

The meeting was opened by Vice- Chairman Battista at 7:30 p.m.

Vice-Chairman Battista read a statement of compliance with the *New Jersey Open Public Meetings Law* as follows:

*This is a regular meeting of the Zoning Board of Adjustment of the Borough of Tinton Falls and is being held in compliance with the New Jersey Open Public Meetings Law. Adequate notice of this meeting has been given by posting on the bulletin board of the Municipal Building and by publishing in the Asbury Park Press and The Coaster.*

Chairman Palmieri then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present: Chairman Palmieri (7:40 p.m.), Mr. Lomangino, Mr. Battista Mr. Slazyk  
Mr. Porzio, Mr. McKinley, Mr. Brawner, Ms. Berk, Ms. Hatami

Absent: None

Also present: Thomas Hirsch, Esq.  
Mr. Neff, Board Engineer  
Christopher Dochney, Planner  
Ms. Connolly, Board Secretary

Vice-Chairman Battista read a statement of procedural guidelines.

A motion to accept meeting minutes of May 5, 2016 was offered by Ms. Hatami and seconded by Mr. Brawner. All in favor by those members eligible to vote.
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New Business

Apple Food Service of Tinton Falls 14 Park Rd., Blk 114.01, Lot 22
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BA 2016-05
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Mr. Hirsch states that he has reviewed the affidavit of publication and proof of service and they are in order as to form.

A motion to accept service was offered by Mr. McKinley and seconded by Mr. Lomangino. All in Favor.

Mr. Battista states that we will be off the record while we wait for Chairman Palmieri to arrive, who will be arriving shortly. We are back on the record at 7:42 p.m.

Michael J. Vitiello, Esq., of the firm Giordano, Halleran & Ciesla is appearing on behalf of the applicant Apple Food Service of Tinton Falls, Inc. Mr. Vitiello states that his client is seeking minor site plan approval and a use variance.

Mr. Vitiello states that his primary witness is the applicant's civil engineer who is also a licensed professional planner for direct testimony. There are also representatives from Apple Food Service of Tinton Falls should there be any questions for them.

Patrick Ward, 1913 Atlantic Avenue, Wall, NJ 08736 is sworn in by Mr. Hirsch as a civil engineer and professional planner. Mr. Ward sets forth his qualifications for the Board and is accepted as an expert in the field of civil engineering and professional planning.

Mr. Ward indicates that his first exhibit is page 3 of the Minor Site Plan. Mr. Hirsch marks page 3 of the Minor Site Plan as exhibit A-1. It is entitled as the Grading, Drainage & Landscape Plan and is unchanged as submitted.

Mr. Ward explains that this area was previously approved as an outdoor patio and bar area. Mr. Ward indicates that directly to the west of that is a fenced-in area and is typically used as an area for kids to run around and wait for food or a table. This area experiences enough foot traffic where grass maintenance is a concern. The grass has been replaced several times resulting in unforeseen expenses. As a solution, the applicant is proposing an artificial turf surface within the limits of the fence. There is also going to be a small paver walkway connecting the turf from the existing gate in the fence to the parking area.

In the bottom right-hand corner of A-1 there is a cross-section view of the proposed construction of the turf area. Mr. Ward then explains in detail the cross-section including materials that will be used paying particular attention to drainage. Mr. Ward explains that drainage has become an issue with the grass surface probably due to over-compaction. The proposed turf construction will alleviate this drainage issue. There will be no new tables, seating, outdoor furniture or any permanent structure being proposed for this section of turf. There is no impact to the existing parking demand at the restaurant.

Mr. Hirsch states that the prior approval states 4,070 sq. ft. for the outdoor dining patio. Mr. Hirsch confirms that there is no additional square footage proposed for the patio. It is confirmed that there will be no bar service, no servers in this turf area. It will be exactly the same as prior to artificial turf installation.

Mr. Vitiello states that there are no glass containers permitted in this fenced in area. Plastic cups are allowed. The area will be used exactly as it is used right now – there is no change proposed. The area will not be covered either temporarily or permanently.

Mr. Ward indicates on A-1 where the pavers would be on the west side connecting the parking area and the sidewalk.

Mr. Ward then testifies as to drainage rates as a result of a question from Ms. Hatami.

The color of the turf will match the grassy area closely and the turf color will be imperceptible from the grass color from the parking lot and the road. This turf is similar to the turf on athletic fields but this is meant for pedestrian foot traffic generally not cleats.

Mr. Ward states that the drainage rate for the artificial turf is actually better than the drainage rate of natural grass.

The tree that is in the middle of the grassy area will need to be removed but there will be additional landscaping proposed. The additional landscaping is not on this exhibit but Mr. Ward explains that the proposed landscaping will be in keeping with what is already in the area.

Mr. Hirsch clarifies that 3,134 square feet is the proposed turf area. Mr. Hirsch further clarifies that the area is currently utilized as a play area for children that would most likely be with their parents. Mr. Hirsch asks if there are games in that area? Mr. Vitiello explains that that area is open to anyone in the restaurant. There is no host service, no security letting people in and out. It is really a multi-purpose area. There are bean bag games/corn hole games in the area

Mr. Hirsch wants to be clear that we are not expanding the intensity of the use.

Mr. Hirsch also asks how the fence surrounding the grassy area came to be as the site plan was not amended. Mr. Vitiello states that the applicant went to the construction department of the Borough and the applicant was given a permit.

Mr. Vitiello states that the applicant is not asking for any approval to change the nature of use.

Chairman Palmieri asks if there is an occupancy limitation pertaining to the outside area. Mr. Neff indicates that would be more of a Fire Marshall question.

Chairman Palmieri asks if there are any Board members with further questions.

The Board Engineer, Mr. Neff, indicates that he has reviewed the drainage report, there are no negative impacts upon drainage. There is no increase in parking demand because there are no new tables being provided or car service. From an engineer's standpoint, Mr. Neff states that he does not see any significant issues.

BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING  
May 19, 2016

Chairman Palmieri opens the public portion of the meeting asking if there are any questions. Hearing none, the public portion is closed upon motion by Mr. McKinley and seconded by Ms. Hatami. All board members in favor.

A motion to approve the application of Apple Food Service of Tinton Falls, Inc., known as file no. BA 2016-05 was brought by Mr. Brawner and seconded by Mr. Porzio.

Roll Call:

Ayes: Mr. Brawner, Mr. Porzio, Chairman Palmieri, Mr. Slazyk, Mr. Lomangino, Mr. Battista, Mr. McKinley, Ms. Berk, Ms. Hatami.

Nays: None

Absent: None

Mr. Hirsch states there is a copy of the 2015 Annual Report that has been distributed this evening for your review. If any Board member has any comments, please forward and we will amend the report. Then we will adopt the annual report at the next meeting.

A motion to adjourn the meeting at 08:15 p.m. was brought by Mr. Lomangino and seconded by Mr. Brawner.. All in Favor.

Respectfully submitted,

Colleen Connolly  
Zoning Board Secretary

Approved at Board of Adjustment  
Meeting on