

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. Palmieri (will be late, on his way), Mr. Lomangino, Mr. Battista, Mr. Porzio, Mr. Brawner, Mr. McKinley, Ms Berk

Absent: Mr. Slazyk, Ms. Hatami

Also present: Mr. Hirsch, Esq.
 Mr. Neff, Board Engineer
 Fred Heyer, Board Planner
 Ms. Connolly, Board Secretary

Vice-Chairman Battista read a statement of procedural guidelines. Vice-Chairman Battista also states that Chairman Palmieri will be late this evening.

Meeting Minutes

Vice-Chairman Battista states that board members have reviewed the April 20, 2017 meeting minutes and that all members are eligible to vote.

Motion is made by Mr. Lomangino and seconded by Ms. Berk to accept the meeting minutes. All in Favor.

Resolutions

BA 2017-02 – Standard Supply Co – 40 Shark River Rd., Blk 146 Lot 2.01

Vice-Chairman Battista states that board members have reviewed this Resolution and motion is made by Mr. Porzio and seconded by s. Berk to memorialize the Resolution. All in favor.

Vice-Chairman states that at this point, we are going to go off the record at 7:35 and await the arrival of Chairman Palmieri. Chairman Palmieri arrives at 7:54 p.m. He states it is his son's 18th birthday and apologizes for being late.

New Business

BA 2017-03 --David Jones – 23 Sire Stakes Dr., Blk 62.01 lot 23

Carried from April 20, 2017

Salvatore Alfieri, Esq., is representing the applicant. Mr. Alfieri states that at the last meeting, an as-built plan was presented showing the existing variance conditions and that some of the improvements were built without permits. The Board wanted the applicant to come back with some form of reduction of variances or mitigation of the variance conditions. Mr. Alfieri explains that the applicant then hired an engineer to come up with a concept and plan that is more favorable to the Board.

Mr. Jones is reminded that he is still under oath. Mr. Jones explains the development of the site beginning with the year 2005. Mr. Jones also explains what permits he has previously applied for regarding his residence.

Mr. Hirsch asks for confirmation that the permits applied for in 2005 include not only the pool, but fence, walkways, patio, everything was on the permit applications. Mr. Jones states that there were two separate applications. The pool company filed the permits for the pool and all the electrical and plumbing that went with it and then he filed permits for the patio, the walkways and the fence.

Mr. Hirsch states that a problem is that the patio is larger than what was applied for. Mr. Jones explains that during the construction of this project, the patio was expanded and he decided to build the cabana structure. In doing so, this created the problem of the set back and there was no permit applied for in regard to this principal structure.

Various Board members ask questions clarifying what was permitted and what was not permitted, as well as if there were any final inspections performed.

Mr. Hirsch states that 22% lot coverage is allowed and 27.7% is existing. Mr. Neff defines what is included in the existing coverage calculation.

Letter from Ms. Lori Paone, Zoning Official dated January 7, 2005 is reviewed.

Mr. Hirsch marks the rendered site plan as A-1.

Donna Bullock, 25 Elm Street, Beechwood, NJ is sworn in and the Board accepts her credentials as a licensed professional engineer.

Ms. Bullock states the applicant's plan for reducing coverage. Ms. Bullock begins with the site plan pointing to a 673 sq. ft. stone landscape berm located to the north of the pool and an existing 135 sq. ft. shed that will be eliminated.

Ms. Bullock goes over the variances needed. She states one of the variances can be eliminated by removing the shed. The applicant is able to reduce two of the variances which are the lot coverage percentage and the building coverage percentage by eliminating the 673 sq. ft. landscape bed as well as eliminating the shed. The two other variances for set back to the cabana is going to remain the same and the variance for accessory structures over 200 sq. ft. will remain the same. The cabana is currently 270 sq. feet.

Ms. Bullock states that the new proposed area is 25.2%, down from 27.7%. Ms. Bullock further explains that the dwelling is 1.37% over coverage and that overage percentage is discussed.

Mr. Palmieri reiterates that the Board is required to look at this application as all of the improvements have not been built.

Ms. Bullock states that the building coverage is allowed at 8%, currently 10.7% is existing and 10.28 is proposed.

Mr. Alfieri asks Ms. Bullock to describe the buffer between the cabana side of the property to the nearest neighbor.

Mr. Alfieri asks if there are any drainage issues on the site. Ms. Bullock explains the topography and drainage of the property.

Chairman Palmieri asks if there are any comments or questions from the Board for Ms. Bullock. Mr. Neff reiterates that there can be no "credit" or "banking credit" given for the dwelling percentage.

The percentages are discussed again among board members and professionals along with lot size.

Chairman Palmieri asks if there are any questions from the public.

The Board asks further questions about the cabana pertaining to setback issue and size.

Mr. Alfieri states his closing.

Chairman Palmieri states he still has a problem with lot coverage and the setback problem. Multiple Board members state the same sentiment.

Mr. Neff brings forth a Google Earth color copy showing the applicant's property and his neighbor on either side. This is marked as B-2

Mr. Alfieri then states that they have another alternative to be presented by the engineer to reduce the lot coverage further from 25.2% . Mr. Alfieri states that the preference was to keep the prior plan but there is an alternative plan whereby more of the pavers are eliminated.

Ms. Bullock points to the site plan that has highlighted stone areas that can be removed and replaced with grass, bringing the lot coverage down to 24.2%

Several Board members state that they are still struggling with the lot coverage overage as well as the cabana and setback. Chairman Palmieri reiterates that the Board would have never approved the size of this cabana.

