

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, Mr. Battista, Mr. Lomangino, Mr. Porzio, Mr. Brawner, Mr. McKinley, Ms Berk, Ms. Hatami

Absent: Mr. Slazyk

Also present: Mr. Hirsch, Esq.  
Mr. Neff, Board Engineer  
Elena Gable, substituting for Mr. Barree  
Ms. Connolly, Board Secretary

Chairman Palmieri read a statement of procedural guidelines.

### **Business**

BA 2017-15 Worton, Glenn and Geradina – Blk 124.03 lot 1, 16 Colonial Drive

Mr. Hirsch states that he has reviewed the affidavit and proof of service 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.

Mr. Glenn Worton, homeowner, 16 Colonial Drive was sworn in by Mr. Hirsch.

Mr. Worton states he is looking to install a semi-in-ground pool on his corner lot property. Mr. Worton states that there had been a pool at this location previously upon his purchase of the home but had fallen into disrepair and was removed. The applicant wishes to replace the former pool with a larger, new pool.

Mr. Worton explains that it is a semi-in-ground pool because it is approximately two feet set into the ground.

The size of the proposed pool is 28' x 12'.

The location of the proposed pool is discussed as it relates to the survey and neighboring properties.

Setbacks are discussed. Mr. Neff states that on a side yard, the pool is supposed to be 15 feet from any side and rear lot line. Regarding this application, ten feet is proposed and a variance is required. Mr. Neff also states that pools are not permitted in the front yard, as this is a corner lot, the area is considered a front yard. Also the pool needs to be 10 feet from the house.

The irregular shape of the property is discussed.

The shed is discussed. Mr. Neff states that the shed triggers a building coverage variance. 20% is permitted and the existing total would be 20.7%. Chairman Palmieri states to Mr. Worton that the setbacks have to be conforming and that there seems to be a question as to the actual distance off of the property line of the shed in question. Mr. Worton states that he understands that if the shed needs to be moved, it will be moved.

Chairman Palmieri discusses if there are any other possible locations to move the pool further behind the house. It is discussed that there is no viable location to construct the pool without seeking a variance.

The location of the white solid pvc fence on the property is discussed.

Mr. Neff confirms that the soil removed for the pool will be spread evenly and not create any drainage issues.

Chairman Palmieri asks if the Board members have any further comments. Hearing none.

Chairman Palmieri asks if the Public has any questions or comments. Hearing none.

Motion is made by Mr. Brawner and seconded by Mr. Battista to close the public portion of the meeting. All in favor.

Motion is made by Mr. McKinley and seconded by Mr. Porzio to approve the application based on the hardship of the irregularly shaped lot.

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

Nays: None

Absent: Mr. Slazyk

**BA 2017-18 – Application of 3941-3945 Rte. 33 Holdings, LLC, Proposed Combined Convenience Store/Fueling Station and Restaurant with Drive-thru Area Blk 151, Lots 1,2,3.01**

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

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

Keith Davis, Esq., notes his representation of the applicant for the Board. Mr. Davis summarizes this proposal for a WaWa food market with gasoline dispensing facility as one use and, in addition, a Burger King fast food restaurant with drive through as the second use.

He explains the irregular shape of the property and that both uses are to be located on one lot. Mr. Davis explains the use variances needed along with the fact that they are going to need a series of variances that are related to the identification signs associated with the uses and the directional signs, and parking variances.

Jeffrey Martell, Stonefield Engineering & Design, 92 Park Avenue, Rutherford, NJ is the first expert called. His credentials are accepted by the Board as an expert in the field of engineering.

Mr. Martel explains where the site is located and describes the existing conditions of the site. An aerial view of the site is entered into evidence as exhibit A-1.

Mr. Martel introduces the overall site plan as A-2 and explains in detail the proposals for both the WaWa and the Burger King as they lay on the land.

Mr. Martel discusses the right-of-way areas and the easements. Also discussed is the storm water management system that is proposed as well as the water and sewer.

Mr. Martel touches on lighting design and waivers needed.

Chairman Palmieri states that there will be a quick five (5) minute break from 8:40 p.m. until 8:45 p.m.

Mr. Martel introduces A-3 which is comprised of 4 sheets of plans detailing truck circulation. He details this circulation plan using the largest truck available to this site as an example. Also discussed is the amount of deliveries expected for both the Wawa and the Burger King. Possible delivery times are also discussed.

