

**BOROUGH OF TINTON FALLS
RE-ORGANIZATION MEETING OF THE PLANNING BOARD
JANUARY 10, 2017**

Chairman Cunningham called the meeting to order at 7:30 P.M.

Chairman Cunningham read the following statement: "This is a regular meeting of the Tinton Falls Planning Board and is being held in compliance with the New Jersey Open Public Meetings Act. Adequate notice of this meeting has been given by posting on the Bulletin Board of the Municipal Building and by advertising in the Asbury Park Press and The Coaster."

Chairman Cunningham recognized the newly appointed Planning Board members:

Charles Crowley, Class I member (Mayor's Designee)
Lauren Mayer, Class IV member
Bruce Michalowski, Alternate #2

Chairman Cunningham also acknowledged that Councilman Baldwin, Mr. Romanov, and Frank Lodato have been reappointed to another term.

Attorney Collins noted for the record that Mr. Romanov, Mr. Lodato and Councilman Baldwin have been previously sworn in.

Attorney Collins swore in Ms. Mayer and Mr. Michalowski.

ROLL CALL:

Present: Chairman Cunningham, Mr. Lodato, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Collins, Mr. Clayton, Mr. Natter, Ms. Mayer, Mr. Mirarchi, Mr. Michalowski

Absent: None

Others: Dennis Collins, Esq., *Board Attorney*
Tom Neff, *Board Engineer*
Malvika Apte, *Board Planner*
Deanna Keefer, *Board Secretary*

All present stood for a Salute of the Flag.

PLANNING BOARD BUSINESS-

PLANNING BOARD RE-ORGANIZATION – Attorney Collins stated that as per the bylaws he will conduct the election of Chairman, and asked for nominations for Chairman.

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Mr. Lodato offered a motion to nominate Jack Cunningham as Chairman; the motion was seconded by Mr. Collins.

Seeing no further nominations, the nominations were closed.

Roll Call:

AYES: Mr. Lodato, Mr. Collins, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Clayton, Ms. Mayer, Mr. Natter, Mr. Mirarchi, Mr. Michalowski

NAYS: None

ABSENT: None

INELIGIBLE: Chairman Cunningham

Chairman Cunningham asked for a nomination for Vice-Chairman

Chairman Cunningham offered a motion to nominate Frank Lodato as Vice-Chairman; the motion was seconded by Mr. Collins.

Seeing no further nominations, the nominations were closed.

Roll Call:

AYES: Chairman Cunningham, Mr. Collins, Chairman Cunningham, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Ms. Mayer, Mr. Natter, Mr. Mirarchi, Mr. Michalowski

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Lodato

Mr. Lodato offered a motion to appoint Deanna Keefer as Board Secretary; the motion was seconded by Mr. Romanov.

Seeing no further nominations, the nominations were closed.

Roll Call:

AYES: Mr. Lodato, Mr. Romanov, Chairman Cunningham, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Clayton, Ms. Mayer, Mr. Natter, Mr. Mirarchi, Mr. Michalowski

NAYS: None

ABSENT: None

INELIGIBLE: None

Chairman Cunningham indicated that the board had received a resolution to approve the dates for the regular Planning Board meetings of 2018.

Mr. Collins offered a motion to accept the following resolution; the motion was seconded by Mr. Clayton.

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**RESOLUTION OF THE TINTON FALLS PLANNING BOARD DESIGNATING MEETINGS OF
THE PLANNING BOARD FOR THE YEAR 2018**

WHEREAS, New Jersey Open Public Meetings Act (N.J.S.A. 10:4-8a et. seq.) requires that public bodies of a municipality designate and disseminate schedules, meetings, dates & times.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Tinton Falls that the Board will meet on the second and fourth Wednesday of each month unless otherwise noted below. Formal action can be taken at all meetings. The meetings will commence at 7:30 p.m. in the Court Room in the Borough Hall, 556 Tinton Ave, Tinton Falls, New Jersey and that the following dates are hereby designated as scheduled meetings for the Planning Board for the year 2018.

2018

January 24

February 14 and 28

March 14 and 28

April 11 and 25

May 9 and 23

June 13 and 27

July 11 and 25

August 8 and 22

September 12 and 26

October 10 and 24

November 14

December 12

2019

January 9

BE IT FURTHER RESOLVED that this Resolution shall supersede any and all Resolutions previously adopted by the Borough specifying meetings of the Planning Board.

