

The meeting was opened by Chairman Palmieri at 7:30 p.m.

Chairman Palmieri 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 and the Asbury Park Press.

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

Ms. Connolly took roll call.

Present Chairman Palmieri, Mr. Lomangino, Mr. Battista, Mr. Porzio, Mr. McKinley, Ms. Berk, Ms. Hatami

Absent: Mr. Slazyk, Mr. Brawner

Also present: Mr. Hirsch
Mr. Neff, Board Engineer
Ms. Connolly, Board Secretary

Chairman Palmieri read a statement of procedural guidelines.

New Business

BA 2017-22 NJ Laser Dentistry, 818 Shrewsbury Avenue, Blk. 7 Lot 21, Application for Sign Variance

Mr. Hirsch states that he has reviewed the Affidavit and Proof of Service and it is in order as to form.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to accept service. All in Favor.

Henry Woff, Esq., states that he is appearing on behalf of the applicant. Dr. Bruce Bilow is unable to attend this evening, as he is at his child's graduation. Mr. Wolff states that Dr. Bilow purchased the building approximately two years ago. His dental practice occupies the first floor of the building. There is a temporary sign in place. The applicant wishes to have a permanent sign. The sign being proposed will have a ceramic tile base and is in keeping with the signs already in place in the vicinity.

Mr. Andrew Stockton, Eastern Civil Engineering, LLC., 31 Grand Tour, Highlands, NJ is sworn in by Mr. Hirsch and his qualifications are accepted by the Board.

Mr. Stockton states that he is familiar with the site, as well as the application, and supporting documentation.

Mr. Stockton wishes to mark an exhibit as A-1, which is a combination of the existing survey map information and the sign installer's construction detail, along with some notations that Mr. Stockton made on it as well.

Mr. Hirsch states that he has two pages with copies of four photographs on it and this exhibit is marked A-2.

Mr. Stockton states that there is a temporary sign in place, that the applicant installed, and this temporary sign is represented on the survey. The site plan for the building was approved sometime in 2014. Mr. Stockton does not know why there wasn't a sign proposed on the site plan. He states that the applicant occupies the entire first floor and believes there are tenants on the second floor.

Mr. Neff confirms that there was no sign indicated on the original site plan. He states that the building may have originally been anticipated to be a bank after looking at the original site plan approval. After Mr. Bilow bought the building, he erected a temporary sign and would now like to install a permanent sign.

Mr. Neff confirms that the reason Mr. Bilow is here is due to the setback issue. The dimension of the sign is acceptable.

Mr. Stockton states that the sign is proposed with an 11 foot setback instead of the required 20 feet.

Mr. Hirsch asks what about the other tenants in the building and the sign will only show Mr. Bilow's business. Mr. Wolff states that in the future there may be a change in the information listed on the sign but it wouldn't change the size of the sign and there would only ever be one sign.

Mr. Stockton describes the sign. It is 9 feet 2 inches wide by 4 feet high sitting on a masonry block pedestal that is slightly smaller – 2 feet high by 9 feet long by 16 inches wide. The masonry block area above-grade will have a wood-look ceramic tile base. It will sit on a concrete footing and then in the concrete footing there will be one or two steel posts that extend up to the height of the sign to provide the structural attachment for the sign itself. The sign itself will be an aluminum cabinet with double-sided plexi-glass facing and interior lighting. The lighting of the sign will be set on a timer so that it is dark during non-business hours. The ordinance dictates that the sign height cannot exceed six feet maximum and this sign will not exceed the six feet.

Mr. Stockton further explains that the applicant's property is approximately 3.3 acres. It has an odd L-shaped configuration. The property has about 458 feet of frontage along Shrewsbury Avenue, but most of that frontage is not useable land for the property. There is large conservation easement that encumbers the property because there are wetlands, stream corridor and wetlands buffers associated with the conservation area. There is an existing storm drainage system with a ten foot wide storm drainage easement along that 111 foot segment of the frontage along Shrewsbury Avenue where the driveway connection is to the site and just to the south of the driveway there is an existing fenced-in pump station with a slight retaining wall.

He states that there is really only one practical spot for the sign to be located due to all of the encumbrances on the property. This is also where the temporary sign is located. If the location should be shifted to the south, there becomes a problem with visibility because of the tree line and conservation easement.

Mr. Neff agrees with Mr. Stockton that the applicant is limited on sign location because of the sewer line, pump station, drainage lines, drainage structures, easement on the north end. The only way the applicant could put the sign in a different location is if the applicant were to clear-cut a number of trees.

Mr. Stockton explains that this sign is in keeping with the immediate area and explains the setbacks of the signs in the area.

Chairman Palmieri asks if the Board members have any questions of Mr. Stockton with regard to his testimony. None heard.

Chairman Palmieri asks if there is any public in attendance that has any questions for Mr. Stockton. None heard.