It is stated by Mr. Martel that there will not be Wawa truck parking spaces proposed at this site.

Mr. Martel states that there will be low-flow diesel available at this proposed Wawa site and that there will be no tractor trailer refueling allowed. Possible signage indicating that there will be no large truck diesel refueling is discussed.

It is discussed that the applicant is the property owner and both the Wawa and the Burger King will have individual leases.

Mr. Martel introduces Exhibit A-4 as a color rendering of the Wawa elevations and floor plan. Exhibit A-5 is a rendering of the Wawa fueling islands with the canopy. Exhibit A-6 is introduced as a color rendering of the Burger King. Exhibit A-7 is introduced as a color rendering of the drive-thru of the Burger King.

Chairman Palmieri asks for clarification and explanation of the placement of the two entrances for this Wawa.

Exhibit A-8 is entered into evidence showing sign graphics, including the entrance and exit signs. The proposed sign variances are discussed.

Exhibit A-9 is a setback exhibit showing the distances from the property lines to paved roadways. The proposed front yard setback variance is discussed and shown on this exhibit.

Mr. Martel explains that there will be a number of sign variances proposed with regard to number and size. Mr. Neff explains what signs are permitted pertaining to the Burger King as well as the Wawa.

Possible design waivers are discussed regarding landscaping, loading spaces, illumination and trash recycling

Chairman Palmieri asks for clarification as to where the nearest residential area is located.

Mr. Hirsch asks for further clarification of the shared parking between the Wawa and the Burger King. Mr. Davis explains that the applicant intends to address this issue, as well as shared lighting, shared utilities and other shared issues in the lease.

Ms. Gable asks for clarification as to whether the crosswalks are proposed to be raised between parking areas. Mr. Davis discusses all aspects of the crosswalk and that the applicant does not wish it to be raised due to a slip and fall component.

Mr. Neff asks for further clarification of the location of the Wawa air pumps and the parking spots associated with them as well as the two parking spaces that are somewhat removed from the main Burger King parking lot.

Ms. Hatami asks for further clarification of the two employee parking spots on the Burger King site regarding designation and safety and where patrons would be directed to wait for a drive-thru order that is not readily available.

Mr. Davis states, that for comparison purposes, the Wawa store on Shafto Road is 5,489 sq. ft. The proposed area for this store for this application is 5,550 sq. ft. Chairman Palmieri states his concern regarding the traffic during peak hours comparing it to the Shafto Road site and various Board members weigh in on this issue.

Chairman Palmieri asks Mr. Neff for the parking requirements for the Burger King if it were a stand-alone application. Mr. Neff explains same as it pertains to the ordinance standards as well as some of the other publication such as the Parking Generation Manual, and ITE Parking Generation.

Chairman Palmieri states that it is currently 10:00 p.m. Rather than start the Traffic Engineer and then go on to the Planner, it is proposed that this application be continued to February 15, 2018 and that the applicant be the only matter on the agenda. No further notice is required and an extension has been granted by Mr. Davis.

### **Resolutions**

**BA 2017-16 611 Shrewsbury Ave Holdings, LLC (George Wall Ford)**  
75 Gilbert Street West, Block 18 Lot 11 Use Variance Site Plan Approval

Mr. Palmieri states that the Board has reviewed the resolution. Motion is made by Mr. Brawner and seconded by Mr. Battista to memorialize this resolution.

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

Nays: None

Absent: Mr. Slazyk

Yays: Mr. Brawner, Mr. Battista, Chairman Palmieri, Mr. Lomangino,  
Mr. McKinley, Ms. Berk, Ms. Hatami

Not eligible: Mr. Porzio

### **Meeting Minutes**

Chairman Palmieri states that the meeting minutes for December 7, 2017 have been distributed for review.

Ms. Berk made a motion to accept the minutes, seconded by Mr. Battista. All in favor by those eligible to vote

**Motion to Close**

Motion is made by Ms. Berk and seconded by Mr. Brawner to close the meeting at 10:05 p.m. All in Favor.

Respectfully submitted,

Colleen Connolly  
Zoning Board Secretary

Approved at Board of Adjustment  
Meeting on January 18, 2018