

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 3, 2022**

The meeting was opened by Chairman Battista at 7:30 PM.

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 Coaster and the Asbury Park Press.

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

Ms. Sena took roll call.

Present: Chairman Ronald Battista, Vice-Chairman Ronald Palmieri (*arrived at 7:36 p.m.*), William Kuzmin, Charles Lomangino, Steven Porzio, Marc McKinley, Sheila Hatami, Emily DeMaio, Scott Provines

Absent: None

Also Present: *Ms. Trish Sena, Board Secretary
Mr. Thomas Neff, Board Engineer
Ms. Christine Bell, Board Planner
Mr. Thomas Hirsch Esq., Board Attorney*

MINUTES- None

RESOLUTIONS- None

NEW BUSINESS-

BA2021-12

Ironworks Crossing (Hovtown Village)

Hovchild Boulevard

Block 150.03, Lots 1-109

Amended Preliminary & Final Major Subdivision & Site Plan

Attorney Hirsch stated for the record that he has reviewed the proofs and affidavit of service from the applicant, all is in order as to form, the Board has jurisdiction to hear this matter.

Mr. McKinley offered a motion to accept service, the motion was seconded by Mr. Porzio. All present voted in favor.

Attorney Hirsch swore in the following witnesses

Walter Hopkin, P.E.- Applicant's Engineer

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John Rae, P.E.- Traffic Engineer

Robert Regazzoni, R.A.- Market Rate Unit Architect

William Feinberg, R.A.- Affordable Unit Architect

Christine Nazzaro-Cofone, P.P, Planner

John Giunco introduced himself as the Attorney on Behalf of the Applicant. He described the project before the Board this evening. D.R. Horton is proposing to complete the development that was previously approved in 1985, however, the site was partially developed but never completed. The Applicant is proposing 90 market-rate townhomes and 18 affordable units. The design will stay substantially in compliance with the 1985 approvals; however, the Applicant still requires a significant number of variances relative to the application. The Applicant is seeking a Use Variance for density and height, as well as a number of bulk variances.

Mr. Giunco called Robert Regazzoni as the first witness. Mr. Regazzoni placed his credentials on the record and the Board accepted him as an expert witness in the field of Architecture.

The following exhibits are entered into the record:

- A-1 Market Rate Unit Front Elevation***
- A-2 Market Rate Unit Rear Elevation***
- A-3 Material Board used for Front and Rear Buildings***
- A-4 Market Rate Unit Floor Plans***
- A-5 Front & Rear Elevation of the Affordable Units***
- A-6 Affordable Unit Floor Plans***
- A-7 Colorized Rendering of the Amended Preliminary and Final Major Subdivision & Site Plan***
- A-8 Colorized Sign Depiction***
- A-9 Entrance Sign Detail***

Mr. Regazzoni explained that he prepared the elevations that demonstrate the proposed design of the market rate units. Exhibit A-1 details the front elevation of a typical market-rate building which would consist of 5,6- & 8-unit buildings. The buildings were designed with different elevations for different units. They are proposing a combination of culture stone, vinyl siding, charcoal shutters, and asphalt shingles for the roof. The front elevations were designed using earth-tones. The rear elevation is composed of vinyl siding with trim. The units will be staggered every two units to create a shadow. The Applicant is proposing 10 x 12 raised decks in the rear of the structure that will consist of pressure treated wood.

Exhibit A-3 details the materials used to design both the front and rear of the market-rate units. Mr. Regazzoni explained that the buildings were designed with silver siding, black accent shake shingles and shutters along with earth-toned cultured stone.

Exhibit A-4 illustrates the overall floorplan for the proposed market-units that are detailed as the "Regal" units. Mr. Regazzoni explained that the floor plan remains the same for all units. The

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Regal units are 40 feet deep and 24 feet wide. The lower level will consist of a two-car garage, a main entrance leading to the foyer as well as a recreational area. The first floor will include a living room, dining room, kitchen, and powder room. On the second floor will be the three bedrooms, two bathrooms and a laundry room.

Mr. Neff noted that Exhibit A-4 details an "optional" fourth bedroom, he asked the Applicant to clarify as the proposed units are three bedrooms. Mr. Regazzoni explained that this optional fourth bedroom is market driven and not part of the standard three-bedroom model. Mr. Neff inquired about the proposed location of the optional fourth bedroom? Mr. Regazzoni indicated that the optional bedroom would replace the recreational space as shown on the lower level of the dwelling. Mr. Hirsch asked if this optional bedroom would then have any effect on the parking count? Mr. Neff explained that their parking counts were calculated on three bedrooms, not four.

