meet the setback and landscaping requirements set forth by the Borough Engineer.

Chairman Battista asked if there were any statements or questions from the public for the Applicant. Upon hearing none, he asked for a motion.

Mr. Lomangino made a motion to close the public portion. The motion was seconded by Mr. Porzio. All present voted in favor.

Mr. Lomangino made a motion to approve BA2023-02. The motion was seconded by Vice-Chairman Kuzmin.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Palmieri, Ms. Hatami, Mr. Provines

INELIGIBLE: None

Attorney Hirsch explained that the Board will be going into a closed session and asked all present in the Courtroom, other than the Board members and personnel, to vacate.

Chairman Battista made a motion to begin closed session, which was seconded by Mr. Porzio.

ROLL CALL:

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

NAYES: None

ABSENT: Mr. Palmieri, Ms. Hatami, Mr. Provines

INELIGIBLE: None

The Board went into closed session at 8:13pm. Open session resumed at 8:38pm.

Chairman Battista made a motion to adjourn, which was seconded by Mr. Porzio. All present voted in favor.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
September 7, 2023

Time: 8:38pm

Respectfully submitted,

A handwritten signature in cursive script that reads "Regina Acken". The signature is written in dark ink and is positioned above the printed name and title.

Regina Acken
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: October 5, 2023