

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 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 Battista, Vice-Chairman Palmieri, William Kuzmin, Charles Lomangino, Steven Porzio, Marc McKinley, Sheila Hatami (arrived at 8pm), Emily DeMaio, Scott Provines

**Absent:** None

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

**MINUTES-**

Chairman Battista indicated that the minutes of the May 5, 2022, meeting have been previously distributed via email for the Board Members to review.

*Mr. Lomangino offered a motion to approve the minutes of the May 5, 2022, meeting. The motion was seconded by Mr. Provines.*

**ROLL CALL**

AYES Mr. Lomangino, Mr. Provines, Chairman Battista, Vice Chairman Palmieri, Mr. Kuzmin, Mr. McKinley, Ms. DeMaio, Mr. Provines

NAYES: None

ABSENT: None

INELIGIBLE: Mr. Porzio, Ms. Hatami

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 2022**

**RESOLUTIONS-**

**BA2022-03 Resolution in the Matter of Joseph and Joan Todaro, 44 Green Meadow Drive**

Chairman Battista advised that the proposed Resolution in this matter has been previously distributed to the Board Members prior to tonight's meeting. The Board previously approved this application on May 2, 2022.

Chairman Battista asked if any Board Members have any comment regarding the Resolution.

*Mr. Provines offered a motion to memorialize Resolution BA2021-03, the motion was seconded by Vice-Chairman Palmieri.*

**ROLL CALL**

AYES: Mr. Provines, Vice-Chairman Palmieri, Chairman Battista, Mr. Kuzmin, Mr. Lomangino, Mr. McKinley, Ms. DeMaio

NAYES: None

ABSENT: None

INELIGIBLE: Mr. Porzio, Ms. Hatami

**NEW BUSINESS-**

**BA2022-01**

**5171 Asbury Avenue, LLC**

**5171 Asbury Avenue**

**Block 125, Lots 1.02, 2 & 3**

**Application for Bifurcated Use Variance and Minor Subdivision**

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

*Vice-Chairman Palmieri offered a motion to accept service, the motion was seconded by Mr. McKinley. All present voted in favor.*

Chairman Battista commented that the meeting was scheduled with an incorrect start time, however, the room was open and the Secretary to the Board was present to assist any members of the public at that time.

Mr. Ken Pape, Esq from Heilbrunn Pape introduced himself as the attorney on behalf of the applicant. He introduced the experts for testimony: Mr. Thomas Mueller, P.E.; Mr. Tom Collins, Architect; Mr. Justin Taylor, Traffic Engineer; Mr. Isaac Newman, Principal owner of the property; Ms. Christine Coffone, Professional Planner.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 2022**

Mr. Hirsch explained the process of a bifurcated use variance. If approved, the applicant must return for site plan approval. Mr. Pape expressed that it is their intent to amend the architectural plan to meet the boards requirements. Ms. Bell confirmed the discussion with the architect as a condition of approval.

Attorney Hirsch swore in the following witness.

***Thomas Mueller, Dynamic Engineering Consultants, Lake Como, NJ***

Placed his credentials for the record and the Board accepted him as an expert witness in Engineering.

Mr. Mueller provided 2 Exhibits:

A-1 Aerial Map – colored map dated June 2, 2022

A-2 Site Plan – colored rendering dated June 2, 2022

Mr. Mueller identified the property as 5171 Asbury Avenue, Block 125, Lots 1.02, 2 and 3. He stated that the property has 298 linear feet of frontage on Shafto Road, approximately 360 linear feet on Asbury Avenue and is L-Shaped. Existing lots 2 & 3 are approximately 11.47 acres and are 100% undeveloped. Lot 1.02 is approximately 1.78 acres which belongs to the A.M.E. Church. The surrounding properties consist of Naval Station Weapon Earle, a Senior Residence and wooded areas. There are 8 acres of wetlands on the existing site. Mr. Mueller explained that the A-2 Exhibit is not an engineered site plan, however he has reviewed the plan in detail. Referencing Exhibit A2, Mr. Mueller stated the footprint is 288 feet x 248 feet (71,202 square feet), 2 story storage building with 15 parking stalls plus 13 stalls for RV/Boats. He confirmed that the proposed plan will meet the stormwater management regulations and appropriate lighting plan. Mr. Porzio inquired if there will be boats stored on property to which Mr. Neff contributed that a variance would be required for that use. Mr. Lomangino expressed concern about people living in the RVs, to which Mr. Neff commented that would be considered residential and not permitted in this zone. Mr. Neff suggested the RV/Boat storage be reassigned to the back of the building. Mr. Mueller confirmed this could be done. Ms. Bell read the ordinance requirements regarding outdoor storage and stated that this concern is part of the overall use variance. Mr. Kuzmin pointed out concerns regarding the building being closer to the street to accommodate the RV/Boat spots going to the back. Chairman Battista inquired if the Board is voting on one or several variances. Mr. Pape stated that the variance request is for one variance which the Board can approve of in whole or in part. Ms. Bell explained the applicant needs a D1 Variance for the self-storage facility and that, if allowed, the Board will then decide on the requirements for that type of building.