Vice-Chairman Palmieri questioned if the Applicant were to limit the number of units that could potentially have a fourth bedroom, how it would then affect the overall parking counts? Mr. Giunco and Mr. Regazzoni clarified that a fourth bedroom would not be constructed in the units, rather, the recreational space could be used as a potential fourth bedroom.

Ms. Bell inquired if the fourth bedroom is situated on the lower lever, what happens to the second floor of the dwelling? Mr. Giunco stated that there will be three bedrooms, and the optional room would not have a bedroom or a closet.

Chairman Battista voiced his concerns with the potential "optional" bedroom, he asked for the dimensions of the proposed fourth bedroom.

Mr. Regazzoni testified that the Applicant has decided to completely eliminate the option of a fourth bedroom, therefore these units will only consist of three bedrooms.

The Board asked for clarification of the potential uses of the recreational space, and Mr. Regazzoni indicated that it could be used as anything, however, it is the most similar to the living room space.

Chairman Battista noted for the record that theses units should not be advertised as having the potential for a fourth bedroom, these are strictly three-bedroom townhomes. Mr. Giunco agreed that these units will be three bedrooms and the recreational space will be noted as a separate living room area. The Applicant will accept any necessary descriptions and language in the Resolution as to clarify the recreational space use.

Mr. Regazzoni stated that this completes his testimony on the market-rate units. Chairman Battista asked if any Board Members have any further questions of this witness? Seeing none, he asked if any members of the public have any questions of Mr. Regazzoni?

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Mr. Giunco called Mr. Feinberg, the Architect who designed the Affordable-Units as the next witness.

Mr. Feinberg placed his credentials on the record and the Board accepted him as an expert witness in the field of Architecture.

Referencing Exhibit, A-5, Mr. Feinberg described the overall design of the proposed Affordable Units. He explained that these units will be constructed with the same materials Mr. Regazzoni presented for the market-rate units. He explained that the cultured stone base will run on the front elevation of the building along the side elevation. Similarly, to the market rate units, vinyl siding is proposed, a piece of trim will lay between the first and second floor. The same roof shingles are also proposed on this building as well as the cedar vinyl shake siding on the front elevation. All windows on the front elevation will have the same style and color shutters as seen on the market rate units. The same color siding will continue to throughout the rear elevation as well as the same windows and roof. However, the cultured stone is not continued throughout the rear of the structure. The charcoal grey cedar siding is also proposed on the right and left side elevations.

Exhibit A-6 details the floor plans of the proposed Affordable Units. He explained that there are nine first-floor units and nine second-floor units for a total of 18. This exhibit depicts 1-, 2-, and 3-bedroom units, however, they are flexible in the sense that they are all the same footprint. He described the first floor one bedroom unit that contains one bedroom in the rear of the dwelling. The first floor two-bedroom unit has the same footprint, however there are two bedrooms in the rear of the home. A three-bed room unit is also proposed with the same footprint previously described. The same design is used on the second-floor units.

Ms. Bell noted that the design is in compliance with the Affordable Housing Requirements. She stated that the application has indicated that there will be six, three-bedroom units and twelve two-bedroom units and the Applicant confirmed that those numbers are accurate.

Mr. Feinberg noted that the two-story building is just under 30-feet tall. The two-bedroom units will be 904 square feet, whereas the three-bedroom units will be 1,118 square feet.

Vice-Chairman Palmieri asked Mr. Feinberg to detail where the Affordable-Units will be located on this site? Mr. Feinberg explained that this structure will be building number 8 located in the middle of the site.

Ms. Hatami inquired about why there were two different architects used for this project and asked if there are any differences that differentiate the market-rate units from the affordable units? Mr. Feinberg noted that the major difference between the two types of units is that the Affordable Units are only two-stories tall and do not have garages. Ms. Bell noted that the Affordable Units are apartment-style units, and the market-rate units are townhomes.

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Vice-Chairman Palmieri inquired if the parking spaces will be designated per resident? Mr. Giunco indicated that the Engineer will provide further testimony in that regard this evening.

Chairman Battista asked if any Board Members have any further questions of this witness? Seeing none, he asked if any members of the public have any questions of Mr. Feinberg?

