

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

The meeting was opened by Chairman Battista at 7:35 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. Acken took roll call.

Present: Chairman Battista, Vice-Chairman Palmieri, William Kuzmin, Charles Lomangino, Steven Porzio, Marc McKinley, Sheila Hatami, Emily DeMaio, Scott Provines

Absent: None

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

Chairman Battista read the Statement of Procedural Guidelines for Public Hearing.

MINUTES

Chairman Battista indicated that the minutes of the regular meeting held on November 3, 2022, have been previously distributed via email for the Board Members to review.

Ms. Hatami offered a motion to approve the minutes of the November 3, 2022 meeting. The motion was seconded by Vice-Chairman Palmieri.

ROLL CALL

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

NAYES: None

ABSENT: None

INELIGIBLE: Mr. Porzio, Ms. DeMaio

RESOLUTIONS

BA2022-07 Resolution in the Matter of Miaoyuan Zhou

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

Chairman Battista advised that the proposed Resolution in this matter has been distributed to the Board Members prior to tonight's meeting. The Board previously approved this application on November 3, 2022.

Chairman Battista asked if any Board Members have any comment on said Resolution?

Upon hearing none, Mr. Kuzmin made a motion to memorialize Resolution BA2022-07. The motion was seconded by Mr. Lomangino.

ROLL CALL

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

NAYES: None

ABSENT: None

INELIGIBLE: Mr. Porzio, Ms. DeMaio

BA2022-17 Resolution in the Matter of Patricia Zilly

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 November 3, 2022.

Chairman Battista asked if any Board Members have any comment on said Resolution?

Upon hearing none, Mr. McKinley made a motion to memorialize Resolution BA2022-17. The motion was seconded by Vice-Chairman Battista.

ROLL CALL

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

NAYES: None

ABSENT: None

INELIGIBLE: Mr. Porzio, Ms. DeMaio

NEW BUSINESS-

BA2022-18

David M. and Margaret A. Tripold

771 Tinton Avenue

Block 66, Lot 4.01

Bulk Variance

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.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

Vice-Chairman Palmieri offered a motion to accept service. The motion was seconded by Mr. Porzio. All present voted in favor.

Attorney Hirsch swore in the Applicant.

Chairman Battista directed the Applicant to describe the relief requested. Mr. Tripold told the Board that he and his wife bought their 230-year-old residence 11 years ago. At that time, it consisted of two barns and a dilapidated house, which they have since restored. They also restored one of the two barns in 2020. They are seeking to demolish the second barn and replace it with a 2-car garage. Attorney Hirsch asked if Mr. Tripold needed a variance for the restoration of the first barn? Mr. Tripold said a variance wasn't required because the replacement barn was under 400 square feet. Ms. Hatami asked if the proposed new barn is in the exact same location as the original barn? The Applicant said it is located within 6 feet of the original location. Ms. Hatami asked if the proposed garage will be in the same location as the existing barn? Mr. Tripold responded that it will be very close but depends upon any limitations based on the stability of the terrain. Chairman Battista asked where the Applicant's current garage is? Mr. Tripold said he doesn't currently have a garage. Chairman Battista asked if the garage is a secondary structure? Mr. Neff advised that this is an accessory structure. Chairman Battista confirmed with Mr. Tripold that his home is designated as being in a historic area and that the Tinton Falls Historic Preservation Commission has approved this request. The Applicant referenced the minutes from the Tinton Falls Historic Preservation Commission November 2022 meeting which were submitted with this application.

Mr. Neff stated that the Ordinance dictates that accessory structures shall not exceed an area of 400 square feet maximum per site, whereas 972 square feet is proposed. Mr. Neff indicated that no single accessory building shall exceed 400 square feet, whereas the applicant is proposing to construct a 576 square foot garage.

Mr. Neff pointed out that, due to the home being of historic value, the Applicant is likely unable to add a garage to the existing structure. Mr. Neff suggested that the Applicant position the proposed garage parallel to the street which would assist in vehicle maneuvering as well as help to minimize the size of the driveway. Mr. Tripold agreed with Mr. Neff's assessment. Chairman Battista asked if the size of the garage is standard? Mr. Neff answered in the affirmative and stated that due to the location of the site and its positioning in relation to the main road, a two-car garage will provide safety as well as adequate parking options.