*(Chairman Battista acknowledged Ms. Hatami's arrival).*

Referencing Exhibit A-2, Mr. Mueller detailed the proposed 80-foot subdivision which will take .49 acres from the neighboring Church. (St. Thomas AME Zion Church). to provide adequate access to the self-storage facility. He stated there is no access through the 8 acres of wetlands. In response to Mr. Lomangino's concern about potential grading concerns, Mr. Mueller responded that there is a grade change, however, it wouldn't negatively affect the wetlands. He confirmed that they initially requested approval to apply for a "wetlands crossing"

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 2022**

with the DEP, however, the DEP required them to provide an alternative analysis. As a result, the applicant contacted the St. Thomas AME Zion Church to inquire about using some of their property to provide access to the storage facility. Mr. Mueller explained that since the Church provided an alternative, the DEP required that the applicant use that option. Mr. Pape mentioned that an option presented to the Church was an easement, however the Church opted for the subdivision. Mr. Mueller stated that they are taking approximately .49 acres from the Church which results in 11.94 acres for the self-storage lot and leaves 1.29 acres for the Church.

In response to Mr. Kuzmin's concern regarding potential leakage from the RV and boat storage, Mr. Mueller stated there will be provisions for precautions from leakage of RV/Boat storage. He further confirmed that the layout is suitable for emergency vehicles.

Mr. Neff mentioned that a variance will be required for the property line setback and questioned whether the building size could be reduced. Mr. Pape confirmed that the owner of the property is open to the discussion to reduce size of the storage unit. Mr. Neff clarified that there is a 40-foot setback requirement for the Neighborhood Commercial Zone. Mr. Mueller countered that the requirements for an L-shaped Flag Lot would need to be clarified. Vice-Chairman Palmieri expressed concern about reducing the Church lot and asked about the impact on the Church as far as a required variance. Ms. Bell explained that the Church is a conditional use and that additional variances would be a result of reducing the property. She provided examples of parking concerns, landscaping requirements and setbacks. Mr. Neff added that a waiver for the driveway would be needed under site plan. Ms. Bell pointed out that this subdivision creates frontage concerns, unpermitted flag lot status as well as the concern that through lots on one or two streets is prohibited. Vice-Chairman Palmieri reiterated his concern about reducing the Church's lot size as it is already undersized.

Mr. Pape explained that the Church benefits from the proposed larger parking lot and from the sale of part of their property. He reiterated that the DEP required the applicant to seek additional properties. Had the Church declined the subdivision, they would have gone back to the DEP to request individual permit. Mr. Neff confirmed that the southeast corner of the property is owned by the County and not available for the church to use to "replace" the parcel they are intending to sell to the applicant.

Attorney Hirsch swore in the following witness:

***David Collins – Architect, 213 Holly Ave. Lincroft, NJ***

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

Mr. Collins provided 2 Exhibits:

A-3 Architect colored rendering of front of building.

A-4 Architect floor plans and elevations.

Mr. Collins reiterated that the Applicant is proposing a two-story self-storage building with an approximately 71,000 square foot footprint with a height of 35 feet. He described the modern architecture as well as the indoor space. Ms. Bell suggested adding windows to the second floor.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 2022**

Chairman Battista inquired about flex space to which Mr. Pape assured him that there will be verbiage in the customer contract forbidding flex space and/or occupancy. He also mentioned that there is no plumbing or electricity in the storage units.

Mr. Collins described the exterior as being made with concrete, aluminum composite panel which is sturdy and durable. It is designed to be a non-combustible building. The interior will have staircases per code, an elevator, and a 700 square foot office space. The HVAC system will be screened and located on the roof and the Applicant will work with the Fire Department to meet code requirements.

Mr. Kuzmin noted that there are 359 individual units which Mr. Collins confirmed as of this date, however, the final design will be decided in the site plan.

Attorney Hirsch swore in the following witness:

***Justin Taylor – Traffic Engineer, Dynamic Traffic, 1904 Main Street, Lake Como, NJ***

Mr. Taylor placed his credentials for the record and the Board accepted him as an expert witness in Traffic Engineering.

Mr. Taylor referred to Exhibit A-1.

