

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, Mr. Slazyk, Mr. Porzio, Mr. Brawner (arr. 7:39), Ms Berk, Ms. Lomangino

Absent: Mr. McKinley, Ms. Hatami

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

Chairman Palmieri read a statement of procedural guidelines.

New Business

BA 2017-14 – Booth, 20 Meadow Drive, Blk. 48.07, Lot 2

Mr. Hirsch states that he has reviewed the Affidavit Publication and Proof of Service and find same to be in order.

Motion is made by Mr. Lomangino and seconded by Mr. Battista to accept service. All in favor.

Ryan Booth, 20 Meadow Drive, was sworn in by Mr. Hirsch. Mr. Booth states that he is the homeowner of this property. He is requesting relief in order to build an addition onto his house along with stairs going to a second floor deck. The stairs currently exist but wish to make them part of the house. The reason this request is made is that elderly parents will be moving into the home shortly and his mother-in-law needs to have ground level entry without stairs.

Chairman Palmieri reviews the survey dated July 16, 2013. Chairman Palmieri reviews with the homeowner the common property lines and proximity of neighbors' homes to said property lines.

Chairman Palmieri, Mr. Hirsch and Mr. Neff review the architectural plans with the applicant. Details are discussed regarding the 150 sq. ft. additional space onto the master bedroom. The second floor addition will be 15 feet wide and 10 feet deep with a three - season room directly below it.

Mr. Neff reviews that the building coverage permitted is 8%, existing is 8.78% and with the addition they are going up to 9.28%.

Mr. Booth states that he can move the shed to conform with the setback required.

The variance request for the stairs from the second floor deck to another existing raised deck level is discussed. The amount of steps is four because the house is a split level.

Chairman Palmieri asks if the public in attendance has any questions regarding this application. None heard.

Motion is made by Mr. Battista to approve applicant's application and is seconded by Mr. Porzio.

Roll Call:

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

Nays: None

Absent: Mr. McKinley, Ms. Hatami

Meeting Minutes

The meeting minutes for September 7, 2017 have been distributed for review.

Motion is made by Mr. Brawner and seconded by Mr. Porzio. Mr. Slazyk and Mr. Lomangino are not eligible to vote. All in favor by those eligible to vote.

Continuing Business

BA 2017-12 7th Day, LLC, Wardell Rd. Rte 33 – Amended Use Variance – Site Plan Application

Chairman Palmieri states that he and Mr. Lomangino will be recusing themselves because of a conflict of interest.

Con't Business

BA 2017-12 7th Day, LLC, Wardell Rd. & Rte. 33

Mr. Falvo states that he is continuing to appear for the plaintiff. Mr. Hirsch asks if Mr. Falvo is aware that there are five members in attendance this evening. Mr. Falvo states that he is aware and may exercise his option to delay a vote, if necessary, until there is a full Board.

Mr. Falvo brings back Mr. Boesch in order to testify as a result of the some of the comments from the last meeting. Mr. Hirsch reminds Mr. Boesch that he is still under oath.

Mr. Boesch reviews the changes that have been incorporated into the site plan as a result of the last meeting, including details regarding signage. A-10 is marked into evidence by Mr. Hirsch labeled Construction Plan Revised Signage dated February 7, 2017, revised August 4, 2017.

Frank Lomangino, 83 Society Hill Way, Tinton Falls, is reminded that he is still under oath. Mr. Lomangino contributes to the conversation regarding signage.

Mr. Falvo recalls Mr. David Collins, architect. Mr. Collins is reminded that he continues to be under oath. Mr. Collins reviews the revised plans with a revision date of August 28, 2017. He explains the addition of windows to the office area (second floor of flex space). Signage is discussed. The colors and materials of the signage are discussed.

Mr. Falvo confirms that at the last meeting, the applicant stipulated that there be a restriction in the lease that no more than four (4) spaces per rental unit would be allocated for outdoor parking. Mr. Falvo also confirms that there will be up to ten (10) flex-space units and that one of the units will be allocated to Ice King. Ice Kings trucks are parked on lot 6.01.

