

1

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

Chairman Lodato called the meeting to order at 7:00 PM

Chairman Lodato 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 Frank Lodato, Councilman Michael Nesci, Mr. Robert Clayton, Mr. Gary Baldwin, Mr. Daniel Romanov, Mr. Joseph Mirarchi, Mr. Joel Natter, Mr. Robert Markoff, Mr. William Holobowski

**Absent:** Sharon Brown

**Others:** Dennis Collins, Esq., *Board Attorney*  
Thomas Neff, *Board Engineer*  
Jennifer Beahm, *Board Planner*  
Deanna Keefer, *Board Secretary*

*All present stood for a Salute to the Flag.*

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**PLANNING BOARD BUSINESS-**

**CITIZENS SERVICE ACT COMPLIANCE-** Chairman Lodato indicated that Ms. Brown is absent this evening and gave advanced notice of said absence to the Board Secretary. No objection to her absence is made.

**PROFESSIONAL REPORTS –** None

**APPROVAL OF MINUTES-** None

**RESOLUTIONS-**

PB2021-06 Resolution Granting Preliminary & Final Major Subdivision and Preliminary & Final Site Plan Approval with Variances to Stavola Realty Company. 157 Hamilton Road & 1810 Wayside Road.

Chairman Lodato asked if the Board has any questions? Hearing none, he asked for a motion

*Mr. Baldwin offered a motion to memorialize a Resolution Granting Preliminary & Final Major Subdivision and Preliminary & Final Site Plan Approval with Variances to Stavola Realty Company. The motion was seconded by Mr. Clayton*

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

**Roll Call:**

**AYES:** Mr. Baldwin, Mr. Clayton, Chairman Lodato, Councilman Nesci, Mr. Romanov, Mr. Mirarchi, Mr. Natter, Mr. Markoff

**NAYES:** None

**ABSENT:** Ms. Brown

**INELIGIBLE:** Mr. Wallace, Mr. Holobowski

***Master Plan Consistency Review- Ordinance 2021-1479***

*"Ordinance Authorizing and Regulating Residents Keeping Backyard Chickens Pursuant to an Amendment to Chapter 8, "Animal Control," to Add a New Section to be Entitled "Backyard Chickens in Tinton Falls" and to Amend Section 40-37 of the Land Use Regulations to Allow the Keeping of Backyard Chickens.*

Ms. Beahm stated for the record that this Ordinance is not inconsistent with the Master Plan. She explained that this Ordinance would provide an exemption from the agricultural requirements to allow for backyard chickens. Attorney Collins clarified that the Planning Board is required to provide a Section-26 Report due to the fact that the Ordinance amends a portion of the Land Use Ordinance.

Chairman Lodato inquired if this type of use and Ordinance is seen in other towns? Attorney Collins confirmed that there are a variety of Chicken Ordinances passed throughout the State. Ms. Beahm noted that roosters, however, are prohibited.

Attorney Collins asked for a motion to provide a Section-26 Review determining that Ordinance 2021-1479 is not inconsistent with the Master Plan.

*Chairman Lodato offered a motion to provide a Section-26 Review finding Ordinance 2021-1479 not inconsistent with the Master Plan. The motion was seconded by Mr. Mirarchi.*

**Roll Call:**

**AYES:** Chairman Lodato, Mr. Mirarchi, Councilman Nesci, Mr. Clayton, Mr. Baldwin, Mr. Romanov, Mr. Natter, Mr. Markoff, Mr. Wallace

**NAYES:** None

**ABSENT:** Ms. Brown

**INELIGIBLE:** Mr. Holobowski

**CONTINUED BUSINESS-**

**PB2021-06 Stavola Realty Company: 157 Hamilton Road & 1810 Wayside Road. Block 109, Lots, 12.01, 13.01, 15, 16, 18-24, & 29.02. Preliminary & Final Major Subdivision & Preliminary & Final Major Site Plan (Carried from September 8, 2021)**

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

Chairman Lodato noted for the record that this matter was previously heard on September 8, 2021 and was carried on record without any further notice or publication.

