

The meeting was opened by Vice- Chairman Battista at 7:40 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.*

Vice-Chairman Battista then led the meeting in a salute to the flag.

Ms. Connolly took roll call.

Present        Mr. Palmieri (has a conflict with 7<sup>th</sup> Day Application)  
                  Mr. Lomangino, (will step down for 7<sup>th</sup> Day Application), Mr. Battista,  
                  Mr. Slazyk , Mr. Porzio, Mr. McKinley, Mr. Brawner, Ms. Berk, Ms.  
                  Hatami

Absent:        Mr. Slazyk

Also present:   Thomas Hirsch, Esq.  
                  Mr. Neff, Board Engineer  
                  Ms. Connolly, Board Secretary  
                  Ms. Keefer, Board Secretary in training

Vice-Chairman Battista read a statement of procedural guidelines.

### **New Business**

BA- 2016-03	Linda Jones (continued from May 5, 2016) 12 Orchard Street Blk. 10.01 Lot 4
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We are in receipt of a letter from Mr. Tatulli, attorney for the applicant, requesting a continuance of this matter until July 21, 2016 at 7:30 p.m.

Mr. Hirsch states that the applicant does not have to re-notice for this new date.

Mr. Brawner makes a motion, seconded by Mr. Porzio allowing this matter to be continued until July 21, 2016 at 7:30 p.m. All in favor.

A motion to accept meeting minutes of May 19, 2016 was offered by Mr. McKinley and seconded by Mr. Porzio. All in favor by those members eligible to vote.

BA- 2016-05	Apple Food Service of Tinton Falls 14 Park Road Blk. 114.01 Lot 22
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A motion was brought by Mr. Brawner and seconded by Ms. Hatami to memorialize the Resolution pertaining to Apple Food Service of Tinton Falls allowing a variance to add 3,134 sq. ft. of artificial turf are with a paver walkway to be used in conjunction with the existing restaurant operation and for minor site plan approval with conditions. All in Favor.

BA- 2015-22	7 <sup>th</sup> Day, LLC Wardel Road & Rte 33 Blk 146, lots 6.01 & 7
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Mr. Hirsch states that he has reviewed the affidavit 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. Brawner All in Favor.

Peter Falvo, Esq., states that he represents the applicant in this matter. He states that the witnesses this evening will be David Boesch, from Nelson Engineering, Mr. Frank Lomangino, who will be testifying as to the nature of the operation and Henry J. Ney, traffic expert.

Mr. Hirsch explains to the audience that this is a bifurcated application and what that means.

Mr. Boesch, 1750 Bloomsbury Avenue, Ocean, NJ is sworn in by Mr. Hirsch. Mr. Boesch states his qualifications and is accepted by the Board.

Mr. Falvo states that the applicant is requesting a use variance to permit a flex space in the HCC zone which is not a permitted use; a variance to permit a conditional use- which is the car wash in the HCC zone. There are a host of bulk variances requested that will be explained as we get further into the application.

Mr. Hirsch summarizes that we have essentially two D-1 variances, which are uses that are not permitted in the zone. D-3 is a conditional use, meaning the car wash in this case,

is permitted but it has to meet certain conditions. If all of the conditions are not met, a variance must be obtained. Also, two principal uses are not permitted on a single lot. That is another D-1 variance. The other caveat with D variances is that they have to be approved by 5 board members.

Exhibits are marked into evidence:

A-1 – Aerial photograph of the property

A-2 – One page plan entitled site plan 7<sup>th</sup> Day LLC

A-3 – Plan submitted as part of the Applicant's application-dated March 7, 2016

Mr. Boesch, project supervisor of this development, explains the location and history of these two lots, block 146 lots 6.01 and lot 7. Lot 6.01 is the lot that contains the ice house and a small detached office that serves as the operations center for the ice house facility. Lot 7 contains a two-story structure originally designed as a residence but the last use was as a day-care center and there is also a detached masonry garage. The balance of the lot is open with a dirt and gravel surface.

Mr. Boesch then goes on to explain in detail the proposed changes to 6.01, including expanding the number of truck parking spaces, allowing overnight parking in the loading area, widening the egress road and re-striping the parking spaces.

Various board members ask many questions in order to clarify what is proposed for lot 6.01 and discuss same.

Mr. Boesch then proceeds to discuss lot 7 and what is proposed for that lot. There are two components being proposed. One is for an automated car wash. It has no full time employees. There is a grounds/maintenance individual who would be in an office on lot 6.01 who would be the emergency contact person if needed. Mr. Boesch explains how one would enter and proceed through the car wash. He also explains where the vacuum area will be located, as well as directional signage to help with navigating through the car wash.

Further questioning by multiple board members about the car wash proposal ensues.