Mr. Lomangino asked if the exterior of the new garage will match the existing home? Mr. Tripold answered in the affirmative. Attorney Hirsch how the previously restored barn is being utilized? The Applicant stated that it provides storage for lawn equipment and lumber, however, it is not large enough to house a vehicle. Attorney Hirsch asked if the Applicant intends to add an attic to the garage? Mr. Tripold answered that there is an attic which he will use for storage. He will incorporate Victorian elements to the architectural design of the garage.

Chairman Battista asked the Board and the public if they have any additional questions for the Applicant?
Chairman Battista asked the Board and the public if they have any additional statements for the Applicant?

Upon hearing none, Vice-Chairman Palmieri made a motion to close the public portion. The motion was seconded by Mr. Porzio.

All present voted in favor.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

Chairman Battista asked for a motion.

Mr. Lomangino made a motion to approve BA2022-18. The motion was seconded by Mr. Porzio.

Vice-Chairman Palmieri suggested incorporating a condition requiring the garage be parallel to the street. Chairman Battista stated that the Applicant shall consult with his engineer to work to that goal.

ROLL CALL

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

NAYES: None

ABSENT: None

INELIGIBLE: None

Chairman Battista noted for the record that Mr. Charles Lomangino recused himself for the 7th Day, LLC hearing.

CONTINUED BUSINESS

BA2021-09

7th Day, LLC

4045 NJ Route 33

Block 146, Lots 6.01 & 7

Bulk & Use Variance

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.

Ms. DeMaio offered a motion to accept service. The motion was seconded by Vice-Chairman Battista. All present voted in favor.

Jennifer Krimko, Esq., Ansell, Grimm & Aaron, Ocean, NJ, Attorney for the Applicant

Ms. Krimko stated that the Applicant is seeking Bulk and Conditional Use variances. Providing background, she reminded the Board that this property initially consisted of Ice King on the adjacent lot. The Applicant was later granted a variance to build flex warehouse space. Within one year of that approval, the Applicant received approval for Jughandle Brewery to occupy the flex space. The operations of Jughandle Brewery were heavily impacted by the COVID pandemic and as a result, the physical space of the tenant was reduced significantly. To remain profitable, Ms. Krimko stated, the Applicant leased space to other tenants, inadvertently violating the second resolution which stated that the space may be operated as either Jughandle Brewery or as flex space, not as both simultaneously.

Attorney Hirsch swore in the Applicant.

Fred Lomangino, 11 Clover Hill Road, Tinton Falls, NJ

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

Mr. Lomangino confirmed that he is a principal in Ice King and 7th Day, LLC. He stated that Ice King was constructed in 1999. Mr. Lomangino explained that the Applicant was initially granted approval for an express car wash and flex space, which would, in part, be occupied by the Applicant for office use. Upon deciding to lease space to Jughandle Brewery, the Applicant was granted a second approval permitting the operation of the brewery as well as two flex spaces, which were designated to be used for the car wash and for the Applicant's storage. Mr. Lomangino stated that the intention was that the car wash would be self-service only, with no employees. However, after a collision occurred on the first day of operation, the Applicant hired an employee to direct the customers on how to properly enter the car wash. Ms. Krimko stated that the Applicant is requesting approval to permit one employee for the car wash. Vice-Chairman Palmieri asked if the need for an employee affected the hours of operation? Mr. Lomangino said that they are no longer able to operate 24 hours per day.

Mr. Kuzmin asked if the employee is responsible for drying cars or detailing? Mr. Lomangino said the only responsibility of the employee is to direct the customers into the tunnel.

Ms. Krimko asked the Applicant to describe how the ancillary car use flex space is being used. Mr. Lomangino stated that, after experiencing customer's assertions that the car wash damaged their vehicle, the ancillary car wash bay became home to an auto detailer to repair reported damages. He stated that they have since added a camera system to prevent false claims.

Mr. Lomangino said that the car detailer works by appointment only on-site. He testified that the car detailer only requires 2 to 3 parking spaces as his operations take place inside the facility. Attorney Hirsch asked where these operations are taking place? Ms. Krimko responded that the car detailing is occurring in the flex space.