Mr. Wolfson, Esq. introduced himself as the Attorney on behalf of the Applicant. He thanked the Board for their consideration on the Applicant's subdivision and subdivision related improvements in which the Board approved on September 8, 2021. This evening, the Applicant will begin to provide testimony on a series of four separate site plans. Tonight, the Applicant intends on beginning with "Lot A" which consists of an approximately 90,890 square-foot building. Mr. Wolfson noted that the Board Professionals indicated in their review letters that the use of this building should more accurately be considered a flex-space building rather than a traditional warehouse. To clarify for the record, the Applicant is proposing a flex-space building as defined in the Borough Ordinance.

*Attorney Collins swore-in the following witnesses-*

- Henry J. Ney- Traffic Engineer
- James Thaon- Site Engineer
- Charles Dietz- Architect
- Paul Phillips – Professional Planner
- Gary Vialonga- Representative of Stavola

*The following exhibit is entered into the record:*

**A-1        *Plan Sheet Entitled Preliminary & Final Major Subdivision and Preliminary & Final Major Site Plan, Prepared by Tung-To-Lam, P.E. of Bohler Engineering dated April 30, 2021, Last Revised August 26, 2021, consisting of 78 Sheets***

**A-3        *Aerial Colorized Rendering***

**A-5        *Floor Plans and Architectural Elevations***

Mr. Wolfson stated for the record that he will recall James Thaon, the project engineer who previously testified in support of the Subdivision plan on September 8<sup>th</sup>. Also testifying this evening are Chuck Dietz, Project Architect, Henry Ney, Traffic Engineer and Paul Phillips the Project Planner. Mr. Ney's traffic testimony will encompass the entirety of the proposed uses in the six subdivided lots. Mr. Wolfson called Mr. Thaon as the first witness this evening.

Mr. Thaon, referring to exhibit A-2, explained that the subject of the application this evening is "Warehouse A" which is located on the eastern side of the property. As Mr. Wolfson explained, the Applicant is now considering this structure a flex-space. The proposed flex-space is located on the subdivided lot recently approved by the Board on Lot A. The proposed structure is a 90,890

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

square-foot flex building. This has a single-side tailboard loading on its southern side. The northern side has access doors and parking spaces that are also proposed. The building itself largely sits compliant with respect to setbacks except in one area on its northwestern corner. Approximately 40 linear feet of the building does not comply with the setback requirement of 123.33 feet. Because of the unique shape of the lot, a setback variance is therefore required. However, the rest of the lot does comply with the front and side-yard setbacks because it is a through lot.

Mr. Thaon testified that the configuration of the lot is efficient with respect to drive aisles, parking areas and sidewalks. He indicated that 60% impervious coverage is required by Ordinance whereas the Applicant is proposing 60.8%. It is important to note that this site complies with Green Infrastructure Regulations set forth by the DEP. In regard to Green Infrastructure, the Applicant is proposing porous pavement, in which there will be 55.6% impervious coverage for the site. The Applicant is requesting a de minimis increase over the allowable impervious coverage.

Mr. Thaon explained that the Applicant is also requesting a Variance for the height of the proposed building. The proposed structure is 41.11 feet whereas 40 feet is required by Ordinance. He noted that the front side of the building on the northern side is actually 40 feet in height. The rear of the building height decreased by four feet to allow for truck access to the loading bays. When the average grade around the building is considered, it calculates to 41.11 feet in height.

Ms. Beahm noted that the requested variances are de minimis and asked Mr. Thaon if there is a reason why the Applicant cannot comply with the Ordinance? Mr. Thaon stated that due to the building length and the way it is laid out, the building would not work well if it complied with the required set back. He stated that this variance is not overdeveloped because of the way the site is designed in regard to impervious coverage. Mr. Neff clarified that it is not impervious coverage, it is lot coverage; in Tinton Falls, anything that is not grass is counted toward lot coverage. Ms. Beahm stated that there is no reason why the Applicant cannot comply with the requested variances especially since it is a brand-new building that is being proposed.

The site has access from Wayside Road through a right-in, right-out proposed driveway. The driveway is 20-feet wide in, and 24-feet wide out. Inside the site there will be a 30-foot-wide drive aisle which would allow access to the truck court. The truck court is 70-feet wide to allow for trucks to adequately maneuver the site and the loading docks. At the end of the truck port on the southern side of the site, there is also a 30-foot-wide drive aisle proposed that would allow full movement off of Stavbro Lane.

