

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

Vice-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 The Coaster and the Asbury Park Press.

Vice-Chairman Battista then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present Mr. Slazyk, Mr. Lomangino, Mr. Battista, Mr. Porzio Mr. McKinley, Mr. Brawner Ms. Hatami,

Absent: Chairman Palmieri, Ms. Berk,

Also present: Mr. Steinberg for Mr. Hirsch
 Mr. Neff, Board Engineer
 Mr. Barree
 Ms. Connolly, Board Secretary

Vice-Chairman Battista read a statement of procedural guidelines.

Meeting Minutes

Vice Chairman Battista states that the Meeting Minutes of March 2, 2017 have been previously distributed for review. Vice-Chairman Battista asks if there are any comments regarding same. There are none.

Motion is made by Mr. Lomangino and seconded by Mr. Porzio to accept the meeting minutes of March 2, 2017. All in favor by those eligible to vote.

Resolution(s)

**BA 2016-18 Barham Group Blk. 17, lot 5, 4239 Hwy. 33-
Corrected resolution originally memorialized by the Zoning Board of Adjustment
on January 5, 2017.**

Motion is made by Mr. Porzio and seconded by Mr. Battista to memorialize the corrected resolution. All those in favor by those who are eligible to vote.

BA-2016-07 Massaro Realty, LLC., Blk. 145 Lot 14.01, 3250 Shafto Road.

Resolution approving various outside storage areas, variance for expansion of non-conforming use.

Motion is made by Mr. Porzio, seconded by Mr. Brawner to memorialize the resolution.

Roll Call

Ayes: Mr. Porzio, Mr. Brawner, Mr. Lomangino, Mr. Battista, Ms. Hatami
Nays: None
Absent: Chairman Palmieri, Ms. Berk
Not eligible: Mr. Slazyk, Mr. McKinley

New Business

**BA 2016-21 Ullery, Toni – Blk. 124.50 Lot 12.71, 71 Augusta Street.
Seeking variance for fence in front yard; variance for fence being less than 25 ft.
from the property line.**

Toni Ullery, the applicant, 71 Augusta Street is sworn in by Mr. Steinberg. Ms. Ullery states the reasons why she is making this application to the Board of Adjustment this evening.

Mr. Steinberg states that he has reviewed the affidavit of service and proof of publication and finds same to be in order as to form. Motion is made by Mr. Lomangino and seconded by Mr. Porzio to accept service. All in Favor.

The Board Engineer discusses the history of the fencing issues along Heritage Blvd. as well as the landscape buffer and supplementation of landscaping that is needed. The applicant and engineer will work on a landscape plan together.

Several Board members ask questions about the neighbors' fences and the right-of way along applicant's property.

Vice-Chairman Battista asks if there are any further questions from the Board, hearing none.

Vice-Chairman Battista asks if there are any questions from the public, hearing none.

Motion is made by Mr. Lomangino and seconded by Ms. Hatami to close the public portion of the application. All in Favor.

Motion is made by Mr. Lomangino to approve the variances as requested with the condition that a satisfactory landscape plan is agreed upon with the Board Engineer and installed by June 15, 2017. Seconded by Mr. Porzio.

Roll Call

Ayes: Mr. Lomangino, Mr. Porzio, Mr. Slazyk, Mr. Battista, Mr. McKinley, Mr. Brawner, Ms. Hatami
Nays: None
Absent: Chairman Palmieri, Ms. Berk
Not eligible: None

BA 2016-22 IPP Solar/Stavola Blk. 111 lot 4.01, 175 Drift Road.
Seeking variances to install two separate sets of solar panels.

Mr. Steinberg states that he has reviewed the Affidavit of Service and Proof of Mailing and it is in order as to form.

Motion is made by Mr. McKinley and seconded by Mr. Slazyk to accept service.

Peter Falvo, Esq., is appearing for the applicant and makes his opening statement explaining the variances requested with regard to this application.

Mr. Falvo asks that the plans entitled "IPP/Solar Integration" consisting of twelve (12) sheets dated January 15, 2016 as signed by Thomas P. Branch, licensed professional engineer and professional planner be marked into evidence as A-1, along with a photograph of the type of panels being used as A-2.

Thomas P. Branch, licensed professional engineer and licensed professional planner, explains his qualifications and is sworn in by Mr. Steinberg. Mr. Branch states that he works as an in-house engineer and planner for Stavola companies.

