

The meeting was opened by Chairman Palmieri at 7:30 p.m.

Chairman Palmieri 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.*

Chairman Palmieri then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present Chairman Palmieri, Vice-Chairman Battista, John Slazyk, Mr. Lomangino, Mr. Porzio, Mr. Brawner (arrived at 7:41), Mr. McKinley, Ms Berk, Ms. Hatami,

Absent: None

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

Chairman Palmieri read a statement of procedural guidelines.

**New Business**

**BA 2017-13 Barnabas Health Medical Group, 766 Shrewsbury Avenue.**

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

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

Jennifer Krimko, Esq., states that she is representing the applicant in the matter.

The applicant's representative is seated with Ms. Krimko and states that her name is Anna Burian, 18 Orchard Street, Tinton Falls. Ms. Burian is sworn in by Mr. Hirsch.

Ms. Burian states that she is the Administrative Executive representing Monmouth Medical Center and Barnabas Health Medical Group which are affiliates of RWJ Barnabas Health.

Ms. Krimko explains that they are here requesting a sign variance to put on the building façade. There are two buildings on the property. Currently there is a sign on the building closest to Shrewsbury Avenue stating "Two River Community Bank." Our proposed sign is roughly the same size and depth in order to help patients identify which building houses the Barnabas Health Medical Group office.

The sign plans are marked into evidence as A-1. A-2 is marked into evidence as a Google Earth photo of the subject property, which shows the front building as well as the second building, which is where Barnabas Health is located.

Ms. Krimko explains that pursuant to the ordinance, only one façade sign is allowed and there is a Two River Bank sign already in place. The relief sought is for a second sign. Ms. Krimko states that her clients have been contacted by the landlord stating that the front building is incurring significant issues with regard to patients for Barnabas Medical Group entering their building. The main purpose for this sign is to identify the building that this medical group is housed.

Currently, the front building has temporary signage typed up and pasted on their front windows identifying that Barnabas Health is not house in their building and directing patients to the back building.

Ms. Krimko addresses all aspects of Mr. Neff's review letter regarding the sign itself.

Chairman Palmieri asks how many tenants occupy the entire building. Ms. Krimko states that the Two River Bank, Barnabas Medical Health Group and a small solo attorney practitioner.

Ms. Krimko submits a packet, which is marked into evidence as A-3, from the landlord dated July 11, 2017 with attached photos, asking for an update on the sign variance application as the first floor tenant in this building is bombarded by patients asking for Barnabas doctors as well as temporary Barnabas signs including the doctors' names. There were temporary signs put up in the parking lot, however, patients still walk in to the east building lobby routinely.

Mr. Battista asks for clarification of the size and depth of the sign. Ms. Krimko further explains the reasoning for the size and depth.

Ms. Hatami asks what happens if Barnabas Health leaves the building. Mr. Hirsch states that once a sign is approved, it stays with the building. A tenant can change the message on the sign, cannot increase any variance.

Ms. Krimko suggests making a condition of the variance is that the tenant have at least 6,000 square feet of the building in order to retain the sign variance. Therefore, if six small tenants come in, a 1,000 sq. ft. tenant does not get to keep this sign. If another tenant, of the same substance of Barnabas Health comes in, then that tenant is allowed to keep the sign. The variance can be contingent upon the tenant having a certain amount of square footage within the building.

Mr. Barree states that should a tenant leave, the sign must be taken down within sixty (60) days.

The Board members further discuss the aspects of the application.

Chairman Palmieri asks if there is anyone in attendance that wishes to ask a question or make a comment. None heard.

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

Motion is made by Mr. Brawner and seconded by Mr. Porzio to approve the application with conditions as discussed.

Ayes: Mr. Brawner, Mr. Porzio, Chairman Palmieri, Mr. Slazyk, Mr. Lomangino,  
Mr. Battista, Mr. McKinley, Ms. Berk, Ms. Hatami

Nays: None

Absent: None

Chairman Palmieri states that he will be recusing himself from the next application as well as Mr. Lomangino.

**BA 2017-12- 7<sup>th</sup> Day, LLC, Wardell Rd & Rte. 33**

Mr. Hirsch states that he has reviewed the affidavit and proof of service and find same to be in order.