Chairman Battista asked if the car detailing operation is a new business to the site? Mr. Lomangino stated that the detailer has been operational since approximately 2017-2018. He explained that due to Covid's negative impact, Jughandle Brewery was unable to meet their monthly obligations during their first 6 months of operation. As a result, it was determined to shrink the brewery's physical space. Chairman Battista inquired as to whether Jughandle Brewery has been meeting their financial obligations for the smaller space? Mr. Lomangino responded that they have not. Attorney Hirsch asked if the Applicant has dispossessed the brewery, to which Mr. Lomangino answered that he has not because they are bound by lease.

Mr. Lomangino explained that, because of the brewery space shrinking, the auto detailer acquired a bay which added to the flex space he was already occupying. Ms. Krimko referenced site plan dated November 17, 2022 and instructed Mr. Lomangino to identify the space that the detailer occupies, which are identified as A & B on the plan. Ms. Krimko identified space I as housing an electrician and J as housing Ice King. Attorney Hirsch asked when the electrician became a tenant? Mr. Lomangino said that the electrician began leasing space when it was established that the brewery was not meeting their financial obligations. Attorney Hirsch asked if the detailing operation and the electrician have leases? Mr. Lomangino confirmed that they do. Attorney Hirsch stated that the Applicant has received approval to have two business leases including Ice King and Jughandle Brewery, however, they currently have four tenants. Ms. Krimko explains that the Applicant thought that the car detailer is considered ancillary to the car wash. Ms. Krimko conceded that the Applicant now understands that, from a legal perspective, the car wash and the car detailer are two separate business entities.

Mr. Kuzmin asked if the electrician lease is directly with the Applicant? Mr. Lomangino answered that it is.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

Mr. Lomangino said that he anticipates Jughandle Brewery will soon leave or shrink and as a result, the Applicant would like the space to revert to flex. Ms. Krimko stated that in 2018, when Jughandle Brewery was granted a use variance to operate as a brewery, the Resolution stated that once a flex space is built out, the Applicant loses the second flex space. She proposed that the Applicant file an amended application asking for the right to replace Jughandle Brewery with flex space as they decrease in size or cease operation.

Vice-Chairman Palmieri asked the Applicant what the minimum square footage would be sufficient for the brewery to occupy? Mr. Lomangino provided a guestimate of 3,000 – 4,000 square feet.

If the relief is granted regarding reverting to flex space, Mr. Kuzmin asked, what would happen if the brewery has a reversal of fortune and wants to expand? Ms. Krimko replied that the Applicant will determine a maximum square footage they would allow Jughandle Brewery to occupy and if they wanted to expand beyond that determination, they would need to apply for a variance.

Chairman Battista expressed his concern that the Applicant is preparing to return to the Board again with an amended plan. He does not encourage discussing “what if” scenarios and asked for clarification between a cannery and a brewery as they pertain to flex space. Mr. Neff said that a strictly canning use is flex space, however, brewing use is manufacturing. Mr. Neff asked the Applicant to provide accurate square footage for the space Jughandle Brewery is currently occupying for the next hearing. Chairman Battista implored the Applicant to be precise in the amended application as this Applicant is requiring many visits to the Zoning Board. Ms. Krimko agreed with Chairman Battista and pledged to have specific information at the next hearing.

Ms. Kimko asked Mr. Lomangino to describe the seating capacity currently at Jughandle Brewery. Mr. Lomangino reported that there are four tables with six stools at each as of his visit on November 30, 2022. Ms. Krimko stated that they are not seeking anything additional on behalf of the brewery.

Attorney Hirsch reminded Ms. Krimko that the Applicant is removing conditions that were on the property per the Resolution. He stated that there are several violations of the Resolution that need to be resolved.

Mr. Porzio asked how many businesses are currently operating at the site. Ms. Krimko responded that there is a car wash, a brewery, an electrician, Ice King and a car detailer. Mr. Lomangino interjected that originally, the site was approved to operate 11 businesses.

Mr. Lomangino stated, that as the brewery ceases operation, he would like to convert the space back to flex. Chairman Battista commented that there are numerous conditions that have not been met according to the Borough Engineer’s letter. Ms. Krimko said these conditions will be addressed in forthcoming testimony.

Ms. Hatami stated that when the site was originally approved to operate 11 businesses, it was to consist of a one-story building and that the Applicant returned to the Board seeking a second-story approval. Ms. Krimko countered that the building has been the same height since the initial application, however, the interior ceiling height of the brewery was raised as the result of a variance granted by the Board.

