

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 The Coaster.*

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

Ms. Connolly took roll call.

Present            Chairman Palmieri (arr. 7:41), Mr. Slazyk, Mr. Lomangino, Mr. Battista,  
Mr. Porzio, Mr. McKinley, Mr. Brawner, Ms. Hatami, Ms. Berk,

Absent:            None

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

Vice-Chairman Battista read a statement of procedural guidelines.

### **Meeting Minutes**

Vice-Chairman Battista states that the Meeting Minutes of July 7, 2016 have been previously distributed for review.

Motion is made by Ms. Berk and seconded by Mr. Lomangino to accept the meeting minutes of July 7, 2016. All in Favor by those eligible to vote.

### **Resolutions**

Vice-Chairman Battista states that the next matter is the memorialization of the resolution in the matter of Vincent and Jill Ryan, BA 2016-08, 10 Pond View Drive.

Motion is made by Mr. Brawner and seconded by Mr. Lomangino to memorialize this resolution. All in Favor by those eligible to vote.

The meeting is paused at 7:37 until 7:41 until Chairman Palmieri arrives. No Board members left the dais.

**New Business**

Regarding BA 2016-03, **Linda Jones** application, the Board is in receipt of correspondence from Attorney John Tatulli stating that the applicant is withdrawing the application.

The next order of business is **BA 2016-04, Michael J. Williams, 43 Riverdale Avenue East, Block 34.02 Lot 2**. This matter was originally carried from June 16, 2016 as there was a publication deficiency issue and again from July 7, 2016 due to applicant's mis-calendaring of the hearing date.

Mr. Hirsch states that he has reviewed the Affidavit of Publication and proof of service and they are in order as to form.

Mr. Hirsch swears in the applicants Michael Joseph Williams, 43 Riverdale Avenue East and Karen Williams, 43 Riverdale Avenue East.

Mr. Williams testifies that he is looking for a variance for lot coverage. Mr. Williams states that they bought their home eight years ago and proceeded to give a history of the improvements they have made to the home and now they would like to add a patio to the back of the house and add a pathway from the patio to the pool area and add a fire pit with a seating area around it.

The application is reviewed among Board members. Questions are asked by the Board members and Mr. Hirsch regarding the specifics of the application. Mr. Neff states that 18% is permitted; existing is 23.5% and proposed is 26.3%.

Chairman Palmieri asks about neighboring properties and how the proposed improvements may affect them. Property lines are discussed. The requested patio size is 30' x 22.' The proposed fire pit is 15' by 15.' Mr. Neff states he has no concerns.

The matter is opened to the public. No public is in attendance regarding this application.

Motion is made by Mr. McKinley and seconded by Mr. Battista to approve this application.

**Roll Call**

Ayes:	Chairman Palmieri, Mr. Slazyk, Mr. Lomangino, Mr. Battista, Mr. Porzio, Mr. McKinley, Mr. Brawner, Ms. Berk
Nays:	Ms. Hatami
Absent:	None

Chairman Palmieri states there will be a quick five (5) minute break before the start of the next matter. A break is taken from 8:00 p.m. until 8:05 p.m. No Board members left the court room.

Chairman Palmieri states that the next application is **BA 2016-07 Massaro Realty, LLC, 3250 Shafto Rd., Blk. 145 Lot 14.01.**

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 is made by Mr. Lomangino and seconded by Mr. Battista to accept service of this application. All in Favor

James Berube, Esq., Shrewsbury, states he is representing the applicant Massaro Realty and its subsidiary Monmouth Wire Recycling in this matter.

Mr. Hirsch states that the application is marked A-1. Exhibit A-2 is the Minor Subdivision plat dated March 5, 1999. Exhibit A-3 is the Layout Plan outdoor storage plan Monmouth Wire Recycling dated 2/1/16.

Mr. Hirsch swears in Salvatore Massaro, 223 Comanche Drive, Oceanport, NJ.

Mr. Berube states the history of this application and the use of the property. Application is made to request relief from the condition that all storage has to be inside the structure.

Mr. Massaro states that he is the principal of Massaro Realty LLC and owns the building and structure and has received the previous zoning approvals pertaining to same.

Mr. Massaro states that he is the principal of Monmouth Wire Recycling, LLC as well.

Mr. Hirsch goes over the specifics of the property and the use of the property. At this time, the Board has no questions for Mr. Salvatore Massaro.

Mr. Hirsch swears in Mr. Christopher Massaro, CEO of Monmouth Wire Recycling, 49 Hillside Terrace, Ocean Twp. Mr. Berube asks Mr. Massaro a series of questions regarding the history and nature of this business. Mr. explains that he is classified by the DEP as a Class D facility and describes what that entails.

Mr. Massaro explains the transportation aspect of the business pertaining to both pick up of materials and off loading of materials from the property.

Mr. Massaro also explains the actual electronic recycling process. He also explains how the parts are transported.

Mr. Massaro states that the facility is inspected approximately every month by the DEP and also from the EPA. The DEP Class D Permit effective December 1, 2014 is entered into evidence as A-4.

Chairman Palmieri asks about the possibility of moving to a larger facility so that outside storage is not needed. Discussion ensues between the applicant and the Board members exploring this option.

Specifics of the original resolution are brought up with regard to outside storage and the ordinance in place at that time. Discussion ensues.

Mr. Berube brings up the Deed restriction that was requested by the Board and the applicant entered into in 2002 whereby 7300 square feet only be utilized by the recycling business.

Ownership of the building where the recycling business takes place is discussed as well as the number tenants of said building and if there may be a possibility of expanding the business into any of these spaces.