Mr. Giunco called Mr. Walter Hopkin, Applicant's Civil Engineer as the next witness.

Mr. Hopkin placed his credentials on the record and the Board accepted him as an expert witness in the field of Civil Engineering.

Mr. Hopkin stated that the proposed project is a 15.11-acre site that is located off of Highway 66 and Hovchild Boulevard and is located in the Borough's R-4 Zone. The subject property is also known as Block 150.03 Lots 1-109, these lots are all there because the prior Subdivision was perfected. The surrounding properties to the North are vacant land and an office building that front on Route 66. There is also vacant land South of this property that fronts on Route 33 as well as a multi-family development. There are apartments to the East of this site and a single-family residential development to the West.

Mr. Hopkin explained that as the site engineer he was presented with the site's prior approvals stating that the site had been approved, perfected, and finalized, therefore, all the lots had already been created. The site had begun construction the stormwater and sanitary sewer had been installed when the project was abandoned. As such, the site is now overgrown however the storm and sanitary sewers are still intact. He explained that the client ultimately challenged him to meet the Borough's Affordable Housing obligation, as well as upgrading the site to modern circulation. The site also needs to meet all current NJDEP regulations. Mr. Hopkin indicated that they have enhanced and added more modern Stormwater Management techniques on site.

Exhibit A-7 is a colorized rendering of the overall Site Plan and Mr. Hopkin indicated the Northeast portions of the site have been impacted by current NJDEP rules and buffers.

In regard to the overall design of the site, the Applicant has worked with the Board Professionals to design a site that is far superior to what was originally approved. There are 108 proposed units comprised of 17 buildings. There are 90 Market-Rate Units proposed as well as 18 Affordable Units. Each townhome has a small lot associated with it which is consistent in size and area with the original approval. Mr. Hopkin indicated that there is an open space lot that is leftover, the detention basins as well as the private roadway will encompass that. There is an internal circulation of a 24-foot roadway that is consistent with the prior approval. The roadway will be owned and maintained by the HOA.

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Mr. Hopkin stated that the circulation design has aligned the driveways with the development on the opposite side of the street to the East . There are three proposed access points on Hovchild Boulevard.

107 off-street parking spaces are proposed, 43 of which are dedicated specifically to the Affordable Housing building. Therefore, there are 64 guest parking spaces scattered throughout the site. Each market-rate unit will have a two-car garage and driveway. Additional off-street parking has been added for guests. In regard to the additional fourth bedroom discussed earlier this evening, the difference in parking between a three- and four-bedroom house is one-tenth of a space. The Applicant has provided ample parking over what is required for this site in excess of 100 spaces.

Each Market-Rate unit will have an outdoor area with a patio, deck, and privacy fence in between each unit. As per Mr. Neff's Engineering Review Letter, Mr. Hopkin confirmed that these accessory structures were included in the lot coverage calculation. There is also a private stormwater management system that will be owned and maintained by the Homeowners Association. Additionally, each driveway will be constructed with permeable pavers that will also be owned and maintained by the HOA.

Mr. Hopkin indicated that Mr. Neff's office has requested copies of the Operations and Maintenance Manual which will be provided as a condition of approval.

This site will be served by public water, sewer, gas, and electric. The sewer currently exists, however there are certain areas that may need to be relocated. The sewer will be a private system that will be owned and maintained by the HOA. Mr. Hopkin indicated that the Board Professionals requested that the sewer be extended to the Locust Grove Road Subdivision and the Applicant has agreed to do so. Mr. Neff noted that the watermain will also be extended to these properties.

Mr. Hopkin stated that the Applicant is proposing extensive landscaping throughout the site. 1200 shrubs and approximately 400 trees are proposed as well as foundation plantings and grass. As per the Board Professional's reports, additional evergreen trees shall be planted along the common property lines to serve as a buffer. Mr. Neff explained that the Ordinance requires a 15-foot dense buffer, however, the professionals would like to see dense staggered rows of evergreens to fill in the buffer to Locust Grove Road. Chairman Battista inquired about the size of the evergreen trees when they are planted, and Mr. Neff stated that the Ordinance requires a 5 or 6 foot minimum at planting. Mr. Hopkin confirmed that the plans will be revised to comply with that requirement.