Ms. Bell asked if the Applicant would want another brewery in the space if Jughandle Brewery vacates? Ms. Krimko answered that they would be open to another brewery and reiterated that she will amend the application to clarify.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

Attorney Hirsch swore in the following witness.

Dave Boesch, LLA Nelson Engineering Associates, Inc. Neptune, NJ

Mr. Boesch presented his credentials, and the Board accepted him as an expert in Landscape Architecture and as the Project Manager of the site.

Referencing Exhibit 1-A, Mr. Boesch oriented the Board Members to the layout. He stated that Ice King was formed around 1999. The flex building and the car wash were formed in approximately 2019. He stated that the only access to the car wash is off Wardell Road. The vacuum station is on the Northwest corner of the building with two vacuum parking spaces at that location. These spaces are not able to be seen by customers upon entering the site. Mr. Boesch stated that they are proposing two more vacuum stations to be located adjacent to the five parking spaces toward the North end of the flex building. Ms. Krimko stated that these vacuums would be located on the lane leading the customers into the car wash. Mr. Boesch stated that the Ordinance dictates that the car wash be more than 50 feet from a residential zone. He identified the setback to the curb line is 10 feet from the residential property line, the vacuum car spaces are 40 feet from the property line and the vacuums are 60 feet from the property line. Mr. Boesch stated that the station is inside the building with the suction hoses being the only part of the vacuum located outside. Ms. Krimko pointed out that adding more stations would not increase any noise level because the suction hoses work off the mechanical component which is housed inside the building. Mr. Boesch restated that there are currently two stations at the northwest corner of the building and that they are proposing two more stations on the northeast corner which would provide four more vacuum spaces. The final of the five parking spots is proposed to be for the car wash employee.

Mr. Neff interjected that there were 2 stations originally approved and confirmed that a total of 3 are being sought. He asked if the Applicant has considered moving the station located at the northwest corner to the lane and thereby only needing one more station?

Mr. McKinley asked the Applicant to confirm that two vacuum stations exist, and they are proposing to add two more. Ms. Krimko confirmed.

Ms. Bell asked how many cars fit in front of the proposed new vacuum station? Mr. Boesch responded that the car wash queue can accommodate 12 twenty-foot parking spaces before reaching the proposed vacuum station. Mr. Kuzmin asked for clarification on how an overflow of traffic onto Wardell Road is being prevented? Mr. Lomangino stated that the employee will be responsible for ensuring that customers will not form a line waiting for the proposed vacuum station. He stated that an additional benefit to adding the proposed vacuum station is that it provides a second suction line from the main unit which is beneficial in the case of a clog on either side.

Attorney Hirsch marked the Use and Site Plan as Exhibit A-1 and the colored photographs of subject property signage as Exhibit A-2. Mr. Boesch highlighted a proposed digital sign which would be dedicated to advertising new tenants or for specials for the car wash. Ms. Krimko commented that it is not intended to be blinking or flashing. Chairman Battista inquired as to who will be utilizing the lower part of the existing sign which is currently being used for the Brewery. Mr. Boesch responded that sign would be for the tenants and that the

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

sign should be large enough to be identified by motorists. Mr. Neff interjected that the flex space tenants do not require large signs, but rather a small business owner logo with tenant signs above the units. He mentioned that there is a very significant car wash sign already on the site. Mr. Lomangino stated that he wants to add the digital sign to inform the public of when the car wash is open or closed or when they are offering a promotion and reiterated that it will not be blinking or scrolling.

Ms. Bell expressed her concern with the large number of signs being proposed in addition to the existing generous amount of signage. She asked if the Applicant has considered using the existing sign facing Route 33 to advise the public of if the car wash is open. Mr. Lomangino stated that the sign Ms. Bell is referring to at the bottom left of Exhibit A-2 (sign C) was originally placed 50 feet to the east of its current location, however, Mr. Lomangino stated that was confusing to the motorists. Therefore, it was relocated closer to Wardell Road for better direction. He contends that any signage in that location regarding car wash operation could be misinterpreted as being for another business on the property.

Mr. Neff suggested putting a chain and bollards at the entrance to the car wash to signal if it is open rather than add another sign. Mr. Kuzmin stated that he doesn't understand the need for any sign advising the public of whether the car wash is open. Mr. Lomangino countered that on days when the weather is changeable, there is the need to advise the public, especially for most of their clients who have memberships.

