

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 and the Asbury Park Press.

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

Ms. Connolly took roll call.

Present Chairman Palmieri (7:53), Mr. Lomangino, Mr. Battista, Mr. Porzio, Ms. Berk, Mr. Brawner

Absent: Mr. Slazyk, Ms. Hatami, Mr. McKinley

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

Vice-Chairman Battista read a statement of procedural guidelines.

Minutes

Vice-Chairman Battista states that the minutes from August 2, 2018 have been previously distributed via email for the Board to review.

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

Resolutions

Vice-Chairman Battista states that the resolution for BA 2018-09, Pavlinec, 7 Whirlaway Drive, Blk 120.02, lot 1.01, has been reviewed by the Board. Motion is made by Mr. Lomangino and seconded by Ms. Berk to memorialize the resolution.

Ayes: Mr. Lomangino, Ms. Berk, Mr. Battista,
Not eligible: Mr. Brawner, Mr. Porzio
Nays: None
Absent: Chairman Palmieri, Mr. Slazyk, Mr. McKinley, Ms. Hatami

Vice-Chairman Battista states that the resolution for BA 2018-06, 5030 Shafto Road, Blk. 115, lot 12.01 & 14.02 has been reviewed by the Board. Motion is made by Mr. Lomangino and seconded by Ms. Berk to memorialize the resolution.

Ayes: Mr. Lomangino, Ms. Berk, Mr. Battista,
Not eligible: Mr. Brawner, Mr. Porzio
Nays: None
Absent: Chairman Palmieri, Mr. Slazyk, Mr. McKinley, Ms. Hatami

Vice-Chairman Battista states that Chairman Palmieri is en route and goes off record in order to await his arrival.

Chairman Palmieri arrives at 7:50. Ms. Krimko requests additional time as her applicant tries to sort through some issues that just came up.

Chairman Palmieri states that we are back on the record at 8:13 p.m.

New Business

BA 2018-11 Junior Athletes, Inc., Blk. 120.02 lot 1.01, 101 Tornillo Way, Use variance; site plan approval

Mr. Hirsch states that he has reviewed the affidavit of publication and proofs of service and find same to be in order as to form.

Motion is made by Mr. Lomangino and seconded by Mr. Brawner to accept service. All in favor.

Jennifer Krimko, Esq., states she represents the applicant, Junior Athletes, Inc. Ms. Krimko states that a use variance to allow a summer day camp to occupy a portion of the building that is located on the corner of Tornillo Way and Shafto Road.

Ms. Krimko states that there was a Technical Review meeting which was held a few weeks prior to this hearing date. The original application had shown this to be a year-round facility, the applicant now wishes to amend to a summer only day camp for children from Memorial Day through Labor Day. Also, originally there was a roster of approximately 500 campers with the hope to one day expand to 800 campers. The applicant now wishes to state that the roster would be limited to 500 campers. The applicant will be testifying as to all aspects of the operations required to run the camp at

500, thereby not having to guess at the logistics needed for 800 campers. The applicant realizes that if a higher number of campers is requested, a new application to the Board of Adjustment would need to be applied for.

Ms. Krimko states that there has been a concern that the current operation being housed in the building has a certain number of employees, trucks and operation procedures in place, and what happens if this operation leaves the building. According to the lease that the applicant has in their possession, there is a right of first refusal, should this space ever be put up for occupancy. The applicant states they intend to occupy the entire building.

Ms. Krimko brings forth the owner of the camp, Victor Gindi, 290 Roosevelt Avenue, Oakhurst, and he is sworn in by Mr. Hirsch. Mr. Gindi gives a general overview of what his camp is about and the background of the camp. He also explains how many busses are in use and the number of employees that are involved in its current operation.

Transportation is discussed, which is included in the camper price. The busses have staggered arrival times between 8:30 and 9:30 in the morning. The preschool campers arrive towards the later 9:30 a.m. time.

The applicant plans on putting sidewalks along the entire area of the bus drop-off location.

There are 3-4 camp counselors/aides on every bus that assist campers. Mr. Gindi states that there are day trips every day utilizing at least three busses per day, which reduces the number of campers physically on the property. The busses belong to a bus company and are not parked on the premises. The busses will only be on site during drop-off and pick-up. If there is a personal vehicle waiting to enter the bus circle, the personal vehicle needs to wait until the busses have safely exited the loading/unloading circle before they can drop their child off at the camp.

Mr. Gindi states that there is no interconnection between the industrial use section of the building and the proposed day camp section of the building.

Ms. Krimko and Mr. Gindi explain that there is after-care offered at the camp and that approximately 20% of the campers utilize after-care. There is parental pick-up for these campers.

