

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 Mr. Slazyk, Mr. Lomangino, Mr. Battista, Mr. Porzio, Mr. McKinley, Ms. Hatami, Ms. Berk,

Absent: Chairman Palmieri, Mr. Brawner

Also present: Mark Steinberg, Esq. (filling in for Mr. Hirsch)
 Mr. Neff, Board Engineer
 Mr. Berree, 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 August 4, 2016 have been previously distributed for review.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to accept the meeting minutes of August 4, 2016. All in Favor.

Resolutions

Vice-Chairman Battista states that the next matter is the memorialization of the resolution in the matter of Michael Williams, 43 Riverdale Avenue East, Blk. 34.02, lot 2. Motion is made by Mr. Porzio and seconded by Ms. Berk. All in favor by those eligible to vote.

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Continuing Business

Vice-Chairman Battista states that the next matter is the continuation of **BA 2015-22, 7th Day, LLC** which has been continued from June 2, 2016.

Vice-Chairman Battista states that Mr. Lomangino is stepping down as he has a conflict with this matter.

It is also noted that Mr. Slazyk is present this evening. He has read the transcript from the June 2, 2016 hearing in which the 7th Day application was originally heard. Mr. Slazyk has executed an affidavit signed by Mr. Steinberg to that effect.

Mr. Steinberg indicates that there are six (6) board members present tonight. One member is absent. Mr. Falvo takes a minute to confer with his clients. Mr. Falvo indicates that they wish to proceed

Mr. Falvo states that at their previous hearing, there were numerous concerns voiced by the Board and by several members of the public in attendance. Mr. Falvo wishes to mark a few exhibits at this time. The plan entitled Use Variance Site Plan-7th Day, LLC dated March, revised on July 29, 2016 is marked A-4, which shows various revisions to the site taking into account some of the concerns voiced by the Board and members of the public. A-5 will be a rendered version of the same plan (A-4). A-6 will be a rendered version of A-4 modified to show the car wash buffer. A-7 is an aerial of the area and property with zone lines and set back lines. A-8 is an aerial of a similar facility in South Jersey. A-9 is a Traffic Impact and Parking Study prepared by Mr. Nay dated March 31, 2016.

Mr. Falvo calls Mr. Boesch back to the stand. Mr. Boesch is advised that he is still under oath. Mr. Boesch explains in detail every change that has been incorporated after the first hearing regarding the site plan – A-4.

Mr. Boesch refers to A-7 which is an aerial photograph that has been downloaded depicting the property. Mr. Boesch explains the zone lines and set back lines with relation to the nearby residential properties.

Vice-Chairman Battista asks if any Board members wish to ask any questions. Hearing none, Vice-Chairman Battista asks if there are any members of the public wish to ask any questions. Hearing none, Mr. Boesch takes his seat.

Mr. Falvo calls Mr. Henry J. Ney 241 Hunt Road, Freehold, NJ 07728, as his next witness. Mr. Ney is sworn in by Mr. Steinberg and his credentials are accepted.

Mr. Ney relates to the Board the scope of his findings and conclusions that he has come to as outlined in his report dated March 31, 2016 marked as A-9. Mr. Ney states that he is familiar with the revised plan that has been marked as A-4 in evidence.

Mr. Ney also speaks about A-10 dated August 18, 2016. This report is regarding a field visit to a similar car wash facility located in Burlington County. Mr. Ney discusses the similarities and differences regarding the car washes in this report and the car wash proposed.

Mr. Ney refers to A-8 which is an aerial view of one of the car washes that was part of A-10. Specifically, the car wash located on Cross Keys Road in Burlington County. Mr. Ney discusses the layout of this car wash.

Board members ask questions about the Cross Keys Road car wash and how it resembles the applicant's proposal, as well as how it differs from the applicant's car wash proposal. Also, questions were asked about car volume numbers during peak and off-peak hours and projected usage. Additional questions were asked regarding the traffic pattern of the car wash regarding the vacuum area.

Mr. Falvo asks Mr. Ney to discuss various other approved uses on this property and how the amount of traffic volume would vary from that of a car wash.

Further discussion ensues about the actual operation of the car wash and what the process is from beginning to end between Mr. Ney and board members. Safety concerns are also addressed.

Mr. Ney and Mr. Falvo discuss the parking spaces, driveways and traffic associated with the proposed flex space. They also discuss cross-easements pertaining to the driveway to Route 33.

Mr. Neff brings up that the Board has some concerns with the vacuum area, specifically that there seems to be a lot going on in this small space and that there is a concern over backing out of this area. Also, there is a concern with cars coming out of the car wash and cars coming into this same area from Route 33. The possibility of having parking spaces available in this area for patrons waiting for the vacuums is discussed.

Mr. Neff brings up that the driveway onto Wardell coming from the flex space is now designated as a one-way driveway. Mr. Neff asks how this affects the traffic along Shark River Road.