Mr. Thaon testified that the parking for the site complies with the Ordinance as the Applicant is proposing 122 spaces, whereas 114 are required.

Loading for the site occurs on the eastern side of the building, the Ordinance requires three loading spaces, and the Applicant is proposing 32. The building is being designed to accommodate tailboard loading along the side of the building. There are a total of 16 loading spaces expected

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

to be available when the site opens. The future tenants will have the ability to add additional loading spaces if needed, therefore that is why 32 spaces are being proposed. The loading spaces are 12-feet wide whereas 15 feet is required by code. The spaces are being designed like this in order to be able to allow a truck to back in if there is another truck next to it.

Chairman Lodato inquired if the Applicant will be limiting truck access from Wayside Road? Mr. Thaon explained that the majority of the truck traffic would come off of the Stavbro Lane entrance for the site. Chairman Lodato asked Mr. Neff if the Borough could limit truck traffic on Wayside Road via Ordinance? Mr. Neff explained that it would be the jurisdiction of the County not the Borough. Chairman Lodato asked if the Applicant has presented the proposed plans to the County and if they had any comments or recommendations? Mr. Thaon stated that the County's comments were quite favorable, he explained that they had some comments on the width of the driveway which is why they are proposing them at 24 and 20 feet wide.

Chairman Lodato indicated that there was testimony at the last meeting in regard to the realignment of Stavbro Lane and the parkway ramp. He stated that he would prefer the emphasis of the truck traffic to remain on Stavbro Lane. Mr. Thaon explained that the proposed driveway off Wayside Road is a right-in, right-out only which means that no type of vehicle can make a left-turn into that driveway; also, vehicles cannot make a left turn out of the driveway. Chairman Lodato asked how left turns will be prevented, would it be via signage? Mr. Thaon clarified that it is signed and configured to only allow for right in, and right out.

Mr. Baldwin questioned if the exit out of the site is also angled to prevent left-hand turns? Mr. Thaon stated that the exit is also angled. Mr. Baldwin asked what the height of the island preventing the left-hand turn is, and Mr. Thaon stated that is approximately 4 inches at its highest point. Mr. Baldwin and Mr. Mirarchi voiced their concerns with the height of the turning island, stating that it should be higher to deter large trucks from turning left. Mr. Thaon stated that four inches is very common for an island of this nature, the site was designed to accommodate large trucks. Mr. Thaon expressed that the Applicant would be willing to install additional signage at the driveways that specifically say "no trucks" as well.

Mr. Baldwin suggested adding foliage to the island to further deter left hand turns, Mr. Thaon stated that the Applicant wishes to avoid that from a site distance concern. Mr. Baldwin asked that the Applicant consider any way possible to dissuade people from turning left, explaining that drivers don't always obey. Mr. Thaon stated that the best solution would provide signage so that when a truck backs into the loading dock there would be a directional arrow that points to the exit for trucks.

Mr. Thaon discussed the three proposed trash enclosures. The first is proposed at the northeastern side of the site, the next is along the eastern property line, and the last is located along the southeastern property line. The size and location of these proposed enclosures are convenient for the potential tenants to access and use. Because the Borough Ordinance considers

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

these enclosures to be accessory structures, a setback variance is required. The Applicant also is proposing 8–10-foot plantings to buffer the trash enclosures. Mr. Baldwin asked Ms. Beahm if she considers the trash enclosures to be accessory structures, and Ms. Beahm confirmed that she does.

Mr. Thaon testified that the water, sewer, electric and gas utilities for this project are available along its frontages on Stavbro Lane and Wayside Road. This site is compliant with the NJDEP criteria from a Stormwater Management standpoint.

The Applicant is proposing shade trees and landscaping along Wayside Road and Stavbro Lane, interspersed landscaping is proposed throughout the entire site. In an effort to mitigate the setback, they are providing evergreen shrubs at the northwestern corner of the property to help mitigate any use of the site. Shade trees are also proposed to help create a mature buffer over time. In total, there are 268 new trees being planted, 486 shrubs, and over 1,000 different ground cover perennials and ornamental grass. Mr. Thaon stated that the Applicant is requesting a waiver for the ten percent requirement where 10 percent of any surface parking lot shall be landscaped and must include one shade tree per five parking spaces. He explained that the site as a whole requires 24 shade trees where 28 are being proposed, however not necessarily in the parking spaces. This is because there is a JCP&L easement adjacent to the overhead power lines that runs adjacent to the property, therefore those trees are shown on the southwestern portion of the site.

