

Chairman Cunningham called the meeting to order at 7:35 P.M. Mr. 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, Mayor Turning, Councilman Baldwin, Mr. Romanov, Mr. Clayton, Mr. Natter

Absent: Mr. Lodato, Ms. Guarino, Mr. Collins, Mr. Mirarchi (Recused)

Others: Dennis Collins, Esq.
Thomas Neff, T&M Associates, Board Engineer
Trevor Taylor, CME Associates, Board Planner
Deanna Keefer, Board Secretary

All present stood for a Salute of the Flag.

CITIZEN SERVICE ACT COMPLIANCE – Chairman Cunningham indicated that there are four board members absent tonight. Mr. Lodato indicated that he would be absent at the last meeting, and Mr. Mirarchi had recused himself do to a conflict with the applicant. Due to the unforeseen nature of the other absences, the board will address said absences at the next scheduled planning board meeting.

PROFESSIONAL REPORTS – None

APPROVAL OF MINUTES-

Chairman Cunningham asked if there were any questions or comments in regards to the minutes of the October 12th meeting. Hearing none, he asked for a motion to accept the minutes as submitted.

Mr. Clayton offered a motion to accept the October 12th minutes as submitted. The motion was seconded by Mr. Baldwin.

Roll Call:

AYES: Chairman Cunningham, Councilman Baldwin, Mr. Romanov, Mr. Clayton

NAYS: None

ABSENT: Mr. Lodato, Ms. Guarino, Mr. Collins, Mr. Mirarchi

INELIGIBLE: Mayor Turning, Mr. Natter

RESOLUTIONS-

**5S Realty, LLC-Tractor Supply-PB#2016-07
Block 120 Lots 20.03 & 21.01
Minor Subdivision & Preliminary & Final Site Plan**

Chairman Cunningham asked for a motion to accept the resolution as prepared by Attorney Collins.

Councilman Baldwin offered a motion to adopt the resolution. The motion was seconded by Mr. Clayton.

Roll Call:

AYES: Chairman Cunningham, Councilman Baldwin, Mr. Romanov, Mr. Clayton

NAYS: None

ABSENT: Mr. Lodato, Mr. Collins, Ms. Guarino, Mr. Mirarchi

INELIGIBLE: Mayor Turning, Mr. Natter

PLANNING BOARD BUSINESS-

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

Chairman Cunningham stated that application for the Capelli Sports Complex will be carried to the December 14th meeting.

Chairman Cunningham stated that our application this evening is:

**Antonio Gomes-PB #2016-03
Block 12.02 Lots 20 & 22
Minor Subdivision**

Attorney Collins stated that this application had been previously carried from a previous meeting, proper notice has been made, and the board has jurisdiction to hear this matter. Mr. Robert Witek is the attorney present on behalf of the applicant.

Attorney Collins swore in the following witnesses that are present on behalf of the applicant:
Patrick Ward, PE, PP Insight Engineering
Antonio Gomes, Landowner

Attorney Collins also swore in the following Board Professionals:
Thomas Neff, Board Engineer, T&M Associates
Trevor Taylor, Board Planner, CME Associates

Attorney Collins asked that Mr. Witek mark the following exhibit:

A-1: Minor Subdivision prepared by James B. Goddard, PLS of Widdis Surveying, dated September 1, 2015 consisting of one sheet.

Mr. Witek gave a brief overview of the application. Mr. Witek questioned Mr. Ward regarding his credentials; the board accepted Mr. Ward as an expert witness. Mr. Ward gave testimony regarding the property as it currently exists, the bulk requirements of the zone, and details of the proposed minor subdivision.

Mr. Ward indicated that the applicant is proposing to subdivide the two existing lots into three conforming lots, all lots having an excess of lot area, lot width and lot depth.

Mr. Ward testified that the building envelope on two of the three lots is conforming to bulk requirements. Mr. Ward indicated that a rear yard variance is being requested for the building envelope of the corner lot.

Mr. Witek questioned Mr. Ward as to how said variance fits into the flexible 'C' variance category.

Mr. Ward testified that the board granting the application would have no offense to the Borough's ordinances or the Municipal Land Use Law.

Mr. Neff discussed with Mr. Witek some points from the review letter prepared by Mr. Neff on behalf of T&M Associates dated April 5, 2016.

Mr. Taylor addressed the review letter prepared by Jennifer Beahm, on behalf of CME Associates dated September 29, 2016.

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

Mr. Rubinacci, a resident of Pear Street came forward to express his concerns regarding the application. Mr. Rubinacci refers to a prior application for subdivision on the same property that was denied. Attorney Collins explained the process and how this application differs from the previous application. Mr. Neff clarified that the zoning requirements in the Borough have changed since the prior application.

Mr. Dinkins, also a resident of Pear Street, comes forward to ask about trees that are encroaching onto his property from the proposed lots. Mr. Witek gives Mr. Dinkins his contact information so they can come to a resolution regarding said trees.

Chairman Cunningham asked for a motion to close the public session.

Mr. Clayton made a motion to close the public session. The motion is seconded by Mayor Turning. All voted in favor.

Mayor Turning made a motion to grant Minor Subdivision Approval to Antonio Gomes based on the criteria outlined by Attorney Collins. The motion was seconded by Mr. Romanov.

**BOROUGH OF TINTON FALLS
PLANNING BOARD**

**REGULAR MEETING
November 9, 2016**

Roll Call:

AYES: Mayor Turning, Mr. Romanov, Chairman Cunningham, Councilman Baldwin, Mr. Clayton, Mr. Natter

NAYS: None

ABSENT: Mr. Lodato, Mr. Collins, Ms. Guarino, Mr. Mirarchi

INELIGIBLE: None

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.

Mr. Clayton made a motion to close the public session. The motion was seconded by Mr. Romanov. All voted in favor.

EXECUTIVE SESSION-

Not Needed

Chairman Cunningham indicated that the next Planning Board Meeting will be on December 14th, when we will be hearing the amended Capelli application.

ADJOURNMENT –

Councilman Baldwin offered a motion to adjourn the meeting at 8:04 p.m., the motion was seconded by Mayor Turning. All voted in Favor.

Respectfully Submitted,



Deanna Keefer
Board Secretary

Approved at a meeting held on: December 14, 2016