

Borough of Tinton Falls Planning Board  
Regular Meeting of November 8, 2017

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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."

**ROLL CALL:**

**Present:** Chairman Cunningham, Mr. Lodato, Councilman Baldwin, Mr. Romanov, Mr. Clayton, Mr. Natter, Mr. Mirarchi, Mr. Collins

**Absent:** Mayor Turning, Ms. Guarino

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

*All present stood for a Salute to the Flag*

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**PLANNING BOARD BUSINESS:**

**CITIZEN SERVICE ACT COMPLIANCE-** Chairman Cunningham indicated that Ms. Guarino is absent tonight due to a prior engagement that could not be broken. He also stated that Mayor Turning opted to not attend tonight's meeting. Chairman asked if any board member would like to question said absences. Hearing none, he asked for a motion to excuse the absences. *Councilman Baldwin offered a motion to excuse the absences of Ms. Guarino and Mayor Turning. The motion was seconded by Mr. Clayton. All voted in favor.*

**PROFESSIONAL REPORTS-** None

**APPROVAL OF MINUTES-**

Chairman Cunningham indicated that the board had received the minutes of the October 11, 2017 meeting, and asked if there were any comments or changes regarding same from the board. Hearing none, he asked for a motion to accept the minutes as submitted.

*Councilman Baldwin offered a motion to accept the October 11th minutes as submitted. The motion was seconded by Mr. Clayton.*

**ROLL CALL:**

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

NAYS: None

ABSENT: Ms. Guarino, Mayor Turning

INELIGIBLE: Chairman Cunningham

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**RESOLUTIONS-**

***PB #2017-06: Toll Land IV, Limited Partnership  
Block 76.02 Lots 1.01-1.11 & 1-125  
Block 76.03 Lots 1-54 & Block 76.04 Lots 1-11  
Amended Preliminary & Final Site Plan***

Chairman Cunningham indicated that board had received a copy of the resolution regarding the above matter and asked if there were any questions or comments regarding same. Hearing none, he asked for a motion to memorialize the resolution.

*Councilman Baldwin offered a motion to memorialize a resolution granting Amended Preliminary & Final Site Plan approval to Toll Land IV, Limited Partnership. The motion was seconded by Mr. Collins.*

**ROLL CALL:**

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

NAYS: None

ABSENT: Ms. Guarino, Mayor Turning

INELIGIBLE: Chairman Cunningham

**NEW BUSINESS-**

***PB #2017-07: DeLisa Waste Services  
Block 145 Lots 19 & 20  
Preliminary & Final Major Site Plan***

Chairman Cunningham advised the public of the procedural rules of the Tinton Falls Planning Board.

Chairman Cunningham indicated that the first hearing is DeLisa Waste Services, Block 145 Lots 19 & 20, Preliminary & Final Major Site Plan.

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

The following exhibits are entered:

A-1: Preliminary & Final Major Site Plan, prepared by Timothy P. Lurie, PE, PP, CME of DW Smith Associates, LLC, dated 7/20/2017, consisting of 7 sheets.

A-2: Color rendering of site plan proposal with changes as per technical review meeting

A-3: Color rendering of the initially submitted site plan

Attorney Collins swore in the following professionals:

Timothy P. Lurie, PE, PP, CME

Thomas Neff, PE, PP, CME

Malvika Apte, PP, AICP

Mr. Peter Falvo, attorney present on behalf of the client, asked Mr. Lurie to disclose his professional and educational background to the board. Mr. Lurie is accepted by the board as an expert witness.

Mr. Lurie gave an overview of the existing site noting that the site consists of both lots 19 & 20 of block 145, and is located on Shafto Road in a Manufacturing zone. The site is 1.5 acres and is approximately 112 feet wide and 569 feet long.

Mr. Lurie gave an overview of the proposed project. He indicated that they are proposing a 1600 square foot building, of which 450 square feet will be office space, and where the remaining part of the building will be utilized to repair and maintain containers used for his business.

Mr. Lurie gave a detailed description of the site plan including: fencing, landscaping, parking, signage, building height, setbacks, and floor area ratio.

Mr. Falvo asked that Mr. Lurie give testimony as to the proximity to the nearest residential properties and the buffering that has been proposed. Mr. Lurie indicated that there is a residential property located to the North of the site, and described the proposed infiltration basin. Mr. Lurie also indicated that the lighting schematic had been designed to shield the residence from any lighting.

Mr. Falvo referred to the review letter prepared by Mr. Neff dated October 3, 2017 and asked if Mr. Lurie feels that all items mentioned can be complied with. Mr. Lurie responded that they could in fact comply with all items of concern from said letter.