Chairman Lodato asked the Board Professionals what their opinion is with respect to the requested waiver? Mr. Neff indicated that there is an easement there and JCP&L does not want the trees directly below the power lines. He explained that typically these sites have larger asphalt areas for truck movement so usually the Board would ask that the trees be placed somewhere else in the general vicinity of the parking lot. Ms. Beahm stated that she typically doesn't take exception for the request or the waiver in the parking lot. She explained that it becomes a maintenance issue in terms of snow plowing, etc., and they usually become tripping hazards. The trees typically do not survive in the parking areas; therefore, they do not take any exception to this request.

In regard to lighting, LED lighting is proposed on the walls of the building as well as freestanding lights. The Applicant is proposing 25-foot-high light poles, whereas 18 feet is required by Ordinance. They are requesting a waiver from the Board to provide 25 feet whereas 18 is required. An outside shield is also being proposed to shield along the private property line with zero-foot visibility along the western property line. Councilman Nesci asked Mr. Thaon to clarify how light will be blocked from the street? Mr. Thaon explained that the light pole itself will have a house shield which would push light into Stavola's property to avoid it from going into the neighboring properties. Mr. Clayton asked on what side of the property are the proposed 25-foot poles? Mr. Thaon clarified that they are on both sides of the property. Mr. Neff indicated that 25-foot light poles are very common on these sites, especially near the loading zones. Mr. Thaon noted that the Applicant would be willing to lower the poles on the western side to 18-feet rather than 25 feet.

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

Mr. Thaon testified that there is a proposed monument sign along the northwestern corner of the driveway entrance off Wayside Road. The sign is 26 square feet in area, whereas 50 square feet is permitted by Ordinance. The height of the proposed sign is six feet which is permitted by the code. The monument sign will be setback ten feet from the property line whereas 25 feet is required. However, the sign is 20 feet away from the curb line, they are setting the sign a little closer from a visibility standpoint. Ms. Beahm inquired if the Applicant is proposing a general sign at the intersection? She suggests there be a sign put up at the intersection to encourage cars to make the left onto Stavbro Lane to enter the site. Chairman Lodato stated that cars should be encouraged to use Stavbro Lane.

In regard to the discussion of signage, Mr. Vialonga asked if the Board would consider putting a sign across the street on the right side that identifies the two lots in question? He explained that if the sign is put across the street, it wouldn't get confused with the other activity at that intersection. Ms. Beahm stated that she does not take exception to Mr. Vialonga's logic, however she asked Attorney Collins if the lot he is describing is part of this application? Mr. Wolfson stated that the plan and notice would have to be amended in order to put the sign there. Attorney Collins clarified for the record that the Applicant is now proposing a sign on Lot B that would encourage the left turn onto Stavbro Lane to access Lots A, B, & C.

Chairman Lodato asked if any Board Members have any questions for Mr. Thaon?

Mr. Clayton asked how many units are being proposed in the flex-space building? Mr. Thaon stated that there are 16 flex-space units.

Seeing no further questions from the Board. Chairman Lodato asked there are any interested members of the public who wish to ask questions?

**Lynn Clemons, 1860 Wayside Road-** Ms. Clemons asked if the proposed warehouse is a done-deal and if so, when is it going to happen? Attorney Collins explained that there is no such thing as a done deal, the Applicant is applying for site plan approval and the office and flex space building is permitted under existing law adopted by Tinton Falls. If the Applicant were to receive approval, the timing of construction would be better answered by the Applicant. Ms. Clemons voiced her concerns with the lighting, she asked Mr. Thaon how the proposed lighting would affect her residence? Mr. Thaon stated that no light would be emitted beyond the property line, there is no light that goes from Stavola's property onto Ms. Clemon's property. Ms. Clemons inquired about the 30% tenant occupancy and asked who the tenants will be? Mr. Thaon explained that the 30% tenant occupancy refers to the proposed office space. Flex-space operators are expected to be the future tenants. Ms. Clemons asked who would monitor what is being stored in these units and Mr. Wolfson explained that the landlords would monitor this. She explained that she is concerned with possible fire safety hazards. Ms. Beahm stated that the tenants cannot store any flammable material as per the Borough Ordinance. Attorney Collins explained how the building code governs what can be stored in the building. She also voiced environmental concerns and asked how many