Ms. Zircavage asks about the landscaping surrounding the sign. Mr. Stockton states that there will be appropriate landscaping around the sign that would not impair the visibility of the sign.

Chairman Palmieri asks Mr. Wolff if he wishes to add a closing statement. Mr. Wolff states that everything has been covered by Mr. Stockton.

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

Motion is made by Mr. Battista and seconded by Mr. McKinley to approve the sign variance application of NJ Laser Dentistry.

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

BA 2018-07 Haralam, Vaia, 276 Riveredge Road, Blk 32.01, Lot 14,
Building and Lot Coverage

Mr. Hirsch states that he has reviewed the Affidavit of Publication of Proof of Service and find same to be in order as to form.

Motion is made by Mr. Porzio and seconded by Mr. McKinley to accept service.

Vaia Haralam, 276 Riveredge Road, is sworn in by Mr. Hirsch.

Mrs. Haralam states that her family would like to install an in-ground swimming pool, with an extended paver patio. The applicant would like a variance for lot coverage. The applicant is proposing a 20 ' x 45 ' pool with an extended patio, a second shed and stone parking area on the site. The existing lot coverage is 26.26% and proposed is 30.1% The applicant states that the home was purchased on July 18, 2012 and the overage of lot coverage came with variances. No further improvements have been made to the property since purchase. The applicant has a brochure from the realtor when the home was purchased with photos of the property. This brochure is marked A-1 by Mr. Hirsch.

Chairman Palmieri reviews the survey as prepared by William F. Voeltz, P.E. dated August 24, 2017. Mr. Neff stated that the increased percentage is all additional patio. The approved building coverage is 8.0% and existing is 9.6%. There was never a permit for the second shed which is on the property. The proposed building coverage with the second shed is 9.8%.

Mr. Battista discusses that if this application is approved, the applicant would be allowed an equipment shed for pool supplies. Mr. Neff states that there are variances associated with the existing second shed location and set back.

Chairman Palmieri asks the applicant if there is a way to bring the 30.1% back down to 26.26% which the homeowner already has approvals for. There have already been prior variances granted.

Ms. Hatami asks for clarification of the stone parking area on the color survey. Mrs. Haralam states that the additional stone parking area leads to a double gate then there is more stone parking area beyond that and this was added by the previous owner. Mrs. Haralam states that they use it to park their truck there. On the other side of the house is the second shed and another stone area.

Mr. Neff points out that the proposed patio area is 1,076 sq. ft. Mr. Battista asks the applicant if there is a way to take away some of the square footage from the large patio area between the house and the proposed pool.

Ms. Hatami asks about the modular block wall in the back of the property and it is explained that this is where the property drops off to the river. There are no steps to the river, it is very steep.

Mrs. Haralam states that she is willing to move the second shed to where it would meet the set back requirements.

Ms. Hatami asks about the width of the main driveway and is told that it is a two-car width driveway approximately sixty feet long. Mrs. Haralam states that she has five vehicles on the property.

Chairman Palmeri states again that there has already been variances granted for this property and the lot coverage is already 26% from the permitted 18%.

Mr. Neff states that the lot is basically flat and he does not see any drainage issues. With regard to the second shed, it should be behind the dwelling, not next to it, and also the accessory structure should be at least 10 feet from the main building.

Mr. Battista recommends moving the shed from the stone area it is currently located on to the other side of the house and relocate it to that stone area, then plant grass where the second shed and stone area used to be.

Mr. Lomangino asks what the size of the first shed is and is told 12' x 10'. Mrs. Haralam states that the first shed houses all of the lawn equipment.

After more discussion, Mrs. Haralam states that she will take the entire stone parking area out beyond the fence (1.5% lot coverage), half of the fire-pit circle that bumps out so the patio will be a straight line, and the stone area where the second shed is now located. Mrs. Haralam states she will take away to meet the 26.26%

Mr. Neff states that should this go through, he would need to see an updated plan from her engineer showing this number and confirming that the lot coverage will be at or below 26.26% and also showing where the second shed will be, confirming that the setback variance for the second shed will go away as it will be at least ten (10) feet from behind the house and ten (10) feet from the side property line and ten (10) feet from the rear property line. Therefore, the only variance needed would be that there would be two sheds.

Chairman Palmieri asks if there are any questions from the public. Hearing none.

Chairman Palmieri asks if there are any questions from the board members. Hearing none.

Mr. Porzio makes a motion and is seconded by Mr. Lomangino to close the public portion of the application. All in favor.