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In terms of the signage, D.R. Horton is proposing their hallmark signs on the site that require relief. The largest sign is proposed at the center access point of the site at Rothbury Court. The size of the sign is 26.25 square feet, however, there is a large amount of stone structure that supports the sign; therefore, the sign is closer to 98 square feet total. However, the Ordinance only permits a hallmark sign of 24 square feet. Mr. Hopkin provided the Board with exhibit A-8 which is a rendering that depicts the size and overall importance of the proposed sign. Ms. Bell clarified that a variance is required for the size of the sign because the Ordinance only permits an area of 24 square feet. The Borough's Ordinance only considers the sign of the face, therefore the sign itself is much larger because of the monument.

Chairman Battista asked the Board Professionals for their thoughts on the size of the sign in comparison to other developments in town. Mr. Neff referred to the Toll Brother's Trotter's Pointe Development that has a similar hallmark sign. Ms. Bell indicated that a monument sign is typical of a development of this nature, however, the Applicant is still proposing a number of large signs as well.

Mr. Neff clarified for the record that as per the Ordinance, one sign is permitted per residential development, whereas the Applicant is proposing three signs. Mr. Hopkin testified that the Applicant wishes to reduce the size of the monument sign to comply with the Ordinance and will also eliminate the entrance sign as shown in exhibit A-9. Therefore, the Applicant is now only proposing one sign that conforms with the Ordinance, a variance is no longer required.

Mr. Hopkin indicated that there is street lighting proposed throughout the site and on Hovchild Boulevard. The Applicant will also coordinate the lighting plan with the development located across the street. Mr. Giunco clarified that these developers recently obtained approval by Neptune Township for another portion of the development called Victoria Gardens.

Vice-Chairman Palmieri noted that the plans do not show the development that was recently approved in Neptune, therefore, it does not show the totality of the impact this project will have. He stated that it would have been appropriate to show where the D.R. Horton development is in Neptune Township. Mr. Hopkin noted that his office did not prepare the plans for the Neptune Development, however, that project contains 101 units.

Mr. Hopkin explained that the Applicant's Environmental Consultant responded to Mr. Neff's comments and as a condition of approval, they will revise the environmental impact statement. The Applicant is still waiting on NJDEP approval; however, they have received positive feedback and are confident that they will be approved.

Mr. Lomangino stated that his main concern with this project is the overall circulation for cars and trucks. He referenced the Rose Glen Development and the issues that are now seen with the driveways that were approved. He voiced his concerns with trucks trying to maneuver the site.

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Mr. Lomangino asked how wide the streets are and Mr. Hopkin indicated that they are 24 feet wide. Mr. Neff noted that the on the original plan the circulation and layout was inferior in his opinion, however the Applicant's Engineer did revise the plans with a better flow.

In regard to outside agencies approval, the soil erosion and NJDEP approval is still pending, however, the Applicant has received Monmouth County Planning Board Approval.

Mr. Hopkin stated that the Applicant will comply with all comments outlined in both Mr. Neff and Ms. Bell's reports as a condition of approval.

Referring to Mr. Neff's Engineering Review Letter, Mr. Hopkin briefly discussed the variances associated with this application. The Ordinance states that no parking shall be permitted between the front building line and the street right-of way, whereas parking is proposed in a number of locations. Mr. Hopkin explained that this is consistent with the prior approval and Mr. Neff confirmed that he has no objection to this variance. The next variance is for the lot size requirement, the minimum should be at least 6,000 square feet per lot, however, the Applicant is proposing a minimum of 2,592 square feet; this is also consistent with the prior approval. A variance for lot width is also needed as the Ordinance states the minimum lot width for interior townhouse lots shall be 50 linear feet per lot, whereas the applicant is proposing a minimum of 24 linear feet which is again consistent with the prior approval. The Ordinance states that the minimum front yard setback for townhouse lots shall be at least 45 linear feet, however, the Applicant is proposing 40 linear feet, similarly, this is also relative to the original plan. A variance is needed for the proposed side yard setback being 15 linear feet whereas 20 is required. The proposed lot coverage is 58.0%. while 50% is permitted. In terms of building height, the Ordinance permits 30 feet whereas the Applicant is proposing 42.

Likewise, the Ordinance states that the maximum permitted density for townhouses is 6.5 units per acre, although the Applicant is proposing 7.13 units per acre. A d(5) use variance is required for maximum permitted density.