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

trees will be torn down, Mr. Thaon stated that he does not have an exact number. Mr. Neff asked Mr. Thaon if there were any required DEP permits for this site? Mr. Thaon stated that the Applicant submitted an application to DEP to fill an ordinary resource swale and they are in compliance with DEP to fill the swale. Ms. Clemons inquired about the truck traffic on Wayside Road and Mr. Wolfson indicated that Mr. Ney will provide further traffic testimony this evening. She asked what zone this site is located in, and Ms. Beahm stated it is located in the Industrial Office Park (IOP) Zone.

Mr. Neff asked Mr. Thaon to provide some testimony on the proposed retaining walls, as there are significant retaining walls along the property that require variances. Mr. Thaon stated that the Applicant is proposing a retaining wall along the western property line in an effort to help mitigate some of the grade change in the location. Mr. Neff pointed out that it is significant in height at 16 feet whereas 6 feet is permitted. Mr. Thaon explained that when they set the elevation, they look to make sure there is adequate grade change proposed off the two driveways on Stavbro Lane and Wayside Road. The Applicant is requesting relief from the Board for the height of the retaining walls. He explained the intent of this is not to have a wall along the frontage of the property which would impact the view. Mr. Neff asked about the view from the southbound side and Mr. Thaon explained that there is mature vegetation along the entirety of the western property line which would mitigate the view. Mr. Neff asked if the Applicant would be agreeable to providing guide rail along the edge of the road in the parking lot where it is significantly high? Mr. Thaon explained that given the constraints spatially between the structure and the parking lot, they designed the wall four-feet higher to promote safety. Mr. Mirarchi asked if fencing would still be required, and Mr. Neff indicated that it would. Mr. Thaon stated that there is proposed fencing.

In regard to the proposed retaining walls, Mr. Holobowski inquired if the proposed size is an esthetic or structural need? Mr. Thaon indicated that the size of the walls are related to the overall structural needs. Mr. Neff voiced his concerns with the overall esthetics of the proposed walls, he asked the Applicant to consider lowering the size and installing a traditional guide rail instead. Mr. Thaon stated that he would work with Mr. Neff to comply with this request.

Mr. Neff suggested that as a condition of approval the Applicant submit firetruck turning templates to the Fire Marshal and Mr. Thaon confirmed that the Applicant will comply with that request.

Mr. Wolfson called Mr. Dietz as the next witness, and he placed his credentials on the record.

Referencing exhibit, A-3, Mr. Dietz explained that this rendering shows the complete design of the project if it were to be approved. He testified that Stavola recently constructed a flex-space building at 1511 Wayside Road in Tinton Falls that looks similar to the structure being proposed on Lot A. He noted that the building at 1511 Wayside Road incorporates articulation, scoring panel joints and color, all of which are elements of the proposed space before the Board this evening.



BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

In response to Ms. Beahm's previous comments in which she stated the proposed flex-space should comply with the Ordinance, Mr. Dietz provided testimony as to why the building is over the height requirement. He explained that in modern flex-space buildings, developers try to maintain a 36-foot clear height below structure, sprinkler, and light fixtures, as this is what modern tenants look for. He stated that the building setbacks have great correlation to the building height, therefore they were not able to meet the 36-foot clear height.

Ms. Beahm noted that it appears Mr. Dietz's testimony suggest this building will be used as a more typical warehouse operation as opposed to flex-use, she asked him to clarify who this building would be marketed towards. She explained that flex-space typically relates to small contractors not necessarily marketplace tenants. The Planning Board has heard various applications for flex space, none of which required a variance for building height. Mr. Dietz confirmed that the Applicant will comply with the Ordinance for building height.

Mr. Neff asked Mr. Dietz to provide testimony in regard to the size of the tenant signs, it is his understanding that the proposed signs are 37.5 square feet for each tenant, whereas the Ordinance permits six square-feet per tenant.

Referring to exhibit A-5, Mr. Dietz explained how this exhibit details the breakdown of the 16 proposed units. The size of the signs were calculated by the side area of 1600 square-feet per tenant space, therefore proposing 37.5 square feet of signage for each tenant space.