The other component is the flex space. It has a footprint of 13,950 sq. ft. The applicant is also showing a small second floor component consisting of 1,440 sq. ft., however, the applicant wishes to double this space to 2,880 sq. ft. The purpose of that second floor office is the applicant plans to move the operations of the ice facility to that second floor office allowing them to view the distribution and operation of their facility.

The balance of the flex-space site would be mostly for tradesmen. Mr. Boesch testifies as to the details of the proposed plan for the flex space as to what it contains and how it would look.

Further questioning by multiple board members about the details of the flex-space ensues.

Mr. Boesch also states that the vending ice boxes are currently stored outside and they would be moved to the inside of the flex space.

Mr. Boesch next testifies as to the buffering along the eastern property line in the form of a six foot high solid wood fence. The fence would be located immediately adjacent to the curb line with a row of 8 ft. evergreen trees to the outside of that, towards the residences. The visual impact from the neighbors would be a row of evergreen trees rather than a fence at the property line. Mr. Boesch further testifies as to the details of the buffer.

Several board members wish to go back to the car wash proposal and ask further questions. Included in this line of questioning were questions about the blowers, sound issues and the doors of the unit. Also further discussed are parking spaces proposed on lot 6.01 and lot 7.

Vice-Chairman opens the floor to the public for any questions for Mr. Boesch.

1. Ms. Pamela Cuevas Abreu, 90 Shark River Road – Questions about the car wash operations and asks about 24 hour operation. Also, questions about the fence/buffer specifications.
2. Alexander Gonzalez, 72 Shark River Road – Questions about lighting from the car wash and the flex space lighting. Questions about Wardell Road traffic volume. Questions about the vacuums and the noise they will create. Questions about the noise produced by the blower units contained in the car wash. Questions about intensity of operation regarding both lots on Sundays.
3. Diana Field, 64 Shark River Road – Questions about the details of the buffer. Questions about the direction of traffic flow on the property.
4. Ms. Abreu, 90 Shark River Road – Questions about the vacuum cleaner stations. Mr. Neff also states to Ms. Abreau the requirements for a buffer.
5. Alexander Gonzalez, 72 Shark River Road – Questions about additional parking and truck traffic.

Board members ask further questions about the car wash and the height of the second story of the flex space.

Mr. Falvo's next witness is Mr. Fred Lomangino, 83 Society Hill Way, Tinton Falls. Mr. Lomangino is sworn in by Mr. Hirsch.

Mr. Lomangino states that he manages the Ice King facility and will participate in the management and ownership of the flex space and car wash operations. Mr. Lomangino explains in detail the reasons overnight parking is requested in the loading zone.

Mr. Lomangino explains what the existing small masonry building in the front of the Ice King property is presently being used as offices for the Ice King. It is approved for offices and to house a 24 hour watchman.

Mr. Lomangino discusses that it is his intention to use the northern most section of the second story of the flex space building as office space for their offices. We anticipate four full-time employees using this office space.

Mr. Brawner asks for clarification that the overnight parking is for one trailer only and there will be no product stored in the trailer.

Mr. Neff asks for clarification as to the length of the trailer, noting that the approval is for a 28 ft. in length trailer. Mr. Lomangino states that the trailer is 48 ft. in length.

Mr. Lomangino discusses that during an emergency, the federal government can take over all of their product. Mr. Brawner clarifies that this takes place via purchase order.

Mr. Falvo brings up the topic of the ice vending boxes. Seasonally, these ice boxes are stored outside. Mr. Lomangino states that it is their goal to bring all of these iceboxes inside the flex space.

Mr. Falvo asks about the tenants that are going to be allowed to rent the flex space. Mr. Lomangino states that the tenants will be allowed to store their equipment and supplies inside their allotted space. The space will also have assigned parking spaces. The types of tenants will include, plumbers, landscapers, electricians, all types of small businesses that service the local community.

Mr. Falvo asks Mr. Lomangino to explain why the ice house property is kept separate from the flex space property. Mr. Lomangino states that food safety is of the utmost priority to the federal government right now and all of the regulations have changed considerably. If this were one lot, the ice house would not be allowed to be in operation, it would not be possible to operate under the new laws.

Mr. Falvo brings up the vacuum area and asks about hours of operation. Mr. Lomangino states he is willing to put a restriction on the hours of operation during the daylight hours. Mr. Lomangino states that, while they are open 24 hours a day, 7 days a week, he is willing to limit the hours of access to the vacuum cleaner area to daylight hours. He also states that during off-hours, the bay doors of the car wash will be closed and will open only when actually in use after payment and will close again after the vehicle is finished being washed. The car wash cleans a car in 90 seconds.

Several board members ask further questions about hours of operation; clarification about the car wash doors being closed after hours, about the noise associated with the blowers; traffic pattern to the car wash. Possible other locations for placement of the car wash are discussed in order to possibly minimize the impact to the closest residences.