The Ordinance states that all critical environmental areas shall be preserved and not built upon, however, the Applicant is proposing to build on an area with slopes in excess of 15% as well as disturbing freshwater wetlands and wetland buffer areas. Mr. Hopkin explained that the Applicant is disturbing a small portion of the 15% slopes in an effort to avoid retaining walls. All disturbance to the wetlands and wetlands buffers would be in accordance with the NJDEP.

With respect to fencing, the Applicant has reduced the size of the fence to 4 feet in height to comply with the Ordinance, they will also move the fence to comply with the 10-foot front yard setback. Therefore, a variance is no longer required for the proposed fencing.

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Mr. Hopkin discussed the Ordinance that is required for the proposed retaining walls. The Ordinance indicates that walls shall not exceed two feet in the front yard and shall be located at least ten feet back from the front property line, however, the Applicant is proposing a four-foot-high modular block retaining wall along the frontage between buildings six and seven. The Applicant will provide a buffer to screen the view of the retaining wall from Hovchild Boulevard.

Mr. Hopkin reiterated that the Applicant has eliminated all signage relief that was previously required.

Chairman Battista asked for further clarification with regard to the Neptune Township development across the street. Mr. Hopkin explained that these projects are two different developments and will not have the same name.

Mr. Kuzmin discussed the differences in parking requirements from a three-bedroom and four-bedroom townhome. He stated that Mr. Hopkin previously indicated that the RSIS does not provide parking requirements for four-bedroom townhomes as they are generally not common. Mr. Kuzmin further explained that there is a significant jump in parking spaces from a two-bedroom to a three-bedroom townhome.

Vice-Chairman Palmieri noted for the record that the Neptune Township project is called Victoria Gardens.

Ms. Hatami inquired about the nature of the development being built across the street from this project and Mr. Hopkin disclosed that it is also a townhouse development.

Chairman Battista asked if the Board had any further questions of this witness? Hearing none, he asked if any members of the public would like to ask Mr. Hopkin questions relating to his testimony?

Mr. Giunco called Mr. John Rea, Traffic Engineer as the next witness.

Mr. Rea placed his credentials on the record and the Board accepted him as an expert witness in the field of Traffic Engineering.

Mr. Rea noted for the record that he was also the traffic engineer for the Victoria Gardens project in Neptune.

Mr. Rea stated that his office conducted traffic counts at two, off-site intersections, one at south end of Hovchild Boulevard and Route 33 and the other at Hovchild Boulevard and McNamara Way. These traffic counts were conducted in May of 2021 and compared the counts to data that was previously recorded in May of 2017. He noted that the 2017 counts were slightly higher than the 2021 counts, explaining that it was pre-pandemic traffic. In addition to using the 2017 traffic counts, the Applicant consulted the NJDOT traffic for the area and extended the 2017 counts to 2021. He explained that they took a very conservative approach in establishing the traffic volumes for this area.

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Mr. Rea indicated that his office also conducted the trip generation analysis in conjunction with Institute of Transportation Data for the morning and afternoon peak hours. As far as the peak hour traffic generation in the morning, approximately 54 driveway movements are anticipated. In the afternoon, approximately 70 driveway movements were calculated. The morning peak hour is from 7:15 a.m.-8:15 a.m. and the afternoon peak hour is 4:45 p.m.-5:45 p.m..

The traffic volumes were projected to a design year of 2025 and includes the traffic count from the Victoria Gardens project in Neptune.

Mr. Rea explained that they also calculated the Level of Service results for four site driveways, as well as the intersection of Hovchild Boulevard and Route 33 and Hovchild Boulevard and McNamara Way. He stated that anything operating at a Level of Service "E" or better is considered to be acceptable. The results indicated that all site driveways operate at a Level of Service A and a Level of Service B for all other locations, with the exception of westbound Route 33 & Hovchild Blvd during the PM which will operate at a Level of Service C.

Vice-Chairman Palmieri inquired if the Victoria Gardens project was included in the traffic study, and Mr. Rea confirmed that it was.

Chairman Battista inquired about the proposed entrances and exits, and asked if one will be used more heavily than others? Mr. Rea explained that could be a possibility, depending upon where the traffic is approaching from. However, the Applicant is proposing more access points than what is required by RSIS.

Vice-Chairman Palmieri inquired about the access points to Victoria Gardens. Mr. Rea indicated that there are two driveways, one is just to the North of where the subject property ends. The other driveway will be aligned with the middle driveway of this project. Vice-Chairman Palmieri asked if a traffic light would possibly be needed at this driveway and Mr. Rea stated that it would not be necessary.

