

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 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 (arrived at 7:50 pm), Mr. Lomangino, Mr. Porzio, Mr. McKinley, Ms. Hatami, Mr. Kuzmin, Ms. DeMaio

**Absent:** Mr. Slazyk

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

**MINUTES-**

None

**RESOLUTIONS-**

**BA2021-04 Resolution in the Matter of Patrick Cospito, 43 Columbia 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 BA2021-04.

*Mr. Porzio offered a motion to memorialize Resolution BA2021-04, the motion was seconded by Mr. Lomangino*

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 2021**

**ROLL CALL**

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

NAYES: None

ABSENT: Vice-Chairman Palmieri, Mr. Slazyk

INELIGIBLE: Ms. Hatami

**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 Board previously accepted service for Massaro Realty, LLC on July 1, 2021. The Applicants requested this matter be carried to tonight's August 5, 2021, meeting.

Mr. Rick Brodsky, Esq. introduced himself as the Attorney on behalf of the Applicant.

Mr. Brodsky stated that the application before the Board this evening is for Preliminary & Final Major Site Plan approval to construct three flex-space warehouses on the property. This requires a 'D' Variance because 3 separate buildings are proposed on the site. He explained that the proposed use is permitted in the Borough's MFG Zone, however, a 'D' Variance is required to allow three principal structures on the property. There are also a number of Bulk C Variances associated with the application.

*Attorney Hirsch swore-in the following witnesses:*

Jason Schooling, P.E. 241 Loretto Street, Staten Island, New York

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

A-1 Existing Conditions Plan

Mr. Schooling gave a brief overview of the existing conditions plan of Block 144 Lots 3.02 & 5.08 and Block 145 Lots 21.02 & 23, 24, 25. He described the lot as 22.2 acres with frontage along Shafto Road and is located in the Manufacturing Zone. The lot is currently undeveloped and mostly wooded.

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

A-2 Rendering of Proposed Conditions

Mr. Schooling stated that the Applicant is proposing three (3) flex-space buildings as well as parking, loading spaces and storage area. He explained that there are various environmental constraints on the property that prohibited them from constructing just one flex-space building. Because of the wetlands and constraints, the Applicant had to design 3 separate buildings. Mr.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 2021**

Schooling stated that this design would be most appealing to potential tenants and optimizes the most floor space.

Mr. Schooling testified that proposed building one is 45,000 square feet which consists of nine 5,000 square foot flex space units. The building is 30 feet high and has a front yard setback of 289 feet off of Shafto Road.

Building two is 29,900 square feet and consists of two 14,950 square foot flex space units. Similarly, to building one, it is 30 feet high and has a set back of 64 feet from the side yard. Attorney Hirsh asked if these units are traditional flex spaces in which the size of each space could change depending on who the tenant is? Mr. Brodsky confirmed that the size of each space can change once a tenant is selected.

Building three is a single-unit 4,000 square foot building that is located in the rear of the property and has a 105 feet setback from the rear property line. This building also contains a 2,000 square foot fenced-in storage area with a landscaping buffer.

Mr. Schooling indicated that despite having three principal buildings, the site is still below the impervious coverage and Floor Area Ratio. The proposed impervious coverage is 27 ½ % whereas 60% is permitted. The floor area ratio is 0.9 whereas .3 is permitted.

There are 127 proposed parking spaces whereas 99 spaces are required. The applicant is proposing 8 ADA spaces whereas 4 are required. 28 loading spaces are proposed whereas 3 are required. A 30-foot-wide ingress and egress off of Shafto Road is proposed. Mr. Schooling explained that a Circulation Plan was provided in the Site Plan that illustrates that a tractor trailer and fire truck can safely travel throughout the site. Mr. Neff inquired about the circulation plan and asked if the Applicant is considering widening Shafto Road? Mr. Schooling stated that the Applicant has been in discussion with the County with a possible lane widening on Shafto Road.

The Applicant is proposing four refuse containers on site that will be buffered by vegetation.

Mr. Schooling briefly discussed the drainage on site and the Stormwater Management. The Applicant is proposing 3 retaining walls on site. He explained that the site is over 1 acre of disturbance therefore it qualifies as major development. He discussed the stormwater requirements under the new guidelines.

Mr. Porzio inquired about the circulation plan and trucks entering and exiting the site. He asked if there will be a limit as to how many trucks and trailers can access the site at one time? Mr. Schooling stated that he can provide an updated circulation plan to show that trucks can maneuver different areas of the site at the same time.

Ms. Hatami asked for further information on the widening of Shafto Road. Mr. Schooling stated that this is in the process of being coordinated with the County, however, the traffic engineer will provide further testimony.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 2021**

Mr. Schooling provided testimony on the proposed sanitary sewer and septic system on site.

