

**BOROUGH OF TINTON FALLS
PLANNING BOARD**

**REGULAR MEETING
JULY 8, 2009**

Vice-Chairman John H. Cunningham Jr. called the meeting to order at 7:30 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: Mr. Cunningham, Mayor Skudera, Councilman Baldwin, Det. Trocchia, Mr. Brown, Mr. Purcell (*participated via teleconference*), Mr. King, Mr. Lomangino, Mr. Lodato, Mr. Timney, Ms. Alfano

Absent: None

Others: Dennis Collins (Board Attorney); Paul Gleitz (Borough Planner); Erin Swartz (Board Secretary)

All present stood for a Salute of the Flag.

Mr. Cunningham introduced the new Board members and noted that they were sworn in by Mr. Collins prior to the start of the meeting.

For the Record, Mr. Purcell stated his name and was recognized by incumbent Board members. In order to begin the reorganization of the Board, Mr. Cunningham turned the meeting over to Mr. Collins.

Mr. Collins asked for nominations for Chairman.

Mr. King nominated John H. Cunningham, Jr. as Chairman, seconded by Councilman Baldwin.

No further nominations were received.

ROLL CALL:

AYES: Mr. King, Councilman Baldwin, Mr. Cunningham, Mayor Skudera, Det. Trocchia, Mr. Brown, Mr. Purcell, Mr. Lomangino, Mr. Lodato

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

Mr. Cunningham assumed his seat as Chairman.

Mr. Cunningham nominated H. Gordon Brown as Vice-Chairman, seconded by Councilman Baldwin.

No further nominations were received.

ROLL CALL:

AYES: Mr. Cunningham, Councilman Baldwin, Mayor Skudera, Det. Trocchia, Mr. Brown, Mr. Purcell, Mr. King, Mr. Lomangino, Mr. Lodato,

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

Mr. Cunningham nominated Erin Swartz as Secretary, seconded by Mr. Brown.

No further nominations were received.

ROLL CALL:

AYES: Mr. Cunningham, Mr. Brown, Mayor Skudera, Councilman Baldwin, Det. Trocchia, Mr. Purcell, Mr. King, Mr. Lomangino, Mr. Lodato

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

Mr. Cunningham offered a motion to appoint Dennis A. Collins, Esq., of the firm Collins, Vella & Casello as Board Attorney, seconded by Mr. King.

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ROLL CALL:

AYES: Mr. Cunningham, Mr. King, Mayor Skudera, Councilman Baldwin, Det. Trocchia, Mr. Brown, Mr. Purcell,
Mr. Lomangino, Mr. Lodato

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

Mr. Cunningham explained that RFP's were sought for various professional positions.

Mayor Skudera offered a motion to appoint Gravatt Consulting as the Planning Board Engineer with a term to end 12.31.09, seconded by Mr. King.

ROLL CALL:

AYES: Mayor Skudera, Mr. King, Mr. Cunningham, Councilman Baldwin, Det. Trocchia, Mr. Brown, Mr. Purcell,
Mr. Lomangino, Mr. Lodato,

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

Mr. Brown offered a motion to appoint Heyer, Gruel & Associates as the Planner with a term to end 12.31.09, seconded by Councilman Baldwin.

ROLL CALL:

AYES: Mr. Brown, Councilman Baldwin, Mr. Cunningham, Mayor Skudera, Det. Trocchia, Mr. Purcell, Mr. King,
Mr. Lomangino, Mr. Lodato

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

Mayor Skudera offered a motion to appoint Frederick Kneisler as Landscape Consultant with a term to end 12.31.09, seconded by Mr. King.