Ms. Hatami voiced her concerns with the possibility of this area being built out and Hovchild Boulevard becomes a high-traveled road, she asked how this would then impact the traffic? Mr. Rea explained that he is unsure of how much more developable property there is along Route 33 and Hovchild Boulevard. He indicated that this project would have a low impact on the area. Ms. Hatami also asked about cars potentially using the development as a cut through, and Mr. Rea stated that would not happen, cars will continue to use Hovchild Boulevard.

Vice-Chairman Palmieri asked whose jurisdiction Hovchild Boulevard falls under and Mr. Rea stated that it is half Neptune, half Tinton Falls.

With respect to the parking, Mr. Rea indicated that for the 90 market-rate townhome units, 216 parking spaces are required. For the Affordable Housing building a total of 37 parking spaces are

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required. In terms of visitor parking, 54 spaces are required as per RSIS. The Applicant is proposing a total number of 422 parking spaces for this site whereas 307 spaces are required.

Vice-Chairman Palmieri inquired about the affordable units that do not have a driveway or a garage and asked if there will be enough parking for those residents and their visitors? Mr. Giunco indicated that the Applicant will agree to designate one parking space per unit for the Affordable Housing building.

Chairman Battista asked if the Board had any further questions of Mr. Rea? Hearing none, he asked if any members of the public had any questions of Mr. Rea's testimony?

Mr. Giunco called Christine Nazzaro-Cofone, Professional Planner, as the next witness.

Mr. Cofone placed her credentials on the record and the Board accepted her as an expert witness in the field of Professional Planning.

Ms. Cofone stated that she has reviewed the prior approval for this property, attended a TRC meeting with the Board Professionals and reviewed the Borough's Affordable Housing Plan. She explained that she would discuss each item that was outlined in Ms. Bell's Planning Review letter. She discussed the overall consistency with the Zone Plan.

Ms. Cofone explained that the Applicant needs a d(3) variance for the parking being proposed between the front building and street right-of-way. She explained that this is due to the overall interior conditions of the site.

Ms. Cofone discussed the various variances that are required that were previously granted with the original approval. Attorney Hirsch clarified for the record that these are not pre-existing non-conformities, they are variances that were previously granted when this project was first approved. He further explained that the variances being requested this evening are part of the new plan. Mr. Giunco stated that the original subdivision was perfected, therefore, the lots are already in place from the original plan.

Ms. Cofone indicated that a variance is also needed for the minimum lot area of 6,000 square feet, whereas the Applicant is proposing 2,595 square feet per unit. Also, the minimum lot width for interior lots is 50 per unit, whereas the Applicant is proposing a lot width of 24 feet per unit. She further explained that the minimum lot width for corner lots is 60 feet per unit, whereas the Applicant is proposing a lot width of 40 feet per unit. The minimum front-yard setback is 45 feet whereas the Applicant is proposing a front yard setback of 25 feet. The exterior side yard setback is 20 feet, whereas the Applicant is proposing an exterior side yard setback of 15 feet. Also, the maximum permitted lot coverage is 50% whereas the Applicant is proposing a lot coverage of 58%. Therefore, d(3) variances are required.

A d(6) variance is needed for the maximum building height, 30 feet is permitted whereas the Applicant is proposing building height of 42 feet.

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A d(5) variance is needed for the maximum density of 6.5 units per acre, however, the Applicant is proposing 7.13 units per acre.

Ms. Cofone discussed the bulk variances associated with the project, explaining that the Applicant has eliminated a few of them this evening as per the Board's comments and concerns.

Ms. Cofone explained that the Ordinance states that critical environmental areas shall be preserved and not built upon, however, the Applicant is proposing to build on an area with slopes in excess of 15%, in freshwater wetlands, and in wetland buffer areas. Also, walls shall not exceed two feet in the front yard and shall be located at least ten feet from the front property line, whereas the Applicant is proposing a 4-foot modular block retaining wall between buildings 6 & 7.

In regard to the d(3) variances associated with the unmet conditional use standards, Ms. Cofone explained that the Board must determine whether or not this is still an appropriate location for the proposed development. She further explained that despite the fact that the Applicant does not comply with the conditional use standards, this project is exactly what was envisioned under the Borough's Affordable Housing Plan and the Borough Ordinance. In regard to the size of the proposed homes, Ms. Cofone indicated that they are appropriately sized units for the area. In regard to the proposed setbacks, she explained that this property is referred to as a "bowtie" shape property that is particularly irregular. Therefore, the proposed setbacks are due to the irregular shape of the property.