The location of the roll-off carts are discussed and referred to in A-3.

Mr. Massaro discusses the location of the proposed outside storage and that it would not be visible from Shafto Rd.

The Planner's report is discussed. Specifically, the pictures attached to the report.

Engineer Tom Neff reiterates what is permitted on the property as far as roll off carts.

Mr. Lomangino brings up that there seems to be overlapping jurisdiction between the DEP and the Borough regarding what is allowed to be outside.

Mr. Berube and Mr. Massaro discuss why the outside storage is important to make the facility viable taking into consideration the market conditions of today.

Mr. Berube and Mr. Massaro further discuss the recycling process.

Chairman Palmieri asks a series of questions pertaining to the use associated with specific space within the building. Also, there is a discussion pertaining to how much square footage is actually being used for the recycling facility. Mr. Berube states that some of the answers will be provided at a later time once the answers are researched.

Daphne Galvin, 611 Industrial Way West, Eatontown, New Jersey, engineer is sworn in by Mr. Hirsch. The Board accepts her credentials.

Ms. Galvin gives testimony regarding A-3 – Layout Plan dated February 1, 2016 and addresses the Board Engineer's letter dated June 21, 2016. Ms. Galvin gives a broad overview first and then addresses Mr. Neff's review letter in order.

Mr. Massaro gives additional testimony stating that the outside storage is overflow storage for shipping purposes only. He states there may be times when there will be no overflow storage outside of the building.

Mr. Neff states that there are two items that came up after the completion of his report. The first is that 30 parking spaces are required and there seem to be 29 on the proposed plan. Ms. Galvin addresses the parking issue by stating there are 29 spaces at the moment but that they will be adding one more. The second is that the Fire Marshal wants "no parking signs" added on the fire lane and a fire hydrant added at the intersection of the access road to the north and the entrance to the site. Ms. Galvin states that they will be talking to the Fire Marshal to clarify what is needed. Photograph of the fire hydrant on Shafto Road near the site is marked into evidence as A-5.

Chairman Palmier states there will be a short break. The break lasts 9:26 p.m. until 9:38 p.m. No Board members left the court room during the break.

Mr. Berube calls their Planner as the next witness. Allison Coffin, licensed Planner, 823 West Park Avenue, Ocean Twp., New Jersey is sworn in by Mr. Hirsch and her credentials are accepted by the Board.

Ms. Coffin testifies as to the applicant's request.

Ms. Coffin testifies as to the history of the site and the variances previously received in 2002. Ms. Coffin also discusses how the ordinance has changed since 2002.

Ms. Coffin discusses single stream recycling.

Ms. Coffin discusses that there are pre-existing non-conforming conditions exist at this site at this time.

Ms. Coffin states there is also bulk-variance relief that is being requesting for the parking set back where 25 feet is required and there is 10 ½ ' proposed consistent with the existing conditions and a parking aisle width of 24' which is required.

Ms. Coffin continues to testify regarding the use of the property and that the DEP permit stays with the site and does not move with the owner. Ms. Coffin introduces a photo showing the view of the site from Shafto and it is marked A-6.

After considerable testimony, Mr. Brawner suggests that testimony be narrowed down to pertain to just the outside storage request as the recycling facility is already functional. Mr. Berube asks that the planner be able to finish and maybe that will satisfy Mr. Brawner's concerns.

A photograph depicting the frontage of the site from Shafto Road at the corner of the site was marked as A-7. A photograph of the interior of the site looking towards Shafto Road is marked A-8.

Ms. Coffin continues to testify as to the aesthetic impact of the proposal.

Ms. Coffin testifies as to the suitability of the location of this facility. Ms. Coffin also discusses the DEP permit and jurisdiction issues are brought up.

Mr. Berube asks Mr. Heyer if he needs any issues in his report to be addressed. Mr. Heyer states that a DEP permit has been referenced which includes outside storage. Does that have a physical plan attached to it that deviates in any significant way from what has been presented to the Board. Ms. Coffin answers that she is not sure and Mr. Berube states that he will investigate.

Chairman Palmieri asks several questions as to the possibility of having the finished recycling products that are shrink-wrapped and on pallets stored somewhere else besides the outside of the building. Further questions ensue regarding processed and unprocessed materials.

Additional discussion about the layout of the building and the tenants occupying said building. Mr. Berube states that this additional space that is tenant occupied is not covered by the DEP permit.

Mr. Heyer states that the application does go beyond the simple conditions of the conditional use. Mr. Heyer goes on to explain that this is a different level of D variance because you have multiple uses on the same site. Mr. Heyer continues to explain his opinion in detail.

Mr. Neff explains the original use variance application and the history of how it has progressed as to what we have now.

Mr. Berube states that he will be bringing the DEP application with their submitted plan to the continuation of the meeting. Mr. Berube indicates at this time that he may reserve the right of indicating pre-emption either by the Solid Waste Advisory Committee or by NJDEP. He will investigate in the interim as and provide explanation as to that at the next hearing.

Chairman Palmieri states that our next available hearing date will be in October. Mr. Berube accepts October 20, 2016 as the date for continuation of the Hearing. Mr. Berube is aware that on October 20, there is an application to be heard before him. No further notice is required.

BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING  
August 4, 2016

Motion is made by Mr. Lomangino and seconded by Mr. Brawner to adjourn at 10:30 p.m. All in Favor.

Respectfully submitted,

Colleen Connolly  
Zoning Board Secretary

Approved at Board of Adjustment  
Meeting on August 18, 2016