

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 Vice-Chairman Battista, Mr. Lomangino, Mr. Porzio, Mr. Brawner, Mr. McKinley, Ms Berk, Ms. Hatami

Absent: Chairman Palmieri, Mr. McKinley

Also present: Mr. Hirsch, Esq.  
Mr. Neff, Board Engineer  
John Barree, Board Planner  
Ms. Connolly, Board Secretary

Vice-Chairman Battista read a statement of procedural guidelines.

### **Meeting Minutes**

Vice-Chairman Battista states that board members have reviewed the June 1, 2017 meeting minutes.

Motion is made by Ms. Hatami and seconded by Ms. Berk to accept the meeting minutes. All in Favor by those members eligible to vote.

### **Business**

#### **BA 2017-09 Michaelski, 14 Hialeah Court, Blk 64.02 lot 6**

Mr. Hirsch states that this is an informal discussion regarding this application that was approved at the last meeting of June 1, 2017. After the meeting, the Board received a communication from a neighbor, Ms. Reno/Mazza who had appeared at the meeting and was an objector to the application stating that some of the information that was provided

to the Board was not accurate. Mr. Kennedy, the applicant's attorney has responded to the letter. Both letters have been forwarded to all Board members.

All issues that are raised in the neighbor's letter are discussed in detail.

Mr. Hirsch states that the first question before the Board is whether they want to permit a reconsideration.

Further discussion among Board members and professionals ensues.

Vice-Chairman Battista asks if there are any public in attendance that wish to be heard. None heard.

Vice-Chairman Battista makes a motion that the Board is not going to take any further action on the neighbor's request for reconsideration, seconded by Mr. Lomangino. All in Favor.

### **Roll Call**

Ayes: Vice-Chairman Battista, Mr. Lomangino, Mr. Slazyk, Ms. Berk,,  
Ms. Hatami

Nays: None

Not eligible: Mr. Porzio, Mr. Brawner

Absent: Chairman Palmieri, Mr. McKinley

### **New Business**

**BA 2017-11** – West Park Avenue LLC, Blk 124.68 lot 30.01 – Bifurcated use variance

Mr. Hirsch states that he has reviewed the affidavit of publication and proof of service and they are in order as to form.

John Giunco, Esq., states that he is appearing on behalf of the applicant. Mr. Giunco states that the applicant is seeking a use variance to permit the development of townhouses in the IOP zone.

Mr. Giunco gives a review of what is approved for the site.

Mr. Giunco calls his first witness, Mr. Dave Cranmer, civil engineer. Mr. Hirsch swears in Mr. David Cranmer, 750 Broad Street, Shrewsbury, NJ. Mr. Cranmer's credentials are accepted by the Board.

Mr. Cranmer presents his first exhibit entitled "Area Map, West Park LLC, July 6, 2017" and it is marked A-1. The second exhibit marked A-2, is a colored rendering of the site plan dated March 20, 2017 revised June 20, 2017.

Mr. Cranmer describes the application and what relief is being sought. He also describes the property as it is now and characteristics of same.

Mr. Cranmer states that the proposal is for 38 townhouse units each being approximately 2700 sq. ft. each for a total of eight buildings. Mr. Cranmer explains the layout of the buildings and what is proposed on the land. Mr. Cranmer explains that the dark green area of the lot will not be built upon. The dark green areas include freshwater wetlands and open space.

Ms. Hatami asks about recreation areas that are proposed.

Mr. Cranmer explains why the unit total went from 46 units to 38 units.

Mr. Cranmer explains the density on the developable area.

Setbacks and buffers are discussed. Mr. Neff reviews what is required for buffers. Mr. Neff states that some of the buildings are too close. Mr. Cranmer states that this plan is a conceptual layout and changes will be made.

Mr. Cranmer states that it is the applicant's intention to come back with a site plan without any other "c" variances other than the aforementioned height variance. There may be design waivers.

Landscaping is discussed. Mr. Cranmer states that the applicant is not that far along to warrant a landscape plan.

Mr. Cranmer discusses the properties bordering this lot.