Ms. Beahm stated that the Ordinance only allows 6 square feet per tenant, therefore Variance relief is required.

Chairman Lodato asked Ms. Beahm if she is satisfied with the architectural design of the building? She explained that she would like to see a water table at the base of the building as well as some vertical breaks in the building. She stated that she would be happy to work with the Applicant to design something a little bit more in keeping with what the Borough has required of other flex space buildings.

Mr. Clayton asked Mr. Dietz if he has a rendering of the other side of the building where the 16-foot wall was? Mr. Dietz stated that they are in the process of completing that rendering and will have it to present at a future meeting.

Chairman Lodato asked if any members of the public have any questions specific to this witness?

**Lynne Clemons, 1860 Wayside Road-** Ms. Clemons asked Ms. Beahm to clarify the recommendations she made to the architect in regard to the design of the building. Ms. Beahm explained that she recommended a break along the bottom of the building to create different texture and color and something to avoid it looking like blank walls. Ms. Clemons voiced her concerns with the proposed flex-space looking like the structure at 1511 Wayside Road. She also

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

inquired about other warehouses that have been approved by the Board. Mr. Neff explained that this site is located in the Industrial Office Park Zone and is a permitted use by Ordinance. Ms. Beahm elaborated and stated that the proposed use is permitted on this piece of property per the Borough's Zoning, the Applicant is obligated to comply with the requirements of the zone.

*The Board took a ten-minute break and went back on the record at 8:45 PM.*

Mr. Wolfson noted for the record that the Applicant has agreed to drop the height of the building to eliminate that variance. The effect of that is also to decrease the extent of the variance for the front yard setback which is based on a formula based off the height. The Applicant will also work to eliminate the variance for lot coverage as well. Ms. Beahm stated that this addresses her concerns that were discussed earlier.

Mr. Wolfson called Henry Ney, Traffic Engineer as his next witness. Mr. Ney placed his credentials on the record and the Board accepted Mr. Ney as an expert witness. Mr. Wolfson stated that Mr. Ney will be referencing his report dated May 4, 2021, and August 17, 2021.

Mr. Ney discussed the proposed mixed-use development will have a convenience store and warehouse facility as well as a fast-food restaurant with a drive-through. In regard to traffic, the data in the analysis was gathered prior to the COVID-19 pandemic, therefore the volumes are reflected on what would be the normal conditions during the course of future years. According to Mr. Neff's report with respect to flex space, the traffic generation figures that are published by the Institute of Transportation and Engineer are relatively low when compared to what is called the peak hour of the generator.

Mr. Ney stated that Mr. Neff recommended that the analysis look at peak hour of the generator in lieu of the peak trip generation during peak hours in order to maximize the impact of the land use. He explained that they conducted this analysis, and it showed no significant changes in any of the traffic conditions.

Mr. Ney discussed the internal capture rate that was used in this project and explained that when different land uses are put together there becomes a synergy in traffic generation. He explained that there is not a one-to-one traffic generation relationship where you have a mixed-use development.

In terms of how traffic is assigned to local street systems, the Applicant used the Census Journey to Work information for the flex-space and warehouse sits and the Traffic Volume Distributions for the remaining land uses.

Mr. Ney explained that the traffic data was presented in two conditions, predevelopment conditions and after development conditions. In the predevelopment conditions the realignment of Stavbro Lane was not considered. He indicated that Mr. Neff recommended that they conduct

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

a no-build condition that includes Stavbro Lane, and Mr. Ney stated that the Applicant complied and addressed the issues that were raised.

Mr. Neff asked Mr. Ney to provide additional testimony on the decrease in the level of service as a result from level of service B to D and from C to D. Mr. Ney explained that in the southbound approach of the intersection where traffic comes from Pinebrook Road, currently operates at a B level of service with an average delay of 12.6 seconds. That level of service with the completion of development and retiming of the signal will be a D level of service during the p.m. peak hour. He explained that the westbound approach decreases from a level of service C with an average delay of 25.5 seconds to a level of service D of 51.1 seconds. The eastbound no-build approach after a general level of services goes from pre and the post-build conditions.

Mr. Ney explained that there are three site driveways that are right-turn entries and exits from the development, all will be channelized to prevent left-hand turns. The island does not permit cars or trucks to enter left without going over the island itself. He explained that the island will not contain any vegetation or landscaping because it is in the public right-of-way.