Ms. Krimko and Mr. Gindi explain that there will be no campers or staff on the premises after the sun goes down. Ms. Krimko explains that this is the reason there has been no lighting plan submitted. Mr. Neff states that it is his position that lighting is a safety issue, it is a requirement and that has never been waived before. There are times when the weather/storms necessitate lighting. Also, there are early deliveries, the possibility of late deliveries. A parent may be late picking up a camper. Mr. Neff states he does not wish to waive a lighting plan.

Chairman Palmieri asks what the plan is for the building after Labor Day. Mr. Gindi states that the building will be vacated and not used at all. It will not be used during school vacations as a supplemental camp.

Mr. Battista asks Mr. Gindi why he is leaving his current location. Mr. Gindi states that there is construction going on at the school. Mr. Gindi also states that he wishes to be more independent, as now he is subject to a school board that may change their mind in allowing his camp to operate.

Mr. Gindi explains that should he be able to use this facility, he would not have to totally clear the classrooms, he would be able to leave supplies in the building instead of renting storage space.

Mr. Gindi explains his plans for all of the classrooms and what typical activities are offered for specific age groups. The age of the campers is 3 years old to 13 years old. Mr. Gindi states that he has a nurse's station and two EMT's on location and available to the campers.

Mr. Brawner asks what is the plan with this large amount of campers when the weather does not permit outside activities. Mr. Gindi states that when there is forecasted rain or bad weather, there would be additional day trips scheduled, thereby sending out approximately 200 kids. Mr. Gindi states that the remainder of the children will be able to be comfortable inside of the building.

Ms. Zircavage asks if this camp is open to the public or is it private. Mr. Gindi states that it is open to the general public. He also states that siblings of current campers and families that sign up for the camp every year have a loyalty preference.

Mr. Neff asks if there is a playground or tot lot proposed, as it is not referenced on the proposed plans.

Chairman Palmieri asks if there is an advertisement or flyer that shows the applicant's operation. Mr. Gindi says the website is gindisports.com. There is an application and contract on the website.

Mr. Porzio asks how many pools the applicant is requesting. Mr. Gindi explains that they are requesting 3 above-ground pools and then hopefully in a couple of years they would like to replace the above-ground pools with two in-ground pools.

Chairman Palmieri open up the discussion to the public of the testimony provided thus far. None heard.

Ms. Krimko has the color-rendered site plan prepared by Nelson Engineering revised July 30, 2018 marked as A-1 into evidence, which is page 1 of 6 of the site plan. A-2 is a blown up section of page 6 of 6 of the site plan which is the vehicle turning movement

sheet. A-3 is preliminary and final site plan green-bank parking revised August 16, 2018. A-4 is a Google Earth aerial undated.

Ms. Krimko brings forth David Boesch, 1750 Bloomsbury Avenue, Ocean, NJ and he is sworn in by Mr. Hirsch. His credentials are accepted by the Board.

Mr. Boesch explains what is existing on the site and what the proposal is to allow the camp to move to this location. It is stated that the property is just under ten (10) acres and contains an existing manufacturing facility with its associated parking areas and loading facilities. The applicant proposes to maintain the manufacturing facility that presently occupies the northern 2/3 of the structure and also maintain their operation associated with their parking and loading facilities. The applicant is proposing to occupy the southern third of the building and renovate an existing asphalt area in the south end of the site to facilitate the bus circulation that was attested to as well as clear the existing vegetation further to the south to provide for the athletic fields area. The athletic fields area will be completely fenced in and a supplemental fence will be added around the proposed pool areas. Variances are discussed regarding the fencing proposed.

Mr. Battista asks how many trees are proposed to be removed. Mr. Boesch approximates that 2 ½ acres of trees would be clear cut. Ms. Krimko states that they have gotten a Letter of Interpretation from the DEP and the proposal to convert that 2 ½ acres into sports fields would require a general DEP permit. There is a small wetlands pocket that does exist on this site. Mr. Boesch states that he is in the process of preparing the paperwork for the General Permit #6 for the modification and filling of the isolated wetlands and the related transition area. The pocket wetlands is approximately 500 sq. ft.

Mr. Boesch discusses in detail the improvements that are being proposed associated with the parking area including extending the pavement, as well as widening the entrance and exit of the parking lot to allow for busses. There is a sidewalk proposed to extend along the western and southern perimeter of the parking area to get the campers off of the asphalt onto a sidewalk and into the fenced area of the camp.

The playground area for the younger kids is discussed, along with the location of all of the athletic fields, including the softball fields. They are not intended to be striped. Two back-stops are proposed. The tot lot and playground will be adjacent to the building. Mr. Neff states that five year old and younger campers should utilize one playground and ages five and up until 12 years old would utilize a separate playground. Mr. Neff states that this area seems very tight with the addition of the sidewalk that is required, the two softball fields, volleyball court, playgrounds, pools. Ms. Krimko states that it's more instructional areas, as opposed to actual full-out game areas. Ms. Krimko states that all fields are not intended to be occupied at the same time. Ms. Krimko states that the field area is proposed to be 2 ½ acres.