Peter Falvo, attorney for the applicant states that they are before the Board for the purpose of modifying several of the variances that were previously approved and also for preliminary and final site plan approval.

Mr. Falvo reviews the changes that have been made. He states that when the size of the building was reduced, a staircase was left out of the plans to access the second floor of the office space, a utility room was left out which would handle the services for the second floor. Also, by eliminating one of the car wash bays, the structure had to be elongated due to a freezing possibility if the structure was too short.

Also, it was previously represented by my client that the largest trailer that would be docked overnight in lot 6.01 would be 48 ft. in length and actually the trailer is closer to 53 ft. in length. The applicant wishes to modify this number.

There is also an issue as to when the doors would close on the car wash. The resolution was drafted reading that the doors would be closed the entire time that a car would be washed but it was his client's recollection that the doors would only close during night hours, specifically 8:00 p.m. until 7:00 a.m.

The hours when the doors would be closed is further discussed as well as the enclosed vacuums and where they are located.

A-1 in evidence will be plans prepared by Nelson Engineering Associates entitled "Preliminary and Final Site Plans for 7<sup>th</sup> Day LLC" dated February 7, 2017 revised August 4, 2017.

A-2 is marked into evidence as architectural plans for flex space building and car wash for 7<sup>th</sup> Day prepared by Felz Collins Architecture LLC dated April 1, 2017 revised July 17, 2017.

A-3 is the drainage study prepared by Nelson Engineering Associates dated May 16, 2017 revised August 4, 2017.

David Boesch, licensed landscape architect, 1750 Bloomsbury Avenue, Ocean, NJ is sworn in by Mr. Hirsch.

Mr. Boesch states that A-4 is the plan that was submitted to the Board as part of the use-variance component of the bifurcated application on the left easel. The easel on the right shows the current submission that has been constructed for site plan approval.

The differences/modifications between the two plans are discussed in detail.

The differences between a two tunnel car wash and a one tunnel car wash are discussed as well as the reasons why this change is needed.

The proposed differences in relocating the vacuums are discussed.

The flex space office plan differences are discussed, including depth, usage and the staircase.

A-5 is a colored version of the landscape plans page 4

A-6 is a colored copy of A-1 page 2 of 13

The proposal for mezzanine storage is discussed. The original 1440 sq ft has been doubled to 2880 sq ft. to accommodate the storage of the ice boxes during the winter months when they are not in use.

The mezzanine storage is discussed in detail and proposals for that area.

Ms. Hatami asks about the distance between the residences and the car wash since the layout has changed. It is stated that from where the vacuums are proposed to the nearest property line is approximately 85 feet.

A-7 is entered into evidence which is an aerial photograph downloaded from Google Maps of the subject property.

The vacuum cleaners' location is discussed and it is represented that they are completely enclosed. Mr. Neff asked if the hoses are underground. Mr. Boesch states that the suction hoses are underground. The vacuum equipment and operations are discussed.

The current parking situation is discussed on both lots.

Mr. Fred Lomangino, 83 Society Hill Way, Tinton Falls, NJ is sworn in by Mr. Hirsch. Mr. Lomangino clarifies the parking spaces on both lots and where the trailers are proposed to be parked. Mr. Lomangino also indicates that, as far as tenants and future tenants go, whatever vehicles that they have, as long as the vehicle fits into the parking place, will be allowed.

Mr. Battista brings up the Fire Marshall's memorandum regarding the parking or lack thereof on the two lots.

Mr. Lomangino states that the cars in question that are parking on the site are the employees of the Volkswagen dealership and those are the automobiles that are causing the parking issues.

Mr. Boesch discusses the Floor Area Ratio for both the car wash as well as the flex space.

Mr. Boesch discusses impervious surface coverage. The current percentage of impervious surface coverage is 69.93% whereas originally it was 69.98%. Mr. Neff points out that this number is approximately 5% over the permitted percentage.

The change from a two tunnel car wash to a one tunnel car wash is discussed in detail and motivation for that change by Mr. Lomangino.

The operational changes of the one-tunnel car wash are discussed. Mr. Lomangino also discusses in detail the car wash process.