Mr. Lomangino states that they have gone through 15 or 16 renderings of the plans and this current rendering was submitted as a result of comments submitted from the Borough professionals.

Mr. Porzio asks if there are any types of tenants that would be rejected for tenancy. Mr. Lomangino responds that they would not rent to anyone who would jeopardize the main operation, which is the ice house. Mr. Hirsch states that there will need to be clarity regarding what businesses will not be allowed. For instance, fertilizer is a hazardous material, so landscapers would be questionable.

Mr. Brawner asks if a business is allowed to be run out of a flex space or is it just used for storage. Mr. Lomangino states that there will not be retail allowed. It is for small businessmen that don't have a facility. It is more of a garage/storage space for local businessmen. Mr. Neff states that it is common to have an office space inside.

Ms. Hatami states that her concern is with the buffer between the car wash area and the residences; the extensive amount of lot coverage that is requested and the amount of uses proposed. She asks why so many uses are proposed. Mr. Lomangino states that it is an odd-shaped lot and has always had a lot of variances in place. The reason the car wash is proposed is that it economically makes sense. The lot has been vacant for quite some time and this use would make it a viable space.

Mr. Battista asked if a one-bay car wash was considered instead of a two-bay car wash. Mr. Lomangino states that the size of the structure, whether for one bay or two, is the same. Also, if one of the machines were to break, the car wash would still be operational with one machine.

Mr. Lomangino discusses how the car wash machinery actually works as far as entering the structure.

Mr. Hirsch asks for further clarification as to why the two lots cannot be combined. Mr. Lomangino states that if it were one lot, the entire lot would have to be considered as a food manufacturing facility and there would be no way there could be adherence to all of the stringent guidelines associated with a food manufacturing facility

Mr. Falvo explains that the guidelines would also affect the tenants of the flex space and whatever may be stored inside the flex space. Mr. Falvo likens the controls to those that would be in effect from the Alcohol and Beverage Control.

Mr. Battista asks for clarification from the plan that states removal of the front building. Mr. Lomangino states that it is a mistake, they are not removing the front building.

Mr. Battista brings up possible subdivision in order to put the car wash on a different portion of the land. Mr. Neff states that parking would be substantially negatively impacted. Discussion ensues between Mr. Falvo, Mr. Lomangino, Mr. Neff and several board members regarding possible alternate locations of the car wash.

Mr. Neff asks if there is a car wash wastewater recycling system. Mr. Lomangino states that it is part of the car wash unit.

Mr. Neff asks if the applicants are agreeable to adding additional landscaping to the site. The answer is in the affirmative.

Mr. Neff confirms that the car wash will not fit trucks larger than a pick up. Mr. Lomangino states that the car wash would accommodate pick ups with dual rear tires, but no larger than that.

Mr. Battista asks about garbage cans in the vacuum area.

Mr. Battista asks if there are any members of the public wishing to ask questions of Mr. Lomangino.

1. Ms. Abreu, 90 Shark River Road - Asks about signage and lighting for the sign. Asks about how the buildings will look; i.e., metal, siding, brick? Asks how many units will be in the flex space? Asks about the doors proposed for the flex space. Asks about parking spaces in the flex space area. Asks about the brick building in front of Ice King, when it was last renovated.
2. Alexander Gonzales, 72 Shark River Road – Asks about how the traffic from the backing out of the vacuum area will affect him. Asks for details about the buffer between his backyard and the lanes going into the car wash. Asks about any additional security for the residents since the car wash would have night hours or possibly be in operation 24 hours a day.

Vice- Chairman Battista states there will be a short break from 9:50 until 10:05.

Vice-Chairman Battista states that we still have to hear from the traffic and planning experts and given the hour, these witnesses will be going past the allotted time for this meeting.

Vice-Chairman asks if there are any more questions for Mr. Lomangino.

1. Ms. Abreu, 90 Shark River Road – Asks how long of a period of time is construction expected to take?

Vice-Chairman Battista asks if the applicant has seen this specific kind of car wash in person. Mr. Lomangino states that they have looked at these units all along the east coast.

Vice-Chairman Battista asks what the next available date is for the continuance of this application. It is determined that July 21, 2016 is the next viable date. There is a small variance application that is already listed for that date that will have to be heard first.

BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING  
June 2, 2016

Several Board members voice their concerns prior to adjourning the meeting regarding the large number of variances requested and the amount of lot coverage requested.

Mr. Hirsch states that this application will be carried to July 21, 2016 at 7:30 p.m. and that no further notice is required by the applicant.

Mr. Porzio makes a motion, seconded by Ms. Berk to adjourn the meeting at 10:15 p.m. All in Favor.

Respectfully submitted,

Colleen Connolly  
Zoning Board Secretary

Approved at Board of Adjustment  
Meeting on