ROLL CALL:

AYES: Mayor Skudera, Mr. King, Mr. Cunningham, Councilman Baldwin, Det. Trocchia, Mr. Brown, Mr. Purcell,
Mr. Lomangino, Mr. Lodato

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

Mr. Cunningham stated that this leaves the Traffic and Environmental consultants to be selected. It is the recommendation of the Chair that we do not consider selecting the Traffic and Environmental consultants this evening. He feels that the Board should take the time to find out whether the newly selected engineering firm can provide either or both of these services. Birdsall has a contract to provide these services until 12/31/09 and they may be interested in continuing to furnish these services were the new engineering firm not able to do so. No one is here from Birdsall to answer that question tonight. We hope that this could be finalized as early as our 7/22 meeting or it may have to lapse into August. We also should contact the Environmental Commission. He asked Mr. King to take this information back to the Commission and obtain their input. If possible Mr. Cunningham would be pleased to attend a Commission meeting to discuss with them the choice of an Environmental consultant.

Councilman Baldwin offered a motion to designate the official newspapers of the Planning Board as The Asbury Park Press and The Coaster, seconded by Mr. Brown.

ROLL CALL:

AYES: Councilman Baldwin, Mr. Brown, Mr. Cunningham, Mayor Skudera, Det. Trocchia, Mr. Purcell, Mr. King,
Mr. Lomangino, Mr. Lodato

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

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Mr. Lodato offered a motion to adopt the following Resolution, seconded by Mayor Skudera.

**RESOLUTION OF THE TINTON FALLS PLANNING BOARD DESIGNATING MEETINGS OF THE
PLANNING BOARD FOR THE YEAR 2009-2010**

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 2009-2010.

2009
August 12 and 26
September 9 and 23
October 14 and 28
November 4
December 9

2010
January 13 and 27
February 10 and 24
March 10 and 24
April 14 and 28
May 12 and 26
June 9 and 23
July 14 and 28

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. Lodato, Mayor Skudera, Mr. Cunningham, Councilman Baldwin, Det. Trocchia, Mr. Brown, Mr. Purcell, Mr. King, Mr. Lomangino

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Timney, Ms. Alfano

Professional Reports –

Mr. Collins advised that he will be sending an email to the new Board members containing his contact information as well as information to bring them up to speed on the any pending litigation. Any questions may be directed to him.

Approval of Minutes –

Mr. Cunningham noted that the minutes have been circulated and comments, if any, have been incorporated.

Councilman Baldwin offered a motion to approve the minutes of June 10, 2009, seconded by Mr. Brown.

ROLL CALL:

AYES: Councilman Baldwin, Mr. Brown, Mr. Cunningham, Mr. King, Mr. Timney,

NAYS: None

ABSENT: None

INELIGIBLE: Mayor Skudera, Det. Trocchia, Mr. Purcell, Mr. Lomangino, Mr. Lodato, Ms. Alfano

New Business –

COAH Mediation Team Discussion – Mr. Cunningham stated that contained in the Planning Board packet was a Resolution of the Borough Council Authorizing the Creation of a Mediation Team to Address Objections to Third Round COAH Plan. He asked for more information.

Mr. Gleitz explained that the Borough filed a Third Round COAH Plan at the end of last year which was submitted to COAH. Part of that process allows for interested parties to object to all, part or some of the plan. There were a number of objections filed however only two of them have seemed to meet the requirements that COAH puts in place. One is the Boulder Development Corporation, LLC and they are objecting to a number of issues on how the Borough is applying credits throughout the plan. The second objection was made by the Fair Share Housing Center and their objection focuses on the treatment of Fort Monmouth and how we deal with any COAH obligation generated by the Fort. The Fair Share Housing Center has objected to all three towns which are being affected by Fort Monmouth. The Borough is now in the process of formulating a response within 20 days of the objections being certified. There is a mediation process that then takes place where each side designates members to serve on a mediation team to resolve the issues. This will then allow the Borough to obtain substantive certification. At this point in time there is a need for a municipal designation via Resolution for members to the mediation team.