Mr. Branch testifies as to the proposed location of the solar panels as well as the size of the array. One array will power the recycling facility and the second array would power the office building.

Mr. Branch testifies as to the variance requested for two principal uses on one piece of property.

Details are also discussed regarding the actual solar panels, including their height and that there is no noise associated with these panels.

Fencing and landscaping/buffering are discussed.

The solar power generated is for the recycling plant and the office building. Surplus power that is generated outside of the 12-month average would be put back into the grid to JCP&L.

Maziar Dalaeli is an electrical engineer from IPP Solar, LLC and is sworn in by Mr. Steinberg as an expert witness.

Mr. Slazyk asks Mr. Dalaeli if there are any radio or cell phone impacts on drivers as they drive through the area. Mr. Slazyk states that there are radio and cell phone reception disturbances when driving by the solar farm on Shafto Road. Mr. Dalaeli states that he is not aware of disturbances emanating from solar arrays.

Ms. Hatami asks questions about the fleece mat that is to be installed under the solar panels. It is stated that the purpose of the mat is to prevent plant growth. The mat will not affect runoff and water will flow through.

Ms. Hatami asks what the life expectancy of this system is. Mr. Dalaeli states that the solar panels come with a 25 - year warrantee.

Mr. Dalaeli discussed the underground wiring in response to a question from Mr. Lomangino.

Mr. Battista asks some questions about the amount of energy that would be generated during the winter months.

Vice-chairman Battista asks if the public or any Board members have any further questions of Mr. Dalaeli. None heard.

Mr. Falvo asks the applicant's planner to come forward to give testimony.

Daniel McSweeney, 409 Washington Blvd., Sea Girt, NJ is sworn in by Mr. Steinberg and Mr. McSweeney's credentials are accepted as a professional planner.

Mr. McSweeney testifies as to the application. He describes the property and what is located on the property. Mr. McSweeney discusses the two use variances that are being requested for the recycling plant and the office building.

Mr. McSweeney then discusses the three bulk variances requested. The first being the proposed size of the solar field. The second and third variances requested pertain to the front yard setback – for the field itself to be situated in the front yard and the second is the fencing around the field and the mechanical area.

Mr. McSweeney discusses positive criteria vs. negative criteria aspects regarding this application.

Mr. McSweeney further explains his reasoning as to how this application conforms with the Master Plan of the Borough.

Mr. Brawner asks about the concrete pad at the location. Mr. McSweeney states that there will be a 6 ft. hedge that will be in place to hide the equipment that will be on the pad.

Further discussion ensues regarding the landscape screening around the concrete pad and what is seen from the roadway.

Board members voiced their opinion that if the properties should change from Stavola ownership, the solar farm cannot then become a for-profit company. Mr. Falvo suggests that the applicant must go before the Board for solar company approval should a Stavola entity no longer own the properties in question.

Mr. Neff brings up that there is a requirement in the ordinance called an “abandonment document” which protects the borough if something should happen and the solar panels would cease to be used, the applicant would need to agree to clean up the site.

Mr. Lomangino asks if there is any kind of reflection problem that may be anticipated. Mr. Dalaeli states that there is a coating on the panels and reflection will not be an issue.

Mr. Brawner asks if the Fire Marshall has brought up any issues and the applicant states that if he has any issues, they will comply with his suggestions. Mr. Brawner also asks if there is a power shut-off switch at the site. Mr. Dalaeli states that there are multiple levels of safety in place, one of which is a safety shut-off switch.

Vice-Chairman Battista asks if the public has any questions for the applicant’s Planner. Hearing none,

Motion is made by Mr. Lomangino and seconded by Mr. Porzio to close the public portion of the application. All in favor.

Motion in made by Mr. Lomangino and seconded by Ms. Hatami to approve application subject to conditions including the “abandonment form,” landscaping issues (spacing and quantity details), fencing clarifications, approval staying with land ownership.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
April 6, 2017

Roll Call

Ayes: Mr. Lomangino, Ms. Hatami, Mr. Porzio, Mr. Slazyk, Mr. Battista, Mr.
McKinley, Mr. Brawner
Nays: None
Absent: Chairman Palmieri, Ms. Berk
Not eligible: None

Motion is made by Mr. Battista and seconded by Ms. Hatami to close the meeting at 9:05 p.m. All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on April 20, 2017