

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
SEPTEMBER 2, 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, Mr. Lomangino, Mr. Porzio, Ms. Hatami, Mr. Kuzmin, Ms. DeMaio

Absent: Vice-Chairman Palmieri, Mr. Slazyk, Mr. McKinley

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

MINUTES-

Chairman Battista stated that the minutes of the May 6, 2021, meeting have been previously distributed via email for the Board Members to review.

Mr. Kuzmin offered a motion to approve the minutes of the May 6, 2021, meeting, the motion was seconded by Mr. Porzio

ROLL CALL

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

NAYES: None

ABSENT: Vice-Chairman Palmieri, Mr. Slazyk, Mr. McKinley

INELIGIBLE: None

Chairman Battista stated that the minutes of the June 3, 2021, meeting have been previously distributed via email for the Board Members to review.

Mr. Kuzmin offered a motion to approve the minutes of the June 3, 2021, meeting, the motion was seconded by Mr. Porzio

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ROLL CALL

AYES: Mr. Porzio, Mr. Kuzmin, Chairman Battista, Mr. Lomangino, Ms. Hatami

NAYES: None

ABSENT: Vice-Chairman Palmieri, Mr. Slazyk, Mr. McKinley

INELIGIBLE: Ms. DeMaio

Chairman Battista stated that the minutes of the July 1, 2021, meeting have been previously distributed via email for the Board Members to review.

Mr. Lomangino offered a motion to approve the minutes of the July 1, 2021, meeting, the motion was seconded by Ms. DeMaio.

ROLL CALL

AYES: Mr. Lomangino, Ms. DeMaio, Chairman Battista, Ms. Hatami

NAYES: None

ABSENT: Vice-Chairman Palmieri, Mr. Slazyk, Mr. McKinley

INELIGIBLE: Mr. Porzio, Mr. Kuzmin

RESOLUTIONS-

BA2021-04 Resolution in the Matter of Massaro Realty, LLC, 3162 & 3176 Shafto Road

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 BA2020-10.

Mr. Porzio offered a motion to memorialize Resolution BA2020-10, the motion was seconded by Mr. Kuzmin.

ROLL CALL

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

NAYES: None

ABSENT: Vice-Chairman Palmieri, Mr. Slazyk

INELIGIBLE: None

NEW BUSINESS-

BA2021-07 Jacklyn Stark, 21 Wheeling Court, Block 124.50 Lot 6 Application for Bulk Variance

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.

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Mr. Salvatore Alfieri, Esq. introduced himself as the attorney on behalf of the Applicant.

Mr. Alfieri gave a brief overview of the application stating the Applicant is seeking Bulk Variances to construct an in-ground swimming pool.

Attorney Hirsch swore-in the following witnesses:

Robert Burdick, P.E. P.P- Professional Engineer

Mr. Burdick placed his credentials on the record, and the Board accepted him as an expert witness.

Mr. Burdick briefly described the property and the configuration of the lot. The Applicant is proposing a 16x32 foot inground swimming pool. He explained that the lot has an irregular shape and borders two single-family homes, one of which has an inground swimming pool.

Mr. Burdick stated that the pool was designed to be an extension of the sunroom. The Applicant is seeking variances from the setback requirements. The Applicant is proposing a 10-foot rear yard setback, whereas 15 feet is required, a 4.5-foot setback from the dwelling whereas 10 feet is required. A variance for the pool patio is also required, a 10-foot setback from the rear yard is required whereas 6.6 feet is proposed.

Mr. Burdick testified that due to the irregular shape of the lot, any location of the proposed pool would result in some type of variance. Given the various constraints, the Applicant believes this is the best location for the pool. He stated that the proximity of the pool to the house will have no impact on the integrity of the foundation or the structure of the house.

Mr. Burdick briefly discussed the positive and negative criteria of approving these variances. He indicated that this plan is an appropriate use of the property and that it will be an aesthetic improvement to the lot. It is his belief that these variances can be granted without any substantial detriment to the Master Plan or Zoning Ordinance.

Referencing Mr. Neff's letter, Mr. Burdick confirmed that the Applicant will comply with all comments/recommendations. He noted that both building coverage and impervious coverage are well below what is permitted in the R-4 Zone.

Mr. Burdick stated that the grading and stormwater will not be disturbed.

The Applicant is proposing to tie in a proposed fence with the existing neighbor's fence on the south property line.

Discussion ensued amongst the Board in regard to connecting the proposed fence to the neighbor's existing fence. Mr. Neff stated that this would ultimately be decided by the Construction Official, as it is a building code issue.

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As a condition of approval, the Applicant must present the proposed fence connection to the Building Department for their final approval.

It was determined that the existing sunroom was there when Ms. Stark purchased the home.

Mr. Burdick testified that the Applicant faces a hardship due to the shape and configuration of the lot.

Mr. Kuzmin asked what measures will be taken during construction to reduce any adverse conditions to neighboring properties? Mr. Burdick stated that the yard is fenced in, and a silk fence will also be erected during construction.

It was decided that the Construction Department will handle any issues pertaining to the fence.

Seeing no comment, 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. Lomangino, all present voted in favor.

Chairman Battista asked if the Board has any further questions or comments? Hearing none, he asked for a motion.

Mr. Porzio offered a motion to approve BA2021-07, the motion was seconded by Mr. Lomangino.

ROLL CALL

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

NAYES: None

ABSENT: Vice-Chairman Palmieri, Mr. Slazyk, Mr. McKinley

INELIGIBLE: None

MOTION TO ADJOURN

Chairman Battista asked for a motion to adjourn.

Mr. Porzio offered a motion to adjourn, seconded by Mr. Lomangino.

All in Favor: AYE

Time: 8:05 PM

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Trish Sena", is written over the printed name and title.

Trish Sena
Zoning Board Secretary

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