Mr. Lodato questioned the Fair Share Housing complaint in terms of the Fort Monmouth property. Mr. Gleitz explained that the Fair Share Housing Coalition does not have standing to address FMERPA so their ability to address the issue is through the Borough's filing for certification. The Borough was relying on the memorandum of understanding between COAH and FMERPA in that any obligation generated on the site will be accommodated on site. So the Borough's housing plan took that into consideration and addressed any obligation generated off base, through application of credits and affirmative measures off base. We were working consistently to require any obligation generated on base be accommodated on base. Maps and comments were made as to what the Borough felt was appropriate in terms of density and affordable housing methods. Both maps and written comments were provided throughout the FMERPA process. The Fair Share Housing group feels that the number of affordable housing units should be much higher. This is their way of trying to impose their concepts of appropriate density.

Mr. Lodato asked questions regarding the future of Fort Monmouth. Mr. Gleitz explained the various issues relating to "job creation."

Mr. Cunningham advised that the Board will designate a member at its next meeting on July 22, 2009. This will give the members some time to look at their schedules and see if they will be available for this. Mr. Collins will find out the exact time requirements that this will entail.

Rules & Regulations Discussion – Mr. Cunningham read the following:

I apologize to the new Planning Board members that we do not have an up-to-date version of the Rules and Regulations available for the Planning Board. A 30-page set of typewriter written Rules and Regulations was prepared in the late 1990s. Regarding the Borough's new Land Use Ordinance (LUO), this document has been completed and is being codified and soon should be printed and in our hands. Some of us have these temporary, working versions but please wait and all of our members will receive the new codified versions of the LUO. The LUO has a section relating to the operation of the Planning Board. Mr. King raised the question to me that the Environmental Commission has an appointment of a Class IV member, which position you fill so admirably, Jeff. This is not so stated in the LUO and I am told that the reason is that this is mandated in the State's Municipal Land Use Law (MLUL) and hence needs not be included in the LUO. The State's MLUL takes precedence over anything in the Borough's LUO. The LUO has a number of items that supersedes the typewritten version. You received in your packet a copy of that section from Article Two of the LUO applicable only to the Planning Board. This is the document of which Jeff spoke. It also should be noted, and we did not copy it, that the LUO also

**BOROUGH OF TINTON FALLS
PLANNING BOARD**

**REGULAR MEETING
JULY 8, 2009**

has a Section covering both the Planning and Zoning Boards. And finally.....this is the Cox book, written pertaining to the State's MLUL. It has an excellent 30-some page draft entitled: "Model Rules and Regulations for a Planning Board." Last year there was an attempted to develop an up-to-date Borough Planning Board Rules and Regs but it never came to fruition. Using as the basis the three documents which I just referenced (Cox' model from the MLUL; the LUO; and our old typewritten set,, I would ask if there are any members who would be willing to be a member of a committee and take a stab at coming up with a new version of our Board's own Rules and Regs. I offer to chair the committee. To those who agree to serve on it, we will get you copies of these three items ASAP for you to look over. But I do not propose to begin work until the fall. We can set meeting dates up later this summer, to begin the work of the Committee in October, as I am scheduled to be outside of the Country for about three weeks in September. This too can be discussed at the meeting on July 22nd.

Mr. Brown questioned whether all members will receive a copy of the Cox Book. Ms. Swartz indicated that the budget no longer provides for each member to receive the book as it is rather expensive. Copies were provided to all Board members in 2005 but it has since been updated.

Open Public Discussion – Mr. Cunningham noted that this is the point of the meeting when the public is allowed to speak on any matter not currently pending before the Board or regarding litigation.

Mr. Lodato offered a motion to close the public discussion, seconded by Councilman Baldwin. All present members voted in favor by voice vote.

Mr. Cunningham stated that the next Board meeting will be July 22, 2009 and the Jersey Shore Outlet Malls is seeking Amended Site Plan Approval.

ADJOURNMENT –

Mr. Lodato offered a motion to adjourn the meeting at 8:20 p.m., seconded by Councilman Baldwin. All members voted in favor by voice vote.

Respectfully Submitted,



Erin Swartz
Board Secretary

Approved at a meeting held on: July 22, 2009