

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
JULY 1, 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. Lomangino, Mr. McKinley, Ms. Hatami, Ms. DeMaio

Absent: Mr. Slazyk, Mr. Porzio, Mr. Kuzmin

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

MINUTES-

None

RESOLUTIONS-

BA-2021-02 Resolution in the Matter of Jeffrey & Gina Todd, 65 Roslyn 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 BA2021-02

Vice-Chairman Palmieri offered a motion to memorialize Resolution BA2021-02, the motion was seconded by Mr. McKinley

ROLL CALL

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

NAYES: None

ABSENT: Mr. Slazyk, Mr. Porzio, Mr. Kuzmin

INELIGIBLE: Mr. Lomangino, Ms. DeMaio

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BA2021-06 Resolution in the Matter of Jeffrey & Audrey Roderman, 32 Thayer 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 BA2021-06.

Vice-Chairman Palmieri offered a motion to memorialize Resolution BA2021-06, seconded by Mr. McKinley.

ROLL CALL

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

NAYES: None

ABSENT: Mr. Slazyk, Mr. Porzio, Mr. Kuzmin

INELIGIBLE: Mr. Lomangino, Ms. DeMaio

NEW BUSINESS-

BA2020-10 Massaro Realty, LLC 3162 & 3176 Shafto Road, Block 114 Lots 3.02 & 5.08, Block 145, Lots 21.02, 23-25: Preliminary & Final Major Site Plan & Use Variance

Attorney Hirsch stated for the record that the Massaro Realty, LLC application has requested to be carried without further publication or notice to the August 5, 2021, meeting. Attorney Hirsch 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.

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

Attorney Hirsch announced that this matter will be carried without further notice to the public to the August 5, 2021, meeting at 7:30 PM.

BA2021-04 Patrick Cospito, 43 Columbia Drive, Block 89.04 Lot 12, Application for Bulk Variance

Attorney Hirsch 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.

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

Mr. Paul Edinger, Esq. introduced himself as the Attorney on behalf of the Applicant.

Mr. Edinger stated that the Applicant is before the Board this evening seeking a rear-yard setback variance to construct an inground swimming pool.

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Attorney Hirsch swore-in the following witnesses:

Patrick Cospito, Applicant: 43 Columbia Drive

The following exhibit(s) were entered into the record:

A-1 R.C. Burdick Engineering Letter, dated June 22, 2021, consisting of one sheet

Mr. Cospito gave a brief overview of his property how it exists today and his proposal to install an in-ground pool. He explained that he purchased the home with the intentions of installing an in-ground pool in the back yard, however he never received a property survey when he closed on the home.

Mr. Cospito stated that his property abuts to a wooded area, with the closet neighboring property approximately 200 feet to the right. He explained that he designed the pool to the left of the dwelling so it would be 32 feet from the closest neighbor's property.

The Zoning Ordinance requires a pool to be located no closer than 10 feet to any other building, whereas only 7.45 feet is proposed between the rear of the dwelling and the proposed pool. Mr. Cospito indicated that he has provided a letter from his Engineer stating that constructing the pool 7.45 feet from the dwelling will not impact the structural integrity of the home.

A Variance is also required for the proposed patio located 9 feet from the rear property line, whereas 10 feet is required.

Mr. Cospito stated that he designed a 12x28 rectangular inground-pool that meets the property's lot coverage requirements. He stated that the pool will not be visible from the rear or side properties. Mr. Cospito indicated that he will also install a pool-code fence.

Vice-Chairman Palmieri inquired about the size of the patio around the pool and asked if 3 feet is required around the pool? Mr. Neff stated that it is not a requirement, however it is typically the minimum. Vice-Chairman Palmieri asked if it would be safer to have a 3-foot patio rather than 1-foot width. Mr. Neff stated that the applicant is proposing a 1-foot-wide patio in the rear of the pool to comply with the setback and lot coverage requirements as much as possible.

Discussion ensued amongst the Board Members regarding the overall safety of the 1-foot width patio. After discussion, the Board felt it would be a better zoning alternative to allow for a 3-foot width patio instead. Therefore, the patio setback would be 7 feet whereas 10 feet is required. As a result of the increase in the walkway width the proposed lot coverage would be 37.9% whereas 37% is permitted. Mr. Cospito stated that his original intent was to have a 3-foot-wide patio, however he was trying to comply with the Ordinance requirements.

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

Mr. Lomangino offered a motion to close the public discussion, seconded by Vice-Chairman Palmieri, all present voted in favor.

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Mr. Lomangino offered a motion to approve BA2021-04 with the conditions outlined by Attorney Hirsch, the motion was seconded by Vice-Chairman Palmieri

ROLL CALL

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

NAYES: Ms. Hatami

ABSENT: Mr. Slazyk, Mr. Porzio, Mr. Kuzmin

INELIGIBLE: None

MOTION TO ADJOURN

Chairman Battista asked for a motion to adjourn.

Vice-Chairman Palmieri offered a motion to adjourn, seconded by Mr. Lomangino.

All in Favor: AYE

Time: 7:57 PM

Respectfully submitted,


Trish Sena
Zoning Board Secretary

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