The Applicant is proposing various landscaping throughout the site, including shade trees to screen the parking, refuse and stormwater areas. The remaining undeveloped portions of the site will remain wooded as a natural buffer.

LED polling and wall mounted lighting are proposed throughout the site with no spillage onto adjacent properties. All outdoor lighting during non-operating hours that is not necessary for safety or security will either be reduced or shut off.

The hours of operation for the site will be Monday-Friday, 8:00 AM-10:00 PM and Saturday 8:00AM-2:00 PM.

Mr. Schooling stated that in lieu of providing sidewalk on Shafto Road, the Applicant has agreed to contribute any necessary fees to the Borough's Sidewalk Contribution Fund.

Mr. Brodsky briefly discussed the requested variances.

Ms. Bell noted that a waiver is required for the maximum light intensity at ground level, the maximum permitted is 4-foot candles whereas the applicant is proposing 5.4.

Mr. Schooling indicated that any possible tenant/use will meet the requirements of the Zone and will be permitted uses.

Chairman Battista inquired about the proposed flex space and asked why such a large portion of the site has been dedicated to large trucks? Discussed ensued in regard to the overall flexibility of the site.

*Attorney Hirsch swore-in the following witnesses:*

Christopher Massaro, 18 Spring House Road, Ocean Township: Applicant

Mr. Massaro provided testimony on the possible types of tenants at this facility. He stated that the site permits light industrial uses such as warehousing, shipping & receiving, assembly operations, etc. The site is designed to allow tractor trailers to be accessible at each unit.

Mr. Neff advised the applicant that he cannot mix all the permitted uses at this site. This application is for flex-space and cannot mix uses such as warehousing and child-care facilities in one.

Ms. Bell clarified that light industrial uses include, warehousing, shipping & receiving, fabrication and assembly operations within an enclosed building.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 2021**

Ms. Hatami inquired about the mixed-uses and the definition of a flex space and Mr. Neff explained that only one use on a property is permitted, the uses Ms. Bell referenced are permitted in a flex-space building. Discussion ensued regarding the possible uses on site.

Mr. Brodsky stated that the Applicant is designing flex-spaces without knowing who the tenant will be, therefore they are trying to construct the site with as much flexibility as possible.

Mr. Neff inquired if the Applicant has considered limiting the tractor trailer space for one of the three buildings? Discussion ensued regarding the tractor trailer and truck parking on site.

Discussion ensued regarding hours of operations and truck traffic throughout the day/night.

Mr. Neff asked if the parking will be separated between buildings and if there will be directional signs to show the drivers where they need to go? Mr. Schooling indicated that there is ample parking on site for each building, however the traffic engineer will provide further testimony in that regard.

Mr. Neff noted that the Applicant is requesting a waiver to have the landscape plans prepared by the Engineer, rather than a Landscape Architect. Another waiver is required for the lighting behind the smallest flex space building. Mr. Neff has no objection to the Board granting either waiver.

*Attorney Hirsch swore-in the following witnesses:*

John Rae, Traffic Engineer

Mr. Rae stated that he has prepared a fully detailed traffic impact analysis that is dated January 18, 2021, and includes numerous visits to the site. The analysis establishes existing roadway and traffic conditions, traffic counts in the area, estimates of traffic that would be generated by the proposed flex space, etc.

Mr. Rae described the traffic analysis performed at the intersection of Mazza Boulevard and Shafto Road. Mr. Rae developed traffic generation numbers from the Institute of Transportation Trip Generation Manual. Traffic exiting the site during peak hours will experience moderate delays. The Monmouth County Engineering Department has required a widening along Shafto Road to provide for a South-Bound left turn lane to enter the site. The Applicant will have to provide the widening along the frontage to accommodate the left turn lane. Mr. Rae noted that the County is not requiring a right turn lane at this time.

Mr. Rae compared this project to various other warehouses and distribution centers throughout the State. He expects this site to function as a local operation.

Chairman Battista voiced his concerns with the overall uncertainty of what the site will function as, will it be warehousing or flex-space?

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 2021**

Mr. Kuzmin inquired about the traffic study and asked if Mr. Rae has considered conducting a newer study now that some of the COVID-19 restrictions have been lifted? He explained that they have been working to compare pre-pandemic and post-pandemic numbers to see what numbers are higher.

Mr. Porzio asked Mr. Massaro if he has any similar flex-space locations in this area? Mr. Massaro explained that he owns the Monmouth Wire & Computer Recycling that is also located on Shafto Road. Chairman Battista asked if Mr. Massaro has any plans to move any Monmouth-Wire operations to this new site? Mr. Massaro indicated that he does not intend on moving any operations to this property.

Mr. Rae discussed truck staging and the overall circulation throughout the site. He does not anticipate any issues with trucks moving throughout the site at any given time. He stated that the Borough Ordinance requires one parking space for every 800 square feet of building area, therefore 99 spaces are required, and the applicant is proposing 127 spaces.