Mr. Cranmer discusses the Planning Board approval from eleven years ago. He also discusses his opinion as to why this application has a softer impact upon the area as opposed to what has been previously approved. The prior approval of the Planning Board is marked as A-3 by Mr. Hirsch.

Mr. Giunco states that the applicant would be aggregable to either an in-place conservation easement that would limit development or a subdivision and a physical dedication to the Borough.

Mr. Cranmer states that, with regard to the wetlands area, rather than fill it in, the area will be used as storm water management retention basins.

Mr. Hirsch asks about impervious coverage.

Mr. Brawner states that he has a hard time with concept site plans because, more often than not, major elements often get changed.

Mr. Hirsch explains the nature of the bifurcated application and that when the site plan makes its way to the Board, it still has to establish that it will have no substantial impact on the surrounding properties and will not be a substantial impairment to the zone plan. Should the Board be unhappy with the site plan, the application can be denied.

Mr. Giunco states that he has discussed this matter with his client and he is aware that we are presenting this plan as positive information to accept this use variance and it is his intention to bring this plan back substantially the way it is now, accommodating feedback changes.

Ms. Berk asks who the developer is and is told Cross Builders.

Vice Chairman Battista asks if the public has any questions, not comments, specific to the testimony that was just given by Mr. Cranmer.

The first resident is Sylvia Amico, 6 Jake Dr. Ms. Amico asks if the townhomes have one or two garages per unit and is told the answer is a one car garage and a driveway that accommodates one car. Ms. Amico states that the parking situation in Rose Glen is problematic.

The next resident is Kerri Kirschner, 7 Lincoln Court. Ms. Kirschner asks for clarifications concerning the lines shown on the color rendering. She also asks if environmental groups have come in to see if there are any endangered animals affected. Mr. Cranmer states that as a part of the previous approval for the office building, there was an environmental impact report prepared which stated that there were no threatened or endangered species on the site.

Mr. Neff states that as a follow-up to Ms. Kirschner's environmental impact question, he has stated in his review later that he wishes to have a current environmental impact statement, as the last one was prepared a decade ago.

The next resident is Bonnie Blackman, 16 Nashville Court, asks how large the area will be that will stay undeveloped. Mr. Cranmer states that the proposed area is roughly six (6) acres which is approximate half of the site. Ms. Blackman asks the distance from the buildings in the proposed development to the nearest Park Place building and is told the distance is approximately 520 feet. Ms. Blackman asks if the trees that are there now will remain and is told yes, that area would not be disturbed. Ms. Blackman asks if these retention ponds shown on the concept plan in conjunction with the retention pond on Heritage Blvd. could possibly create flooding issues that would impact residents. Mr. Cranmer explains the measures that will be taken to appropriately manage the runoff that is generated from the site in accordance with regulations. Mr. Cranmer explains the direction of the runoff.

Vice Chairman Battista asks about the dividing line between the developable space and the freshwater wetlands and also how close the trees are to the decks attached to the buildings.

The next resident that has a question is Kathleen Hastick, 15 Nashville Court. She asks if it is true that there should be two ways in and out of the development. Mr. Cranmer explains that one way in and one way out is allowed and why. Also, access by emergency vehicles are discussed.

Syvia Amico, 6 Jake Drive, returns and asks about the parking situation again stating that she believes it is inadequate. Mr. Cranmer addresses the questions using the residential site improvement standards.

Mr. Neff states that he does have concerns about the parking. Although they do conform to the RSI standard and there is some excess overflow parking, based upon our experiences in town, the RSI estimates are too low. Mr. Neff states that residents are using the garages as storage and not for parking.

Mr. Cranmer states that this development will have an HOA. There will be a specific condition that the garages have to be available for the parking of cars and that the garages cannot be used as storage areas. The road will be private. Multiple Board members state that it sounds like that rule would basically be unenforceable. Further discussion ensues.

Mr. Neff indicates that numerous other variances will be required for this project for building on an area such as this which have been addressed in his review letter.

Mr. Neff asks if retaining walls are expected to be built. Mr. Cranmer indicates that he does envision retaining walls, not taller than four to six feet in height. Mr. Cranmer further discusses the topography of the land and the challenges it presents.

Mr. Cranmer states that these units are designed for empty-nesters and discusses why that is so.