Ms. Cofone explained that the Applicant is complying with the Stormwater Management Regulations, therefore there will not be any adverse impacts to the site drainage.

In terms of the proposed height, Ms. Cofone indicated that the townhomes are being built with garages and the townhomes are therefore being built up, thus increasing the size of the proposed dwelling. Also, the Applicant designed these townhomes to be aesthetically pleasing as well as maintaining a reasonable height for townhomes.

Referencing the recent Master Plan Reexamination, Ms. Cofone stated that this project is exactly is what was envisioned under that reexamination.

In regard to the requested Bulk C variances, Ms. Cofone explained that given the topography and overall constraints on the site, the C1 criteria is met.

From a Planning point of view, Ms. Cofone stated that she is confident this project will have no substantial detriment to the public good or the zone plan.

Ms. Cofone further explained that this project is specifically referenced in the Borough's 2019 Affordable Housing Plan.

Chairman Battista asked if the Board had any questions of Ms. Cofone?

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Ms. Hatami asked Ms. Bell if Ms. Cofone had adequately addressed all comments outlined in her Planning Review Letter? Ms. Bell explained Ms. Cofone needed to prove that the deviation from the standard is appropriate for the site, which she addressed.

Ms. Hatami voiced her concerns with the d(3) variance needed for the minimum lot area, she stated that she has not heard why this site is particularly suitable for this deviation from the ordinance. Ms. Cofone explained that the particular suitability does not apply in this case, she further stated that this is not a d(1) use variance it is a d(3) variance. When dealing with conditional use standards, one must reconcile the absolute compliance with the conditional use standard, is this an appropriate development for this zone? Ms. Bell clarified that what is written in her letter was addressed by Ms. Cofone this evening. Ms. Cofone added that 6,000 square feet per unit would be absolutely excessive for a townhome.

Ms. Bell stated that Ms. Cofone provided adequate testimony as to why the variances should be granted for this project.

Chairman Battista asked if the Board had any further questions?

Chairman Battista asked if any interested members of the public wish to make any statements?

Jason Pulielo, 774 Sycamore Avenue- Mr. Pulielo voiced his concerns with the proposed number of bedrooms and the number of parking spaces. He encouraged the Board to strongly consider the impact these units would have on the Tinton Falls School System. He asked that there is language included in the Resolution that would absolutely prohibit 4-bedroom units in this development. The Board confirmed that there will be language in the Resolution that would completely prohibit 4-bedroom townhomes. Mr. Palmieri asked Ms. Pulielo if he is the president of the Tinton Falls School Board? Mr. Pulielo stated that he is, however, he is here this evening as a private Tinton Falls resident.

Mr. Giunco provided a brief closing statement indicating that this project is very consistent with the prior approvals, and the townhouse development is suitable for the site.

Chairman Battista asked for a motion to close the public portion.

Mr. Lomangino offered a motion to close the public portion, the motion was seconded by Mr. Kuzmin. All present voted in favor.

Mr. Palmieri stated that he has no major concerns with this project and stated that the Applicant presented a good application this evening. Mr. Kuzmin echoed the comments of Mr. Palmieri, stating this is a well-done project for the Borough. Chairman Battista stated that this is a great collaboration between the Board Professionals and the Applicant.

Chairman Battista asked if any Board Members have any further questions or comments? Hearing none, he asked for a motion.

**BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 3, 2022**

Vice-Chairman Palmieri offered a motion to approve BA2021-12, the motion was seconded by Mr. Kuzmin.

ROLL CALL

AYES: Vice-Chairman Palmieri, Mr. Kuzmin, Chairman Battista, Mr. Lomangino, Mr. Porzio, Mr. McKinley

NAYES: Ms. Hatami

ABSENT: None

INELIGIBLE: Ms. DeMaio, Mr. Provines

MOTION TO ADJOURN

Chairman Battista asked for a motion to adjourn.

Mr. Porzio offered a motion to adjourn, seconded by Mr. Lomangino.

All in Favor: AYE

Time: 10:15 PM

Respectfully submitted,


Trish Sena
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: April 7, 2022