BE IT FURTHER RESOLVED that the Secretary of the Planning Board shall post a copy of the Resolution in the Borough Hall and that copies of the Resolution shall be forwarded by the Secretary to the Official newspapers of the Borough and to individuals requesting same under the New Jersey Open Public Meetings Act.

Roll Call:

AYES: Mr. Collins, Mr. Clayton, Chairman Cunningham, Mr. Lodato, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Ms. Mayer, Mr. Natter, Mr. Mirarchi, Mr. Michalowski

NAYS: None

ABSENT: None

INELIGIBLE: None

Mr. Collins offered a motion to designate the official newspapers as the Asbury Park Press and The Coaster; the motion was seconded by Ms. Mayer.

Roll Call:

AYES: Mr. Collins, Ms. Mayer, Chairman Cunningham, Mr. Lodato, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Clayton, Mr. Natter, Mr. Mirarchi, Mr. Michalowski

NAYS: None

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ABSENT: None
INELIGIBLE: None

PROFESSIONAL APPOINTMENTS –

Chairman Cunningham indicated that he had reviewed proposals for the Board Professionals.

Chairman Cunningham offered a motion to appoint Dennis Collins, Esq. of Collins, Vella & Casello as Board Attorney; the motion was seconded by Mr. Mirarchi.

Roll Call:

AYES: Chairman Cunningham, Mr. Lodato, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Collins, Mr. Clayton, Ms. Mayer, Mr. Natter, Mr. Mirarchi, Mr. Michalowski

NAYS: None

ABSENT: None

INELIGIBLE: None

Chairman Cunningham indicated that the Borough Council appointed T&M Associates as the Borough's Engineer firm, and the Planning Board usually follows suit.

Chairman Cunningham offered a motion to appoint T&M Associates as Board Engineer; the motion was seconded by Mr. Clayton.

Roll Call:

AYES: Chairman Cunningham, Mr. Clayton, Mr. Lodato, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Collins, Ms. Mayer, Mr. Natter, Mr. Mirarchi, Mr. Michalowski

NAYS: None

ABSENT: None

INELIGIBLE: None

Chairman Cunningham indicated that the board will not appoint a board planner tonight, as Council has not acted on appointing a Borough Planner.

CITIZENS SERVICE ACT COMPLIANCE- No absentees

PROFESSIONAL REPORTS – None

Chairman Cunningham advised the board of a training course offered in Monmouth County on April 21st.

APPROVAL OF MINUTES-Chairman Cunningham indicated that the board had received the minutes of the December 13th meeting, and asked for a motion to approve the minutes as submitted.

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Mr. Clayton offered a motion to approve the minutes of the December 14th meeting as submitted; the motion was seconded by Mr. Romanov.

Roll Call:

AYES: Mr. Clayton, Mr. Romanov, Chairman Cunningham, Mr. Lodato, Councilman Baldwin, Mr. Natter, Mr. Mirarchi

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Collins, Mr. Crowley, Ms. Mayer, Mr. Michalowski

**RESOLUTIONS- PB 2017-12 Trinity Hall
Block 101.02 Lot 2
Preliminary & Final Major Site Plan**

Chairman Cunningham indicated that the board has received copies of the resolution and asked if there were any questions regarding same.

Mr. Clayton offered a motion to adopt a resolution granting Preliminary & Final Major Site Plan Approval with bulk variances and submission and design waivers to Trinity Hall. The motion was seconded by Mr. Natter.

Roll Call:

AYES: Mr. Clayton, Mr. Romanov, Chairman Cunningham, Mr. Lodato, Councilman Baldwin, Mr. Natter, Mr. Mirarchi

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Collins, Mr. Crowley, Ms. Mayer, Mr. Michalowski

**NEW BUSINESS- PB 2017-10 Roger Mumford Homes
Block 105 Lots 13,14,15,16 and Block 105.03 Lot 23
Minor Subdivision**

Chairman Cunningham indicated that our next order of new business is Roger Mumford Homes.

Attorney Collins stated for the record that the notice to adjoining property owners and affidavit of publications have been reviewed, are in order and the board has jurisdiction to hear this matter.

The Following Exhibits are entered:

A-1: Minor Subdivision plan prepared by Thomas J. Ertle, PLS of French & Parrello Associates, dated 9/22/17 consisting of 2 sheets.

A-2: Color rendered version of the Minor Subdivision Plan

Nicole Magdziak, of Day Pitney is the attorney representing the applicant.

Attorney Collins swore in the following witness:

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Tom Ertle, PLS- Project surveyor

Attorney Collins swore in the board professionals.