Mr. Hirsch asked for clarification on the site's hours of operation, he inquired if the site is accessible 24 hours a day? Mr. Massaro indicated that trucks can access the site 24 hours day, however the tenants cannot begin operating their business until 8:00 AM.

Mr. Rae stated that the Applicant is willing to install directional signs throughout the site to direct trucks to the correct location.

Ms. Bell asked Mr. Rae do confirm that any directional signage will comply with the Ordinance, and he confirmed that it will.

Ms. DeMaio asked Mr. Massaro if he has any intentions on using the flex-space for his own personal business needs, and he stated that he does not.

Chairman Battista asked Mr. Massaro to describe four possible tenants for this space. Mr. Massaro indicated that possible tenants could include, coffee distributor, electrical supply warehouse, plumbing warehouse, etc.

*Attorney Hirsch swore-in the following witnesses:*

Michael Testa, P.A.- Architect

Mr. Testa discussed various buildings throughout Tinton Falls that he has designed and gave examples of possible tenants for this site. He explained that the demand for flex style buildings has increased significantly. These sites are designed to offer tenants the most flexibility. Discussion ensued regarding the overall design and size of the flex-spaces.

Mr. Hirsch stated that this application is seeking a Use Variance for having three separate buildings on the site with approximately 80,000 square feet of flex-space. The Applicant is unable to build one, 80,000 square foot building because of the various environmental constraints on site. If there weren't any environmental constraints, the Applicant would have constructed an

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 2021**

80,000 square foot building and therefore would not require a Use Variance. Mr. Hirsch clarified for the record that the Applicant is proposing a permitted use.

Mr. Neff inquired about the purpose of the third, smallest building on site? Mr. Testa indicated that this building is catered to a contractor yard and landscaping business.

Mr. Brodsky indicated that there are a total of nine flex-spaces in building one, two flex spaces in building two, and one flex space in building 3. Discussion ensued regarding the square footage of each flex space.

Mr. Brodsky indicated that the site was designed to avoid the possibility of every tenant having to come before the Zoning Board for approval.

Chairman Battista asked Mr. Massaro if he has considered any alternative plans for this site? Mr. Neff stated that he has seen a number of different versions of this plan and agrees the application before the Board tonight is the best version.

Mr. Testa gave a brief overview of the architectural plans for each building and discussed the design.

Chairman Battista noted for the record that there are no members of the public present at tonight's meeting.

*Attorney Hirsch swore-in the following witnesses:*

Christine Nazzaro-Cofone, P.P.- Planner

Ms. Cofone stated that the only relief the Applicant is seeing is for the Use Variance to allow for 3 principal buildings on the site. She described the shape, layout and environmental constraints that does not allow for Mr. Massaro to build one principal structure. Discussion ensued regarding the FAR and what is permitted in the Borough's MFG Zone.

Ms. Cofone stated the Applicant does not need any variances for the layout of this site and the uses will all be permitted. She explained that this site is particularly suitable for this project due to the size of the property as well as the various environmental constraints.

Ms. Cofone discussed the positive and negative criteria of this application stating that this is an appropriate location for this type of flex-space. She stated that this is also a sufficient use of the land. She referenced the Borough's Master Plan, stating that this application advances the goals of the Master Plan and is consistent with the use plan of the MFG Zone. Therefore, there is no substantial detriment to the zone plan.

Discussion ensued regarding the requested "D" Variance.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 2021**

Mr. Brodsky provided a brief summation of the application before the Board this evening, stating the Applicant is proposing a use that is permitted in the MFG Zone and is consistent with the Borough's Zoning and Master Plan.

Ms. Bell stated that Ms. Cofone provided excellent testimony for the granting of the Use Variance. She explained that if this lot was not environmentally constrained, the Applicant would have simply proposed one principal building. She stated that the Bulk "C" variances requested are for existing conditions on the lot.

Mr. Neff stated that when he reviews an application with multiple structures, he takes into consideration how it is going to look aesthetically. He indicated that it will be visually pleasing from Shafto Road. He requested an updated circulation plan to show that trucks will be able to maneuver comfortably throughout the site.

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

*Mr. Porzio offered a motion to close the public discussion, the motion was seconded by Mr. McKinley. All present voted in favor.*

Discussion ensued amongst Board Members in regard to the application.

Chairman Battista asked if the Board had any further questions or comments, hearing none, he asked for a motion.

*Vice-Chairman Palmieri offered a motion to approve BA2020-10, the motion was seconded by Mr. Porzio.*

**ROLL CALL**

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

NAYES: None

ABSENT: Mr. Slazyk

INELIGIBLE: Ms. DeMaio

**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: 10:09 PM



**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
AUGUST 5, 2021**

Respectfully submitted,

  
Trish Sena  
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: **NOVEMBER 4, 2021**