Vice- Chairman Battista states that there will be a short recess. The record is suspended from 9:09 p.m. until 9:19 p.m.

After the break, Mr. Giunco calls Anthony Condouris, architect, 20 Bingham Avenue, Rumson, NJ as his next expert. Mr. Hirsch swears in Mr. Condouris. The Board accepts Mr. Condouris' credentials.

Revised plan dated July 6, 2017 is marked as exhibit A-4 and floor plans are marked into evidence as A-5. Mr. Condouris describes in detail these two exhibits and goes over key points with regard to both.

Vice-Chairman Battista asks what the price range will be for these townhouses as it has been stated that they are high-end. Mr. Giunco represents that his clients have advised that they expect the range to be \$450,000 to \$525,000.

Mr. Hirsch asks about representing that this development is primarily for empty-nesters. Mr. Hirsch asks why is the purchaser more likely to be an empty-nester as opposed to a family. Mr. Condouris states that this reasoning is primarily based on cost.

Mr. Barree asks about the floor plan. Mr. Barree asks if, on the ground floor, it is a sliding door or windows. The rear-yard access, grading and drainage considerations will need to be looked at. Mr. Barree asked if there was a design with a ground floor master bedroom option since it is geared to empty nesters. Mr. Condouris states that there is no plan to put bedroom space on the ground floor. Ms. Hatami suggests maybe an elevator might be appropriate.

Vice-Chairman Battista asks if there are any questions from the public for Mr. Condouris.

Bonnie Blackman, 16 Nashville Drive, asks about outdoor lighting for the development, particularly if it will impact her and her neighbors. It is stated that only residential lighting will be used.

Mr. Giunco calls Gary Dean, Professional Engineer/Traffic expert, 792 Chimney Rock Road, Martinsville, NJ. Mr. Hirsch swears in Mr. Dean and the Board accepts his credentials.

Mr. Dean states that he has familiarized himself with the development proposal. He has also reviewed prior approvals for this property, the IOP zoning ordinance and what was previously approved for this site.

Mr. Giunco recalls Exhibit A-3 and Mr. Dean discusses the exit and entrance out of the development and the possible traffic volume assessments pertaining to this proposed development as well as what is approved on the site.

Mr. Dean presents a "Trip Generation Comparison" which is marked A-6 by Mr. Hirsch. This traffic volume exhibit is explained in detail by Mr. Dean. Mr. Dean explains that he made a mistake in the exhibit in that the dwelling units proposed are now 38 not 46. The a.m. peak is now 23 not 28 and p.m. peak would be 26 not 32.

Mr. Dean discusses the parking layout proposal in detail and amount of spaces proposed. Mr. Dean explains the specifics of the garage plan.

Vice-Chairman Battista asks about the additional spaces shown on the plan for visitors. Vice-Chairman Battista asks if anyone can park in these spaces and is told yes. The additional parking is for overflow and guest parking.

Ms. Hatami asks for further explanation as to how the trip generation numbers were arrived at because she believes them to be too low. Mr. Dean addresses Ms. Hatami's question.

Mr. Lomangino asks what time frame is used for a.m. and p.m. peak hours.

Vice- Chairman Battista asks if there is any one from the public who wishes to be heard with regard to Mr. Dean's testimony. Hearing none, Vice-Chairman Battista states that it is after 10:00 p.m. and no new experts may be called.

Vice-Chairman Battista states that the next available hearing date is September 7, 2017. Mr. Hirsch asks if Mr. Giunco will provide the necessary waiver to the Board and Mr. Giunco states for the record that he consents to an extension of time. This matter will be continued on September 7, 2017 at 7:30 p.m.

Mr. Hirsch states that the last matter before the Board this evening is a letter regarding Borough Properties concerning statutory extension of Approvals. Mr. Inglima's correspondence and Mr. Hirsch's reply have been given to the Board members prior to tonight's meeting for review. Mr. Hirsch discusses the Permit Extension Act. Mr. Inglima has not responded to Mr. Hirsch's letter.

Motion is made by Mr. Lomangino and seconded by Vice-Chairman Battista 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 July 20, 2017