Mr. Taylor reported that the existing network includes Shafto Road which is two lanes and has a 50-mph speed limit. In the proposed condition, the layout and driveway of the neighboring property, St. Thomas AME Zion Church will not change. However, the Church will gain 6 parking spaces. Adding these will bring the total to 24 spaces which brings the Church into compliance. Mr. Taylor commented that a box truck was used to simulate the potential size of vehicles using the driveway and determined it was adequate. Mr. Neff expressed concern regarding the proposed dimension of the driving and loading dimensions. Mr. Pape explained that part of the mitigation of this concern is that the loading area is to be used in a very specific manner as indicated in the lease. Mr. Taylor agreed with Mr. Neff's comment that a one-way traffic pattern would alleviate the concern.

Mr. Taylor testified that the circulation system presented to the Board is safe and that 15 parking spaces is adequate for self-storage. This conclusion is based on the Institute of Transportation Engineers Publication Parking Generation Manual. According to the Manual, there should be .1 space per 1,000 square feet of the building, which results in 14.2 spaces for this building. As such, regardless of the number of units in the storage unit, Mr. Taylor claims, the 15 parking spaces are sufficient. Mr. Taylor described the RV/boat size and confirmed that there is enough room for movement of those vehicles.

Mr. Taylor described the driveway as being 30 feet wide which he claims is more than adequate. He mentioned that the driveway is across the street from the Tinton Falls Senior Residence, and confirmed level of service of D, E & F in the vicinity. Mr. Taylor projects 15-25 vehicles during the peak hours (later stated to be 7-9am, 4-6pm, Monday through Friday) and pointed out that other permitted commercial developments could potentially generate much more traffic compared to a self-storage facility. Mr. Pape pointed out that there would be a greater parking

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 2022**

demand for other commercial interests due to higher activity. Ms. Hatami inquired if the other uses being described are similar in size to the proposed self-storage facility? Mr. Taylor clarified that the hypothetical uses he described would be smaller in size, however, would potentially generate 20-30 times more traffic than the self-storage facility would. Mr. Kuzmin asked Mr. Taylor to explain how he made those calculations? Mr. Taylor testified that the numbers he is referencing were derived from the Institute of Transportation Engineers for trip generation. This calculates the rate for the busiest commuting peak-hours. This calculation determined that a self-storage facility would generate approximately 15-25 trips during peak hours. For comparison, Mr. Taylor described the peak-hour trips for alternative uses. Mr. Kuzmin voiced his concerns with the overall parking and the calculation that was used to determine the number of spaces needed for this use.

Mr. Porzio expressed concern that the RV/boats would potentially cause delays and safety issues entering and exiting the driveway. He mentioned that the Tinton Falls Senior Residence, a funeral parlor, and a condominium complex on Shafto Road also generate traffic. Mr. Taylor responded that they combine background traffic data with Department of Transportation to determine the level of traffic. Mr. Neff mentioned that the Applicant is limited due to it being a flag lot. He suggested a deceleration lane or a turn lane into the site. Mr. Porzio suggested parking in the rear of the building to which Ms. Bell referred to the Applicant's earlier testimony which explained that they couldn't put a parking lot in the rear of the building due to slope. Mr. Neff suggested that retaining walls could be considered.

Mr. Palmieri opened discussion into having only one driveway for both the Applicant and the neighboring church. Mr. Neff said that consideration would need to be given to the need for an access easement as well as the loss of some parking spots. Ms. Bell contributed that she would not recommend this approach due to new variances being required.

Mr. Kuzmin pointed out that the traffic survey is dated December 2018 and inquired if there was any consideration being given to the traffic pattern and volume in the summer. Mr. Taylor explained that even considering the summer traffic and increased volume, the low number of people using the facility wouldn't have an impact. Chairman Battista pointed out that there are other commercial entities that have submitted applications/been established since the survey date. Additionally, he believes that the survey data from 2018 is outdated and no longer valid.

It was established by Mr. Pape that although there is no gate or security measures on the current design, the client is amenable to make those changes if the Board requires. He also stated that only clients using secure access code will have access to the building.

Daniel Levine – resident of Greenbriar Falls had statements to make however, he was politely told by Chairman Battista that this time is for questions regarding this specific application only at this time.

**The Board took a 5 Minute Break at 9:29pm  
Back on the Record at 9:37pm**

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 2022**

Upon return to the meeting, Mr. Pape said that after consideration, the outdoor storage space for the RV/boats will be eliminated. He made the verbal commitment to expand both the loading zone to 12 feet (from 10 feet) and the travel ways to 24 feet wide which will render the buffers compliant.