Mr. Falvo recalls Henry Ney, traffic expert. Mr. Ney is reminded by Mr. Hirsch that he is still under oath. Mr. Falvo reviews that his report has already been entered into evidence as A-9. Mr. Ney reviews the parking plan for the uses and the criteria used as to how he reached his conclusions. Mr. Ney enters into evidence A-13 as photographs of an office park located 505 Belmar Blvd., Monmouth Business Park.

Mr. Ney states that roughly 75% of the car wash traffic would come from the north on Wardell. Mr. Ney explains how his traffic generation conclusions were reached.

Mr. Neff reviews all of the design waivers that are being asked for. Mr. Neff asks for clarification of the angles of the parking places.

Mr. Boesch reviews the loading zone areas and discussion ensues regarding same. Mr. Slazyk asks questions about deliveries on the premises and the trucks that will be making the deliveries. It is agreed between the Applicant and the Board that no semi or tractor trailer vehicles will be used for loading and unloading for the flex-space rentals. There will be a sign installed as well as this language will be added to leases.

Lot coverage percentages are discussed.

Handicapped parking is discussed.

Mr. Neff confirms that the abundance of cars parking on Lot 7 are from the Volkswagen dealership across the street.

Mr. Neff addresses multiple driveways proposed within close proximity of each other on lots 6 and 7. Mr. Boesch discusses the re-alignment of the driveways and the reasoning behind the multiple driveways.

Mr. Falvo brings forth the applicant's planner to give additional testimony. Barbara Ehlen, 315 Route 34, Ste. 129, Colts Neck, NJ. Mr. Hirsch swears in Ms. Ehlen. Ms. Ehlen's credentials are accepted by the Board. Ms. Ehlen enters two exhibits. An aerial photo of the property (A-15) and the surrounding area. The second is a board showing four (4) photos of the property and the adjacent hotel property (A-16).

Ms. Ehlen describes the two exhibits.

Ms. Ehlen reviews all of the variances that are being asked for regarding the entire application including lot coverage, building height, Floor Area Ratio, proposed parking, proposed car wash stacking, proposed car wash within fifty (50) of a residential zone, landscaping and fencing proposed, number of wall signs (letters) and well as entry signage, adding a second level within the flex space building for storage, and the standards applied.

Ms. Ehlen discusses the positive criteria for this application on behalf of her client.

Mr. Battista asks if there are any members of the Board that have any questions for Ms. Ehlen. Mr. Battista asks if there are any public in attendance that wish to ask any questions of Ms. Ehlen. None heard.

Mr. Falvo presents his closing statements.

Mr. Falvo states that he wishes to have a vote at this time.

The Board asks for a reading of the variances requested by the Board Professionals. Mr. Barree and Mr. Neff review the variances requested both expansion of use and bulk as well as design waivers requested.

Mr. Hirsch explains that there are five Board members in attendance and that granting a use variance requires five affirmative votes.

Mr. Brawner makes a motion and is seconded by Mr. Porzio to close the public portion. All in Favor.

Further discussion among Board members ensues.

Motion is made by Mr, Porzio and seconded by Mr. Brawner to approve the D variance.

Roll Call:

Ayes: Mr. Porzio, Mr. Brawner, Mr. Battista, Mr. Slazyk, Ms. Berk

Nays: None

Not Eligible: Chairman Palmieri, Mr. Lomangino

Absent: Mr. McKinley, Ms. Hatami

Motion is made by Mr. Porzio and seconded by Mr. Brawner to approve preliminary and final site plan with variances and various waivers relating to that site plan.

Roll Call:

Ayes: Mr. Porzio, Mr. Brawner, Mr. Battista, Mr. Slazyk, Ms. Berk

Nays: None

Not Eligible: Chairman Palmieri, Mr. Lomangino

Absent: Mr. McKinley, Ms. Hatami

Motion to Close

Motion is made by Mr. Brawner and seconded by Mr. Porzio to to close the meeting at 9:45p.m. All in Favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on October 5, 2017