Ms. Magdziak gave an overview of the application which requests a Minor Subdivision for a lot line adjustment for 5 lots on Phipps Place: Lots 13, 14, 15 & 16 in block 105, and Lot 23 in block 105.03.

Ms. Magdziak indicated that lot 13 & 15 are both non-conforming lots in regards to size and lot area, and as a result of this lot line adjustment all 5 lots will comply with the 30,000 square foot lot area requirement.

Ms. Magdziak highlighted the three variances that the applicant is seeking relief from:

- To permit a lot depth of approximately 98 feet on proposed lot 14.01
- To permit a lot depth of 149 feet on proposed lot 23.01
- To permit a lot width of approximately 71.7 feet on proposed lot 23.01

Ms. Magdziak indicated that the application also includes a proposal to vacate an approximately 5,293 square foot portion of the Phipps Place right-of-way.

Mr. Ertle gave the board an overview of his background and his expertise, and is accepted as an expert witness by the board.

Mr. Ertle described the location of the property and the surrounding uses, noting that all of the surrounded properties are single family residential.

Mr. Ertle described the 5 lots that will be impacted by the proposed lot line adjustment. Mr. Ertle pointed out the 2 lots that are impacted by variances for lot depth and lot width using Exhibit A-2.

Mr. Lodato asked if the cul-de-sac will remain and Phipps Place be made a through street. Mr. Ertle stated that the cul-de-sacs will remain.

Mr. Collins asked if the decision to keep the double cul-de-sac has been decided on by the governing body. Mr. Neff replied that the decision has been made to not make Phipps Place a through street.

Mr. Lodato asked Ms. Apte if cul-de-sacs are recommended from a Planning perspective. Ms. Apte indicated that cul-de-sacs are usually not recommended.

Ms. Mayer asked for clarification on Phipps Place and it not becoming a through-street in the future. Attorney Collins addressed her concerns.

Ms. Mayer expressed her concern with emergency service workers finding a house in need where we have two streets designated as Phipps Place. Mr. Neff indicated that there has been discussion regarding designating these streets as Phipps Place East and Phipps Place West.

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Ms. Magdziak indicated that the applicant would accept a condition to request that the Borough clarify the street names for Emergency services among other reasons.

Chairman Cunningham asked the board professionals if there was any concern regarding the variances. Mr. Neff indicated that this is a somewhat unique situation where these variances are caused by the shape of the lots.

Ms. Apte asked for clarification that the number of lots would remain the same. Ms. Apte also pointed out the development fees that are associated with building new units on these lots.

Chairman Cunningham asked if anyone in the public wished to make a statement. Mrs. Tara Tote and Mr. Joseph Tote, residing at 10 Phipps Place are present for statement.

Mr. and Mrs. Tote expressed their concern about being protected from incurring expenses i.e. surveys, variances, in the future if the temporary cul-de-sac on their lot becomes permanent.

Attorney Collins stated that the Planning Board has no jurisdiction over the property owned by Mr. & Mrs. Tote, as it is not related to the application before the board tonight, and Mr. & Mrs. Tote should continue to work with the Borough to address their concerns.

Mr. Collins asked for clarification on the two cul-de-sacs. Mr. Neff indicated that the decision has been made by the Borough to keep the two cul-de-sacs and not make Phipps Place a through street.

Attorney Collins stated that if the board moved to approve this application it would be a motion to approve the Minor Subdivision Plan with the variances as noted based upon the testimony presented. Said approval would be conditional on the outstanding comments of the board engineer.

Mr. Clayton offered a motion to grant Minor Subdivision to Roger Mumford Homes, with the conditions outlined by Attorney Collins. The motion was seconded by Councilman Baldwin.

Roll Call:

AYES: Mr. Clayton, Councilman Baldwin, Chairman Cunningham, Mr. Lodato, Mr. Crowley, Mr. Romanov, Mr. Natter, Ms. Mayer

NAYS: None

ABSENT: None

ABSTAINED: Mr. Collins

INELIGIBLE: Mr. Mirarchi, Mr. Michalowski

Chairman Cunningham indicated that the next item on the agenda is:

**PB 2017-08 Lennar Parcel C-1
Block 101 Portion of Lot 1**

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Preliminary & Final Major Site Plan & Subdivision

Attorney Collins stated for the record that the notice to adjoining property owners and affidavit of publications have been reviewed, are in order and the board has jurisdiction to hear this matter.

Peter Carton is the attorney present on behalf of the applicant.