Motion is made by Mr. Porzio and seconded by Mr. Lomangino to approve, conditional upon the plan be amended as testified to comply with the previously approved 26.26% coverage and the location of the second shed plus and increase in building coverage of 9.6% to 9.8 %

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

BA 2017-19 Tinton Falls Solar Farm (con't from March 1, 2018)
99 Tormee Drive, Block 120 Lot 37.05

Jeffrey Chang states that he is continuing to represent the applicant in this matter. After feedback from the Board, the applicant is combining the storage and office use into one building. This building that is now proposed is 980 square feet, down from a previously proposed 1400 square feet. Mr. Chang states that with regard to the building, there are three interior offices proposed. The rest of the building will be used for storage, file cabinets and reference materials. There is a conference area for the laying out of plans when there are vendors that need to come by and for conference calls and the like. There is also a kitchenette area and a bathroom. There is a vestibule prior to entering the office area to be used for greeting. The rest of the building will be used for storage of solar panel equipment and parts.

Stuart Challoner, engineer, understands that he is still under oath from the first hearing, states that Lanuto Architecture has prepared the Tenant Fit-Out Drawing dated May 1, 2018 and it is marked A-1 for tonight's meeting.

There is an aerial photograph entitled Overall Site Plan rendering dated January 2, 2018. Originally there were 3 storage trailers that were interspersed throughout the property. The 3 storage trailers will be removed and the permanent proposed permanent building will take their place. There will be a small paved parking lot with four paved parking spaces on site. The proposed building is a single story building built on a permanent concrete foundation. Mr. Challoner continues to describe the proposed building details. There will be some additional landscape buffering planted in order to supplement the landscaping that is already in place.

Mr. Hirsch states that four parking spaces are proposed where five are required. Mr. Challoner states that there will only be one person there the great majority of the time and five spaces seem like too much and they will be underutilized. Mr. Challoner states that

the occupant load of the building is “anticipated five customers and ten staff.” That number is not the reality of the building.

Mr. Hirsch states that the applicant will require a parking variance.

Mr. Neff states that there is also a use variance because it is an expansion of a non-conforming use. The building will require a setback variance, 45 feet is required, the applicant is proposing 19.49 feet.

Mr. Challoner states that with regard to the setback variance, there is an existing trailer located at that location, it is on the northern end of the property. This is the only location on the property where the building will not cast shadows on solar panels. The proposed building cannot be seen from Shafto Road.

Chairman Palmieri asks what is across the street from the proposed building and is told there are several office buildings located across the street, no residences.

Mr. Neff states there are some waivers requested. He has no objection to granting the design waiver or the lack of a concrete apron at the beginning of the driveway, it is not uncommon to have the asphalt go right to the asphalt roadway. Curb is required around the driveway and parking spaces for commercial use. Mr. Challoner states that if the Board wants us to curb the parking spaces, we can curb it. Mr. Neff states that it keeps the site cleaner and the asphalt from unraveling at the edges. Mr. Challoner states that the curb will be added.

Mr. Battista confirms that there will never be customers.

Mr. Hirsch asks why there was never an office building proposed and was told that originally it was going to be unmanned and would not require a care person. They have since found out that it behooves the applicant to take care of issues as soon as they arise in order to facilitate a smooth running operation.

Mr. Neff states that there is a design waiver requested because shade trees are not proposed. Mr. Neff has no objection because of the use of the site, shade trees would obviously be detrimental to the use. Mr. Neff states that we would request lighting. Mr. Challoner states that the applicant is going to install motion sensor lights on the building that will light up the parking lot. Mr. Challoner states that he will submit a lighting plan to Mr. Neff for his approval.

Mr. Neff confirms that there are no signs and no wall signs being proposed.

Mr. Neff asks how the fence is being re-located. Mr. Challoner states that the fence will be re-located so that it lines up before we get to the parking spots. Same height, same size. There will be a space so that a car can pull in and unlock the gate. The gate will be locked typically.

Mr. Lomangino states that he wants five parking spaces because that is what is required. The applicant agrees to the five spaces.

Mr. Lomangino wants to know what the tax figure is for the Solar Farm for the year. Mr. Battista and Mr. Lomangino state that this figure has been asked for previously and an answer is requested. Mr. Challoner states that the applicant has paid \$140,000 in taxes last year and are assessed at approximately \$7,000,000.

Chairman Palmieri asks if there are any questions from the public. None heard.

Chairman Palmieri asks if there are any further questions from the Board.

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

Mr. McKinley confirms that the fifth parking spot will be added and therefore no parking variance will be needed.

Ms. Berk moves that the use variance and that any and all accompanying bulk variances be approved, seconded by Mr. Porzio.

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

Minutes

Chairman Palmieri states that the minutes from May 17, 2018 have been previously distributed via email for the Board for review.

Motion is made by Mr. Porzio and seconded by Mr. Lomangino. All in favor by those eligible to vote.

Resolutions

Chairman Palmieri states that the resolution for BA 2018-05, 53 Hope Road, Kloman /setback variance has been given to the Board members for review. Motion is made by Mr. Porzio and seconded by Mr. Lomangino to memorialize.

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

Motion to Close

Motion to close the meeting at 9:25 p.m. is made by Mr. Battista and seconded by Mr. Porzio. All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on June 21, 2018