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Mr. Lurie referred to Exhibit A-2 and acknowledged the changes made from the original submission. These changes were made in response to comments from Board professionals in a Technical Review meeting.

Mr. Neff discussed the design waivers that are required. Mr. Neff asked if the applicant will be installing a sidewalk along the property frontage or make an equivalent contribution to the Borough's sidewalk fund. Mr. Falvo responded that they will make the contribution to the fund in lieu of installing the sidewalk.

Ms. Apte asked for clarification on the required 100 foot setback from a residential property line. Mr. Lurie indicated that they do in fact meet the required setback.

Ms. Apte asked if a Knox box will be provided in case of fire emergency. Mr. Falvo stated that they will provide said Knox box.

Ms. Apte asked if the proposed sign will be illuminated. Mr. Lurie replied that the sign will not be illuminated.

Ms. Apte asked if there will be any commercial vehicles parked on the site. Mr. Lurie testified that there will be one truck parked on site that will be needed to move the containers around the site.

Chairman Cunningham asked if any of the board members have any questions for the witness.

Mr. Lodato asked about the nearby residence. Mr. Lurie displayed a Google Earth image to clarify the location of the residence from the proposed site.

Mr. Lodato asked for clarification of the intended use of the facility. Mr. Lurie gave additional testimony regarding same. Mr. Falvo also described the intended use of the facility.

Chairman Cunningham asked about the containers being filled with materials when they arrive at the site. Mr. Falvo explained that the dumpsters will be arriving empty to the site and will remain empty while stored.

Mr. Collins directed a question to Mr. Neff regarding the concrete being used at the site is appropriate. Mr. Neff gave testimony as to what is typically used at this type of facility and described the concrete blend that is proposed.

Mr. Collins asked Mr. Neff if he was comfortable with the amount of lighting being proposed at the site. Mr. Neff stated that he was in fact comfortable with the amount of lighting being proposed.

Mr. Mirarchi asked what the hours of operation would be. Mr. Falvo indicated that the proposed hours of operation would be 6AM-6PM, however Mr. DeLisa will testify regarding

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such. Mr. Mirarchi asked if the facility would only be used for DeLisa equipment or allow outside contractors as well. Mr. Falvo stated that the facility will be used solely for DeLisa equipment.

Councilman Baldwin asked what buffering existed between the nearest residence and the proposed site. Mr. Lurie indicated that there is an existing woods line, he also indicated that additional buffering would be added as necessary.

Mr. Lodato asked Ms. Apte to give her opinion of the area having a residential lot adjacent to a Manufacturing zone.

Chairman Cunningham asked if there were any further questions for Mr. Lurie. Hearing none, Mr. Falvo called Mr. Thomas DeLisa to testify.

Mr. DeLisa stated that the hours of operation for the proposed site would be 6AM to 6PM, however the welder would not begin work until 7AM.

Mr. DeLisa stated the following regarding the application: The dumpsters on the site would always remain empty; the roof of the building would have a slight pitch; one truck would remain on the site for the purpose of moving the dumpsters around the site; there would be one employee on site during operating times.

Mr. DeLisa indicated that additional buffering would be added to the natural wooded area between the site and the nearest residence if needed.

Mr. Neff asked how many containers would be stored on the site. Mr. DeLisa indicated approximately 80 containers of different sizes could be stored on the site.

Ms. Apte asked Mr. DeLisa to expand on the noise performance standard and how they intend to comply. Mr. DeLisa gave testimony regarding same.

Chairman Cunningham asked if there were any questions from the public.

Mr. Collins offered a motion to grant Preliminary & Final Major Site Plan approval to DeLisa Waste Services with the conditions indicated during the hearing. The motion was seconded by Mr. Mirarchi.

### **ROLL CALL:**

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

NAYS: None

ABSENT: Ms. Guarino, Mayor Turning

INELIGIBLE: None

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**OPEN PUBLIC DISCUSSION:** No public present

*Mr. Lodato offered a motion to close the public session. The motion was seconded by Mr. Natter. All present voted in favor.*

**EXECUTIVE SESSION:** Not needed

Ms. Keefer indicated that the next meeting will be held on December 13<sup>th</sup>.

**ADJOURNMENT:**

*Councilman Baldwin offered a motion to adjourn the meeting at 8:28 p.m., the motion was seconded by Mr. Collins. All voted in favor.*

Respectfully Submitted,



Deanna Keefer  
Board Secretary

**Approved at a meeting held on: December 13, 2017**