Mr. Neff states that if the accessory structure was under 200 sq ft., it would only need a setback of 10 feet. It is because it is over 200 sq. ft. that it has to meet the principal building setback requirements.

Chairman Palmieri asks the applicant if they would like to take a break or come back for the next Board meeting which is on May 18, 2017.

Mr. Jones asks if he can get his lot coverage down to what is permitted, can the Board allow the cabana to stand with its current setback.

Discussion ensues regarding this inquiry. Mr. Alfieri wishes to poll the Board. The Board discusses the matter on the record. The conclusion is that even if the lot coverage were to be brought into compliance, the issue is still the cabana and set back issue.

Mr. Alfieri requests that the matter be carried until the next meeting with no further notice necessary and an extension of time is granted.

BA 2016-23 World Subaru, 688 Shrewsbury Avenue, Blk 18 Lot 5 & 18

Chairman Palmieri states that the next matter is World Subaru BA 2016-23. This is an application for variances for expansion of conditional use; two uses on one lot.

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

Motion is made by Mr. Porzio and seconded and Mr. Brawner to accept service. All in Favor.

Martin McGann, Esq., states he is appearing on behalf of the applicant and gives his opening statement requesting approval to provide additional service areas for clientele.

The applicant's first witness is sworn in by Mr. Hirsch who states his name as Drew French, engineer, 545 Yardley Place, Brick, NJ.

Mr. French begins with the color rendering of the landscape plan dated March 14, 2017 which Mr. Hirsch marks as A-1.

Mr. French gives an overview of the existing site and then as to what the proposal is for the additions to the site, proposed landscaping, drainage and laying issues.

Mr. French further explains the proposed one-story 2,615 sq. ft. service drop-off area. To the rear of the existing building we are proposing a new service building containing 9 service bays as well as a car wash bay strictly for the use of the dealership.

There is also a 930 sq. ft. second story addition on an existing building which would be for parts storage and administrative space. This building has a current mezzanine level, the roof is not being raised – the footprint of the building is not expanding.

Mr. French further explains the landscape/ shade tree additions along Gilbert Street North. Next to the new addition there is a landscape island proposed along with hedgerows in the rear of the property. The impervious coverage will be reduced to 91.1% from 94.6%. Discussion regarding coverage percentages are discussed.

All aspects of the proposed lighting plan are discussed including changing all of the light fixtures to LED fixtures as well as explaining the additional lighting proposed and the addition of 13 new poles.

Mr. Neff brings up the design waiver needed for pole height. The pole height and light intensity are discussed.

Mr. French explains that currently the lighting is not dimmed during the evening hours, but the applicant would like to dim the lighting by 50% beginning at 11 p.m. in the evening on the entire property.

The car wash bay and the water re-use plan are discussed.

The car circulation plan is discussed.

The Floor Area Ratio is discussed.

Mr. Neff's engineering review letter of April 11, 2017 is reviewed.

Mr. French discusses the signage proposed. There is a review of what is existing and what additional signage is proposed.

Ms. Berk brings up that when the tractor trailers are unloading the cars on Gilbert Street North, it is very tight. Ms. Berk is wondering how these trucks are going to get close

enough to the curb if the additional trees are planted along this space. Ms. Berk also asks if parking spaces are lost with the proposed addition. Ms. Berk also addresses her concerns about the circulation plan being too tight in certain areas.

The sign plan exhibit prepared by French & Parrello dated 6/29/2016 is marked as A-2. Mr. French explains the proposed sign variances requested.

Mr. Neff asks about the proposed new wall on the south side. Mr. Neff reviews what is allowed and what is proposed with regard to this retaining wall. Mr. French explains the reasoning behind the location of the retaining wall and the need for it due to a significant slope between the Volkswagen and Subaru properties. Mr. Neff states that it appears that. In general, the whole parking lot is being shifted to the south. Mr. Neff explains what variances are needed.

Mr. McGann calls his next witness, who is the architect. Mr. Hirsch swears in Paul Amelchenko, 917 Main Street, Belmar, NJ. Mr. Amelchenko states that he has prepared the elevations and floor plan in this matter. Mr. Amelchenko explains in more detail the center area/mezzanine of the existing service area building that is being developed.

Mr. Amelchenko also explains how the façade of the building will look with the proposed signage. The floor plan of the service building is marked A-3; A-4 is a color plan of the mezzanine area; A-5 is the front and rear view of the service drive in; A-6 is the Gilbert Street view of the service bay; A-7 is the front and rear view.

Next, Mr. McGann calls his Planner, Mr. Andrew Janiw, Beacon Planning and Consulting Services, LLC, 315 Rte. 34, Suite 129, Colts Neck, NJ who is sworn in by Mr. Hirsch. Mr. Janiw also states his credentials. Mr. Janiw shows a color copy of an aerial photograph of the Shrewsbury Avenue corridor. The copy is marked into evidence as A-8. Mr. Janiw reviews the application variance requests of World Subaru, including the D variance relief and positive and negative criteria. The hours of operation will not change.

Chairman Palmieri asks if the Board members have any questions of Mr. Janiw. None heard.

Chairman Palmieri asks if the public have any questions.

Mr. McGann states he does not need to make a formal argument and that he submits on the proofs.

Motion to close the public portion is made by Mr. Lomangino and seconded by Mr. Brawner. All in Favor

Motion is made by Mr. Battista and seconded by Mr. Porzio to approve the use variance, bulk variances and site plan of World Subaru, BA 2016-23.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
May 4, 2017

Roll Call

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

Motion is made by Mr. Brawner and seconded by Ms. Berk to close the meeting at
10:20p.m. All in Favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on May 18, 2017