Attorney Hirsch swore in the following witness:

***Isaac Neuman – Owner/Applicant, One International Blvd, Mahwah, NJ***

Isaac Neuman stated that he is not in the self-storage business and plans to have a joint venture or manager to operate the facility. Upon questioning from Mr. Pape, Mr. Neuman confirmed that the facility will be in operation 24 hours/7 days per week, that the office will be open Sunday through Friday in varying spans, and most Saturdays during the summer. Mr. Neuman confirmed that there will be 2 employees, full security cameras, and digital codes access. He stated that there will be no occupancy allowed, no business conducted by clients at the facility and that there will be no plumbing or electric in the storage units. Mr. Neuman confirmed that he will provide a template of the lease. He affirmed that the interior lighting will be motion detected.

Chairman Battista requested that Lot 1.02, which is existing woodlands, be undisturbed which will stand as a buffer. Mr. Mueller confirmed that is something they can incorporate during site plan discussions and planning. Mr. Neff clarified that, ideally, the woodland portion immediately behind the Church's property should be preserved to approximately 60 feet.

Ms. Hatami asked if there was any thought given to constructing smaller facility? Mr. Pape replied that the applicant is seeking approval for the specifics in this application, however, he stated that any project can be made smaller.

Attorney Hirsch swore in the following witness:

***Christine Nazzaro Cofone – Professional Planner, 125 Half Mile Road, Ste 200, Red Bank, NJ***

Attorney Hirsch established that Christine Nazzaro Cofone's credentials have been put forth previously and that they are accepted.

Ms. Cofone pointed out the need for the D1 variance, and a D3 because the existing neighboring Church sits on a non-conforming lot and the application's request to use some of their property makes it even smaller. Ms. Cofone pointed out that they are requesting a D6 variance for height due to the height requirement of 12 foot ordinance for generic standard self-storage units (not in NC zone). She pointed out that the NC zone allows, for permitted use, a height of 35 feet and 2 ½ stories. She stated that there are not many C variances needed citing that the requested relief is not related to the size/intensity of the use. According to Ms. Cofone, the NC zone permits 60% coverage and the applicant is seeking 22%. She stated that the site is suitable for the proposed use considering 8 of the 11 acres are unable to be developed due to wetlands. In addition, Ms. Cofone noted that the project meets the Borough's 2019 Master Plan objectives. Ms. Cofone deferred to Mr. Taylor regarding the number of parking spots, however, she concluded that

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 2022**

although this not a permitted use, it is a particularly suitable use considering traffic, the challenges of the site topography, and the lack of visibility. Ms. Cofone stated that special reasons exist for granting the variance, directing the Board to Criteria G (sufficient space in an appropriate location) Criteria I (creating a desirable visual environment) and Criteria N (efficient use of the land).

Ms. Cofone stated that the neighboring church is a conditionally permitted use in the NC Zone. The proposed storage unit violates the following three conditions: lot area, setback in the front, and setback in the rear. However, she contends that it is still an appropriate use pointing out that the Church wasn't utilizing the land being sold to the applicant and that they are gaining 8 parking spaces. Due to the uniqueness of the property restrictions, Ms. Cofone asserts that the self-storage use is appropriate.

Mr. Pape asked if the applicant's commitment to maintain the woodlands on their property behind the church and increased beyond what the ordinance required would support the granting of the variance for the applicant's requested lot size? Ms. Cofone answered in the affirmative.

Ms. Bell agreed with Ms. Cofone's assessment.

Vice-Chairman Palmieri informed the Board that if the Board approves this application, nothing is final until the site plan is approved or not approved.

Mr. Pape clarified that if the Board grants the relief requested, the minor subdivision would also be conditioned upon the site plan, so it is held in advance and the lot lines are not created.

Chairman Battista asked for a motion.

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

Mr. Pape made closing remarks reiterating the applicant's commitment to working with the Board. He requested variance relief to move forward to the Site Plan application.

Chairman Battista urged the applicant to make the most of the coverage in the front of the building if approval is granted.

Chairman Battista asked for a motion.

Vice-Chairman Palmieri made a motion to approve BA2022-01 with the conditions set forth by Attorney Hirsch. The motion was seconded by Mr. Lomangino.

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
June 2, 2022**

**ROLL CALL**

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

NAYES: Mr. Porzio, Ms. DeMaio

ABSENT: None

INELIGIBLE: Ms. Hatami, Mr. Provines

**MOTION TO ADJOURN**


Chairman Battista asked for a motion to adjourn.

Mr. Kuzmin made a motion to adjourn, which was seconded by Mr. McKinley.

All in Favor: AYE

Time: 10:27pm

Respectfully submitted,

A handwritten signature in cursive script that reads "Regina Acken".

Regina Acken  
Zoning Board Secretary

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