Mr. Boesch testifies that the applicant is proposing to expand the landscape screening in addition to providing foundation plantings, accent plantings, plantings around the base of

the proposed signage and screening around the dumpster enclosure as well as provide for approximately twenty (20) shade trees.

Mr. Boesch further details the proposed landscaping ideas regarding both lots.

Mr. Boesch discusses details of proposed signage for the sites.

Mr. Neff asks for further clarification of the signage and lighting proposals and discusses the variances required for same.

Mr. Neff also reviews the design waivers and variances needed for fencing. Mr. Neff states that a forty (40) ft. buffer is required between the residential and commercial zones and a ten (10) ft. buffer is proposed.

Mr. Neff asks about the lighting proposed, since it is a 24 hr. operation.

Mr. Boesch explains the lighting proposal. He states that the applicant is amenable to having certain lighting on motion sensors. Also, that the security lighting will be minimal and only what is absolutely necessary, so as to not impact the residential neighbors.

The landscaping is discussed. Eastern Red Cedars are the tree of choice for the applicant. Landscape choices are discussed.

Mr. Fred Lomangino indicates that he will comply with all lighting (50% dimmed lighting from dusk til dawn and motion detectors that will increase the wattage to 100% should there be a car wash customer) and landscape suggestions from the engineer.

The traffic pattern is discussed for the car wash.

The drainage of the properties are discussed. Mr. Neff states that his concerns have been addressed. The pipes proposed are discussed as well as what the pipes are made of.

Vice-Chairman Battista states that there will be a short recess at this time and the record is paused from 9:29 p.m. until 9:38 p.m.

Mr. Falvo brings David Collins, 213 Holly Avenue, Lincroft, NJ, architect before the Board. Mr. Hirsch swears in Mr. Collins and his credentials are accepted by the Board.

Mr. Collins brings A-2 back before the Board and explains the proposal for both the car wash and the flex space.

Mr. Collins explains the signs proposed. Mr. Neff explains that a variance is needed as one sign is allowed per site and ten (10) are proposed. Mr. Neff explains that a directory sign and a unit number sign on the doors would not necessitate a variance. Options are discussed.

A-8 is marked into evidence and Mr. Collins explains that it is a photograph of the front of the site from Route 33. The photograph has the proposed building superimposed upon it so that the view from Rte. 33 is what would be there after the improvements have been built.

Discussion further ensues between multiple Board Members, professionals and the applicant regarding the signs proposed. Also, sign lighting is discussed as Mr. Neff points out that an electronic sign board is not permitted.

The materials that are proposed to be used for the flex space building are discussed. Mr. Barree questions that there are no windows proposed for the office space on the mezzanine level. Mr. Collins states that it would probably be better with a couple of windows planned.

Vice-Chairman Battista asks if there are any public in attendance that has any questions for Mr. Collins, none heard.

Vice-Chairman Battista states that it is 10:10. Mr. Falvo states that Mr. Nay is the last witness and will be ten minutes testifying.

Mr. Hirsch swears in Henry J. Ney, traffic engineer, and his credentials are accepted by the Board. Mr. Ney's report is marked A-9 into evidence. Mr. Ney discusses the results of his study regarding the property's traffic elements, the parking elements and the sign issues. Mr. Ney discusses the criteria he used in arriving at his conclusions.

Further detailed discussion ensues regarding the belief of the Board and it's professionals that 41 parking spaces is going to be inadequate for the site.

Vice-Chairman Battista states that it is almost 10:30 and there are still questions on the table. This would be a good time to close the meeting and set another date. After discussion, it is determined that this matter will be given a date of September 21, 2017. Mr. Falvo consents to all extensions of times needed.

### **Minutes**

Motion is made by Mr. Brawner and seconded by Mr. Porzio to accept the meeting minutes of August 3, 2017.

All in Favor by those eligible to vote.

Motion is made by Mr. Porzio and seconded by Ms. Hatami to close the meeting at 10:30 p.m. All in Favor.

Respectfully submitted,

Colleen Connolly  
Zoning Board Secretary

Approved at Board of Adjustment  
Meeting on September 7, 2017