In regard to signage, there will be a "No Left Turn" sign on both the right- and left-hand side of road. Additionally, there will be two "Do Not Enter" signs that will face the motorist, therefore discouraging left-turns.

Mr. Ney confirmed that they will be creating a left turn lane to accommodate the left turn traffic at Stavbro Lane and Wayside Road. He stated that the Applicant will discuss with the County the idea of installing "Stavbro Lane" signs in the right-of-way as directional signs to direct trucks and vehicles to the proper driveway.

Mr. Ney discussed concerns with truck traffic on Stavbro Lane due to the asphalt plant. He indicated that during the morning peak hour there are a total of 23 trips out of the driveway onto Stavbro Lane, during the p.m. peak hours the numbers dropped significantly.

Mr. Ney explained that he has addressed all items outlined in Mr. Neff's Engineering letter, and the Applicant will continue to work with the County to address the off-site issues.

Chairman Lodato asked if there have been any discussions with the county in regard to the exit ramp from Route 18 to Wayside Road? Mr. Ney stated that there has not been any discussions with the county in regard to that ramp. Mr. Neff clarified that there have been preliminary discussions in regard to Wayside Road southbound towards Route 18. Currently, the right lane is only for Route 18 North, there have been some discussions about possibly continuing that so it would be for both Route 18 North and South.

Mr. Neff asked Mr. Ney to give a brief overview of how much truck traffic this site might generate to the extent that tenants are known or not known yet. Mr. Ney explained that the site will not be an Amazon-type of facility. He anticipates that because of the flex-space building there will be a

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

high percentage of flex-space truck traffic, however it will consist of smaller trucks. This site will also see traffic generation from small businesses such as electricians, plumbers, etc. who will be utilizing the flex-space as well.

Mr. Natter inquired if there is a way to predict a percentage increase of the vehicle count going by this site on Wayside from what it is today to when all six lots get developed? Mr. Ney explained that all of the numbers he presented this evening include all the traffic that will be generated by this project once its complete.

Mr. Mirarchi inquired if this traffic analysis includes existing truck traffic and Mr. Ney confirmed that it does.

Mr. Holobowski voiced his concerns with the overall safety of this project, particularly with cars exiting the service station onto Wayside Road. He explained that it could potentially be more hazardous allowing an exit from the gas station site. Mr. Ney indicated that there is no statistical correlation between traffic activity at driveways and accidents.

Chairman Lodato asked if the Board has any further questions of this witness? Seeing none he asked if any members of the public wish to ask questions of Mr. Ney?

***Lynne Clemons, 1860 Wayside Road-*** Ms. Clemons inquired about the hours of operations of the various facilities and flex-space on site. Mr. Ney explained that as a traffic engineer he examines the peak traffic against the peak highway traffic, he cannot provide testimony on the hours of operation. Ms. Clemons explained that her main concern is the merge coming off of Route 18. Mr. Ney explained that two-thirds of the traffic that are entering this site do so on a regular basis because they either have business in the site or they are shopping, therefore, there is a relatively small percentage of traffic that would come off of the Route 18 ramp and entering the site.

Mr. Wolfson stated that the next witness is Mr. Paul Phillips, Professional Planner who was recently sworn at the previous meeting.

Mr. Phillips explained that in the IOP Zone, this particular use ties the required setback to the height of the proposed building. Therefore, it is three times the building height as required; the Applicant has reduced the height of the building to meet the 40-foot standard. The required setback from Wayside Road is 120 feet whereas the Applicant is proposing 117 feet. He testified that this is a de minimis variance and sees no substantial detriment.

Mr. Phillips explained that the variances for lot coverage and building height have been eliminated.

He stated that he does not believe a variance for office floor area is needed due to the fact that the structure is considered a flex-space building. The Applicant is seeking some flexibility in the true definition of flex building to be able to be 70% warehouse and 30% office space. If a variance

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

were needed, he would see it as a C(2) variance with no substantial detriment to the public good or zone plan.

Mr. Phillips testified that Mr. Thaon provided adequate testimony in regard to the variances needed for the accessory structures. He explained that most of the variances are triggered by the multiple front yards and the desire to provide adequate and convenient trash facilities for all perspective tenants on site. The trash enclosures will be screened from the public view shed by landscaping and high plantings.