Ms. Beahm asks for a layout of the fields.

Chairman Palmieri asks, regarding his current location, how many fields are on what size land as well as the square footage of the inside area being utilized. Mr. Gindi states that at the school where he is currently located, the outdoor space is comparable.

Ms. Beahm requests that when the applicant returns for this application to be able to explain how the site he occupies now compares to the proposed site.

Mr. Hirsch states that there is no way a resolution can be written that states the fields will not be occupied at the same time or that there will be mostly instruction taking place as opposed to games. If the application is approved, there is no way to enforce these representations. The Board needs to know intensity and how many campers will be outside at any given time. Mr. Hirsch states he needs a framework that can be put in writing for the future that can be enforced.

Chairman Palmieri asks if Mr. Gindi had to go before the Ocean Twp. Zoning Board for approval. Mr. Gindi states yes. Chairman Palmieri asks for a copy of that Resolution for review.

Mr. Battista asks if there is bad weather will this space, in the back of an industrial building, be able to shelter 500 campers plus employees should the need arise? This is discussed.

Mr. Neff confirms that there are two back stops being proposed. They would require a number of variances. The variances are discussed.

Ms. Krimko states that if the Board grants the variance for the use, then the attendant variances that go with the use not being permitted in the zone, basically become part of the approval. Ms. Beahm states that it is important when you are looking at site suitability, if you have a large number of variances associated with the site, even though it gets subsumed within the use, it does go towards the appropriateness of the location.

Mr. Boesch discusses the proposed upgrades to the parking lots along with bus circulation.

Mr. Boesch states that the proposal is to keep the northern and eastern parking fields completely absent of any camp related traffic and parking and those would remain the sole venue for the parking for the manufacturing facility and the loading facilities.

Chairman Palmieri asks if there is any way for a parent dropping off a camper to park in the front parking lot along Shafto and walk to the camp area. Mr. Boesch states that there are no sidewalks north or west of the building. There is no connection through the loading zone and there is a retaining wall as well. The parking area will be completely revitalized and the impervious surface will be increased by 7900 sq. ft. Mr. Neff's recommendation is that the parking lots on the entire site need to be revitalized as they are in disrepair.

Mr. Neff states that with regard to the banked parking, it would be expanding on an existing variance. It would be creating a variance by expanding the parking in front of the building due to the proximity to the road. The lot is required to be 25 ft. away from the right-of-way and it looks to be about 18 ft.

Mr. Boesch speaks regarding the pools. Phase I proposes three (3) above-ground pools comprising a total area of 1800 sq. ft. Phase II consists of a 20x20 toddler pool of 400 sq. ft. and an additional L-shaped advanced pool of approximately 4,000 sq. ft.

Mr. Boesch states that there is going to be a conforming monument sign directing parking for the camp and the location of the sign is discussed. Sign variances are discussed as an additional sign is proposed. Ms. Beahm states that she would support relief from the 20 ft. setback to place it outside of the parking lot on the other side of the driveway in advance of the driveway. Mr. Boesch states he does not wish it to be confused with the loading area. Location is discussed.

Mr. Boesch states that they have been in discussion with the owner of the building for relocation of dumpster and enclosure (capable of housing two 8-yard dumpsters) to the south end of the western aisle of the southern parking lot. There was already a variance required for a dumpster in the front yard area, a variance would still be necessary and we would provide any fencing and screening that should be deemed appropriate because of its location closer to the roadway of Tornillo Way. Ms. Beahm recommends a masonry enclosure.

Mr. Boesch states that with regard to storm water management, because we are clearing vegetation off the southern end of the site, there would be an increase in storm water run off as a result of that act. We are proposing to collect that storm water and put it into a large underground retention basin. A storm water management plan will be presented and the applicant will be complying with Mr. Neff's comments.

Safety concerns are discussed regarding the closeness of the loading dock to camper drop-off location.

Mr. Neff states that there are a number of changes that we are hearing this evening for the first time, Ms. Krimko states they will make amendments.

Ms. Connolly states that October 4 and October 18 are available continuation dates and there may be an attendance issue for October 4, as two Board members are already unable to attend. Ms. Krimko states she would like October 4, 2018 and extensions of time have been granted and no further notice is required.

Motion to Close

Motion to close the meeting at 10:00 p.m. is made by Mr. Lomangino and seconded by Mr. Porzio. All in favor.

Respectfully submitted,

Colleen Connolly
Zoning Board Secretary

Approved at Board of Adjustment
Meeting on 9/6/2018