

The meeting was opened by **Vice Chairman Battista** at 7:30 p.m.

Mr. 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 Asbury Park Press and The Coaster.

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

Ms. Connolly took roll call.

Present: Mr. Battista, Mr. Lomangino, Mr. McKinley, Mr. Brawner, Ms. Berk,
Ms. Hatami

Absent: Mr. Palmieri, Mr. Slazyk, Mr. Porzio,

Also present: Mr. Hirsch, Board Attorney
Mr. Neff, Board Engineer
Ms. Connolly, Board Secretary

Mr. Battista read a statement of procedural guidelines.

Mr. Battista welcomes back Mr. Lomangino. We are all very happy that he has returned.

The meeting minutes of February 4, 2016 were accepted by all those eligible to vote from that respective meeting.

Katinka Rife 1961 Wayside Road – Grace Christian Church
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BA 2015-21

Mr. Hirsch states that this matter is a little different in that it requires a motion to deny. We had a 4-2 vote. The two members that voted to deny are the only members that can vote to approve. If it was an approval, then the Board members that voted to approve would vote, not the members that voted to deny. Mr. Battista states that he will make a motion to accept the Resolution to Deny and vote to accept said motion.

DiFazio, Marc and Giovanna
43 Whirlaway Drive
Blk. 62.01 Lot 4

BA 2016-01
Lot Coverage

Mr. Hirsch states that he has reviewed the Affidavit of Publication and Proof of Service and they are in order as to form.

A motion to accept service was offered by Mr. Battista and seconded by Mr. McKinley. A voice vote in favor was unanimous.

Mr. Hirsch swears in Mr. Marc DiFazio, 43 Whirlaway Drive, Tinton Falls, NJ 07724. Block 62.01 lot 4.

Mr. DiFazio states that he is requesting a bulk variance to install an in-ground pool, patio around the pool and surround the property with a fence.

Mr. Neff, states that two variances are required. One is for building coverage. 8.3% is permitted and 12.3% exists and 13.0% is proposed. The second variance is for lot coverage, 22 % is permitted and 23.3% exists and 28.3% is proposed.

Mr. Battista then asks a series of questions regarding applicant's property lines and how close his neighbors are on either side.

Mr. Battista then asks a series of questions regarding how the pool and patio area is proposed to be situated with regard to the property lines. The total pool area proposed is 1200 sq. ft. Mr. DiFazio states that the patio surrounding the pool is designed to accommodate lounge chairs and patio furniture. The patio area is to be constructed of pavers.

Mr. DiFazio states that with regard to the shed, the size proposed is 12' x 16.' Mr. Brawner asks about setbacks for a shed this size. Mr. Neff states the proposed shed placement meets the setback requirements.

Mr. Hirsch asks about the fence. The fence does not affect the coverage issue at all. It is required for the pool.

Mr. Brawner asks about the existing raised patio. Mr. DiFazio states it is a patio paver deck. It has different elevations in order to meet the different doors of the back of the house.

Mr. Hirsch asks what is to the rear of the lot. Mr. DiFazio states that behind the house is the sewer easement and behind that is a common area/open space for Willowbrook

Development maintenance and then there is a home behind that. Mr. DiFazio states that he has some pictures.

Mr. Hirsch begins with A-1 for the first picture. There are three pages consisting of eleven (11) photographs. Mr. DiFazio then describes each of the eleven pictures for the Board.

Mr. DiFazio states that the vinyl siding and roof materials will be as close of a match as possible. The fence is going to be a slatted aluminum fence 54" in height as per code. The pavers in the back yard will all be as uniform as possible.

Mr. Hirsch asks if this development was one of the zoning areas that the coverage area percentages were changed, since the pre-existing coverage percentage is over the percentage allowed currently. The Board Engineer states it is a possibility. This home is in an R-1 zone.

The Board Engineer indicates there are no drainage issues. There is an existing swale in the drainage easement. There is an inlet on a neighboring lot.

Mr. Hirsch confirms that the size of this lot is just over 30,000 sq. ft. He confirms that any construction on this lot will require a variance.

Ms. Hatami asks if any consideration has been given to combining the surround around the pool into the existing patio. Yes, we are going to try and tie it into the existing patio.

Mr. Neff asks if there is going to be any additional landscaping around the pool filter/heater. Mr. DiFazio states he is going to put in some shrubs, such as arborvitae, around it as a buffer.

Further discussion ensued between multiple Board members and Mr. Hirsch regarding the issue of the lot coverage percentages and this development.

The Board members then discussed the proposed fence. Mr. DiFazio states that it is going to be aligned with his neighbor's fence.

Mr. DiFazio is asked about any neighbors that might have a pool near him. Mr. DiFazio states that his neighbor across the street has a pool with a large deck. Mr. Hirsch states that it is a fairly common accessory structure in this neighborhood.

Ms. Hatami asks about the proposed shed in the back yard. Mr. DiFazio states that his shed is roughly the same size as his neighbor's shed.

Mr. DiFazio states that there is nothing further he wishes to add. Mr. Hirsch asks if there are any further questions from the Board.

A motion to close the public portion of the DiFazio application is made by Mr. Lomangino and seconded by Mr. Brawner. All in Favor.

Discussion commenced among the Board members regarding this application. Mr. Brawner make a motion to approve the DiFazio variance Mr. Brawner also wishes to caution that the applicant be very careful not to go over the coverage percentage. Seconded by Mr. McKinley.

Roll Call

Yes: Mr. Brawner, Mr. McKinley, Mr. Lomangino, Mr. Battista, Ms. Berk, Ms. Hatami
No: None
Absent: Mr. Palmieri, Mr. Slazyk, Mr. Porzio

Mr. Hirsch brings up that the Toll Brothers attorney called him with regard to an upcoming Request for Interpretation. Mr. Hirsch then discusses background and various concerns he has regarding this request.

A motion to adjourn the meeting at 8:25 p.m. was brought by Ms. Hatami and seconded by Ms. Berk. All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at April 13, 2016
Meeting.