Mr. Neff asks about the possible diagonal striping for the flex space and if the aisle is wide enough to accommodate pick-up truck trailers.

Vice-Chairman Battista asks if there are any Board members that have any questions. Vice-Chairman then asks if there is anyone from the public who has a question or wishes to make a comment.

Alexander Gonzalez, 72 Shark River Road. Mr. Gonzalez states that there are vehicles that use the Ice King Property as a cut-through from Rte. 33 to Wardell. Mr. Gonzalez questions if there is any way to prevent motorists from cutting through this property. Discussion ensues. Mr. Gonzales asks if there is a possibility of installing speed bumps as a deterrent.

Mr. Falvo calls Christine Cofone as the next witness. Ms. Nazzaro Cofone, licensed professional planner, 125 Half Mile Road, Suite 200, Red Bank, NJ 07701 is sworn in by Mr. Steinberg and the Board accepts her credentials.

Ms. Cofone testifies as to the irregular shape of the site and how she feels the proposed use is suitable for the site.

Ms. Cofone states that because this is a bifurcated application, relief is being sought on three (3) "D" variances. Ms. Cofone testifies as to each of the variances requested and explains both the negative and positive criteria associated with each one.

Ms. Cofone also testifies as to the zone that the subject property is located in and the possible uses of same. She then explains the differences in the uses.

Ms. Cofone explains the definition of car wash and the differences between an automated car wash and a full-service car wash.

Ms. Cofone explains the circulation and flow and the buffering proposed on the property.

Ms. Cofone discusses the conditional use standards for the car wash.

Mr. Clarkin speaks as to the setbacks and lot coverage on the site regarding the Ice King and the car wash lots.

Ms. Cofone speaks about the Floor Area Ratio (FAR) with regard to the flex office space.

Ms. Cofone states that there is no need for outside storage for the flex space tenants. Ms. Cofone states that there will be no heavy manufacturing taking place on the property. Ms. Cofone discusses the type of tradesmen tenants and other types of small business operators that the applicant is looking for to occupy the space.

Vice-Chairman Battista asks if any Board members have any questions regarding Ms. Cofone's testimony.

Mr. Clarkin wishes to address that there are some changes proposed to lot 6.01, the existing Ice King facility property.

Ms. Cofone addresses the additional parking spaces for the truck stalls proposed.

Ms. Hatami discusses that the ordinance states that the lot coverage should be less than 65%. The proposal shows a reduction in their initial percentage of lot coverage to 76.83%, which is still substantially over the permitted coverage. Ms. Coffone states that it is but the buffer has increased between the residential properties to the east and plantings will be added to the area.

Ms. Hatami asks for more testimony regarding the benefits of the two proposed uses together.

Vice-Chairman Battista asks questions regarding specific lot coverage of the proposed flex office space near the car wash.

Mr. Falvo discusses the economic feasibility of the automated car wash on this space and the problems associated with the size and odd shape of the lot.

Mr. Falvo discusses that should the percentage of impervious coverage be reduced to what is permitted and the buffers are installed, the available developable area becomes a small rectangle on a rather large piece of property.

Vice Chairman Battista asks if there are any further questions from the Board or the public.

Vice Chairman Battista states that there will be a quick break. The break was from 9:44 pm until 9:52 p.m.

Mr. Falvo states that he wishes to sum up and then provide a transcript for the one member of the Board who is absent tonight and call for a vote at the next available meeting. After some discussion, it is decided that November 3 is acceptable to both the Board and the applicant.

Vice-Chairman Battista asks if there is anyone from the audience who wishes to make a statement.

Pamela Cuevas , 90 Shark River Rd, Tinton Falls is sworn in by Mr. Steinberg. Ms. Cuevas states that she is against approval of this application because of the impact it will have on her quality of life and her pride of home ownership. Ms. Cuevas gives a statement in support of her opinion. Ms. Cuevas is concerned about traffic volume and decrease in home value.

Mr. McKinley asks for clarification of the square footage proposed for the office space.

Fred Lomangino, 83 Society Hill Rd., Tinton Falls NJ, reiterates that this is a bifurcated application for permitted use. Mr. Lomangino states that they are thinking the office space will be 1400 sq. ft.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING
August 18, 2016

Motion is made by Mr. Porzio and seconded by Mr. Slazyk to close the public portion.
All in Favor.

Mr. Falvo proceeds to make his closing statements regarding his client's application.

Vice-Chairman Battista further initiates discussion pertaining to the specific use and bulk variances requested, along with design waivers requested of the bifurcated application are discussed among Mr. Falvo, Mr. Berree, Mr. Neff and the board members. Vice-Chairman Battista wants to be clear on what the Board will be voting on.

Vice-Chairman Battista states that this application will be carried to November 3, 2016, no further notice is needed. Mr. Falvo states that he wishes to try and have a full board as there is one eligible member who is absent this evening.

Motion is made by Mr. McKinley and seconded by Ms. Hatami to adjourn the meeting at 10:25 p.m. All in Favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on