The following exhibits are presented to the board:

- A-1: Application to Planning Board
- A-2: Zoning Permit Application
- A-3: Plan Set, Preliminary & Final Subdivision –prepared by Robert Curley, PE of Maser Consulting, consisting of 22 pages, last revised 12/28/17.
- A-4: Application-Mandatory Conceptual Review (MCR) FMERA
- A-5: MCR- FMERA
- A-6: Environmental Impact Report
- A-7: Traffic Assessment Report
- A-8: Sanitary Sewer Extension
- A-9: Stormwater Management Report
- A-10: Stormwater Management Operations & Maintenance Manual
- A-11: Architect Plans-Portfield Model
- A-12: Architect Plans- Norwood Model
- A-13: Architect Plans- Manchester Model
- A-14: Architect Plans- Brookdale Model
- A-15: Application/Supplement- Written response to CME report dated 11/6/17 and response to T&M report of 11/7/17
- A-16: Building Height Calculations Revised 12/28/17
- A-17: Application/Supplement- Final Subdivision Plat revised 12/29/17 & response to T&M comments of 11/7/17 regarding same
- A-18: Final Subdivision Plat revised 12/29/17
- A-19: CME-second Planner's review
- A-20: T&M- Second Engineering review
- A-21: Aerial Image (1"=300')
- A-22: Subdivision plan-Rendered version with landscaping
- A-23: 4 colored renderings of homes-each sheet containing 3 different elevations
- A-24: Aerial image 2 (1"=100')
- A-25: Entry Pier Sign Exhibit

Mr. Carton gave an overview of the proposed project and a history of the property.

Attorney Collins swore in the following witnesses:
Raymond C. Liotta, PP- of Maser Consulting

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Mitchell Newman- Director of Land Acquisition and Approvals- Lennar
Robert Curley, PE, PP- Maser Consulting
Jeffery Fiore- Traffic Consultant- Maser Consulting

Mr. Curley gave the board an overview of his background and expertise, and is accepted as an expert witness by the board.

Mr. Curley gave a very detailed overview of the application including the parcel location. Mr. Curley noted that the parcel is located within the former Fort Monmouth portion of the Borough. Mr. Curley also indicated that the applicant is proposing to redevelop this site with the construction of 45 single family homes.

Mr. Curley discussed the variances from which the applicant is seeking relief, including: Maximum building height; maximum lot coverage; minimum side yard setback; and minimum rear yard setback.

Mr. Curley also discussed parking, landscaping and the proposed architecture of the homes.

Mr. Liotta gave the board an overview of his background and expertise, and is accepted as an expert witness by the board.

Mr. Liotta discussed the planning background of the application, the justifications behind the requested variances, and the physical constraints of the property.

Mr. Liotta discussed the FMERA standards and the Municipal Land Use Law standards in regards to the requested variances.

Mr. Liotta discussed the required percentage of low or moderate income housing, and how the project plans to fulfill said requirement.

Mr. Newman discussed with the board having a Home Owners Association, and some of the areas of the property the HOA would be responsible for maintaining.

Chairman Cunningham asked if there were any further questions or comments from the board or its' professionals. Chairman Cunningham asked if anyone in the audience wished to ask a question or make a statement.

Mr. Clayton noted for the record that the development seems too compact, and there is too much packed into the space.

Chairman Cunningham offered a motion to Grant Preliminary & Final Site plan & Subdivision to Lennar for Parcel C-1, subject to the outstanding comments from the board Engineer and Planner, and conditions noted during the hearing. The motion was seconded by Mr. Collins.

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Roll Call:

AYES: Chairman Cunningham, Mr. Collins, Councilman Baldwin, Mr. Lodato, Mr. Crowley, Mr. Romanov, Mr. Clayton, Mr. Natter, Ms. Mayer

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Mirarchi, Mr. Michalowski

OPEN PUBLIC DISCUSSION-

Chairman Cunningham asked if there were any public present that would like to address the board. Hearing none he asked for a motion to close the public session.

Ms. Mayer offered a motion to close the public session. The motion was seconded by Mr. Mirarchi. All voted in favor.

EXECUTIVE SESSION- Not needed

ADJOURNMENT- Chairman Cunningham indicated that the next scheduled meeting will be on January 24, 2018.

Chairman Cunningham asked for a motion to adjourn.

Ms. Lodato offered a motion to adjourn at 10:33 P.M. The motion was seconded by Mr. Romanov. All voted in favor.

Respectfully Submitted,



Deanna Keefer
Board Secretary

Approved at a meeting held on: January 24, 2018