A variance is also needed for the parking setback, the Ordinance requires 25 feet to adjacent lots and streets, whereas the Applicant is proposing ten and a half feet to the side lot line.

Mr. Phillips indicated that Mr. Thaon previously addressed the various sign variances that are being requested. He explained that the signs could be categorized by the wall sign location, the size of the tenant signs, and the ground sign setback. He explained that in today's market, signage has become critical to perspective users and tenants across all fields. The Applicant is requesting sign flexibility for when the 16 tenants are chosen.

As per the previous testimony, the Applicant has agreed to reduce the height of the retaining wall as per the Board's concerns.

The Applicant is also requesting a variance to allow for two driveways, whereas the Ordinance only permits one. Mr. Phillips explained that it is beneficial to have two access points particularly with truck and vehicular traffic.

Ms. Beahm noted that the Applicant is also requesting a "Stavola" sign along the western façade facing Stavbro Lane that would be considered an additional sign.

Chairman Lodato asked if any Board Members have any questions for this witness? Hearing none, he asked if any members of the public wish to ask questions of this witness? He stated that at this time, members of the public can also make any general comments or statements in regard to the application.

***Lynne Clemons, 1860 Wayside Road-*** Ms. Clemons inquired about the hours of operation on site. Mr. Wolfson stated that there are no secured tenants at this time and will therefore comply with local requirements relative to hours of operation. Ms. Clemons asked the Applicant to take the local residents into consideration in terms of the overall noise generated from the establishments on site. She also voiced her concerns with traffic and safety.

Mr. Mirachi asked if the Ordinance outlines operational hours for businesses in the IOP Zone? Mr. Neff stated that he is unaware of any Ordinance requirements, however, there are general outdoor noise requirements set forth by the State of New Jersey. Attorney Collins noted for the

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 13, 2021

record that there is a "Noise Pollution Control Act" which governs noise throughout the entire State.

Seeing no further public comments, Chairman Lodato asked for a motion to close the public discussion.

*Mr. Clayton offered a motion to close the public discussion, the motion was seconded by Mr. Natter. All present voted in favor.*

Chairman Lodato asked the Board Professionals if they have any further questions or comments? Both Mr. Neff and Ms. Beahm confirmed that the Applicant has addressed all concerns, they have nothing further at this time.

Chairman Lodato asked the Board if they have any further questions or comments?

Mr. Mirachi asked that the Applicant take into consideration the hours of operation of the site in lieu of the residential neighborhoods.

Mr. Natter inquired about the square footage of the proposed tenant signs and Ms. Beahm explained that the architect indicated that it was calculated based upon a percentage of the tenant space proposed, she takes no exception to the request.

Chairman Lodato asked for a motion.

*Mr. Mirarchi offered a motion to approve "Lot A" for PB2021-06 with the conditions set forth by Attorney Collins, the motion was seconded by Mr. Natter.*

**Roll Call:**

**AYES:** Mr. Mirarchi, Mr. Natter, Chairman Lodato, Councilman Nesci, Mr. Clayton, Mr. Baldwin, Mr. Romanov, Mr. Markoff, Mr. Wallace

**NAYES:** None

**ABSENT:** Ms. Brown

**INELIGIBLE:** Mr. Holobowski

Chairman Lodato noted for the record that this application will be carried to the October 27, 2021, meeting at 7:00 PM without any further notice or publication.

Mr. Neff requested that the Applicant be prepared with testimony in regard to the sign on Lot D for the next meeting.

**PUBLIC DISCUSSION-**

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD

October 13, 2021

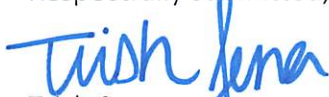
Hearing no comment, Chairman Lodato asked for a motion to close the public discussion. Mr. Mirarchi offered a motion to close the public discussion seconded by Councilman Nesci, all present voted in favor

**EXECUTIVE SESSION**-None

**ADJOURMENT:**

*Mr. Clayton offered a motion to adjourn at 9:48 PM, seconded by Mr. Mirarchi. All present voted in favor.*

Respectfully submitted,



Trish Sena  
Planning Board Secretary

**APPROVED AT A MEETING HELD ON: JANUARY 26, 2022**