Vice-Chairman Battista asked if the doors to the car wash are closed when the car wash isn't operating? Mr. Lomangino said that yes, they are closed, however, that is not an indication of whether the car wash is operating. The doors close in winter as well, which is very confusing to the general public. He said that in addition to customers, deliverymen and women, UPS, USPS also have difficulty with the property due to the lack of effective signage. Mr. Kuzmin suggested that potential customers rely on their GPS rather than signs to a location. Chairman Battista interjected that there are more effective ways to provide wayfinding than intensifying the signage and suggested color coordinated smaller signs.

Mr. Boesch detailed the variance relief requested for signage enabling the tenants to utilize the ground floor window of their space for identifying their business. Mr. Neff clarified that the sign request is per tenant, not per unit. Utilizing the Exhibit A-2, Mr. Boesch identified the hot box in the Northeast corner of the site on which the Applicant has put a sign. Mr. Neff asked if it is legal to cover the hotbox? Mr. Lomangino responded that the vinyl wrap is only on the front and that it doesn't impede the use of the hotbox. He stated that this sign is very important as it is the only one indicating the entrance to the car wash on Wardell Road.

Mr. Kuzmin expressed concern that more signs will not provide the direction that the Applicant is seeking. Mr. Lomangino said that they are also planning to remove ineffective signs.

Referencing Exhibit A-2, Mr. Boesch commented that the photo labeled "Building Mounted Sign North Side" will be removed.

After the robbery that occurred to the car wash three weeks after opening, Mr. Lomangino placed two signs on site stating that there is a camera system recording the facility, which have been effective. However, upon removing the sign facing Route 33 after a Technical Review Meeting with the Borough professionals, the Applicant was burglarized again. Mr. Boesch reported that the sign that was removed was located at the

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

southeast corner of the property. They proposed replacement sign is a single panel, two-faced sign which will not face Route 33, and as such, not visible from the highway.

Mr. Neff asked if there is a sign near the money box indicating that there is a camera system and expressed concern about it being Route 33 facing. Mr. Lomangino responded that there is a sign near the money box, however, it is ineffective. He claims that the proposed sign isn't visible from Route 33, as it is in the shadow of the neighboring property, Motel 6.

Mr. Boesch highlighted the bypass lane of the car wash in Exhibit A-2, showing the scale of the structure as well as the screening of 3-to-4-foot grade change. He stated that the car wash queue signage is only visible on the eastern most facade of the flex space. There are ten 3 feet by 6 feet signs used to promote the site businesses.

Mr. Kuzmin asked how many signs the Applicant is proposing for the car wash queue? Ms. Krimko suggested that ten is the maximum number they will be seeking. Ms. Hatami asked for clarification on the green signs on the opposite wall. Mr. Lomangino responded that they advertise the monthly memberships for the car wash.

Mr. Lomangino said that he is amenable to removing the request for the digital signage being proposed underneath the approved free-standing sign. He pointed out that the initial projection was that the car wash would service 300 units per day, however, they are only averaging between 35 and 50. He is hoping the digital signage would increase business and is willing to shrink the signage down to meet the Ordinance requirements.

Ms. Boesch proposed a standard letter sign to add to the building façade on the south wall. The size of the proposed sign is below ordinance however a variance is needed due to the proximity of the sign to the edge of the building. Mr. Lomangino interjected that he'd prefer to shrink the sign to avoid a variance being sought.

Ms. Krimko asked Mr. Boesch to detail the location of the Ice King vending machines. He stated that they are near the entrance by Wardell Road. Ms. Krimko summarized by stating that the ice machines are permitted, are not taking up parking spaces or loading zones and do not interfere with circulation.

Ms. Krimko detailed the signage variances being requested as follows:

- Two 32 square foot advisory signs whereas a maximum of 2 square feet is permitted.
- Wall sign setback 3 feet from the side of the building, whereas a minimum of 5.8 feet is required.
- Two digital signs, whereas digital signs are not permitted.
- Ground sign of 80 square feet (digital sign) and 90 square feet (hot box), whereas a maximum of 60 square feet is permitted. Mr. Boesch testified that the digital sign can be reduced to meet the Ordinance requirement.
- Two ground signs whereas only 1 permitted.
- Ground sign heights of 6.29 and 6.75 feet whereas maximum of 6 feet is permitted. Ms. Krimko stated that this request will be resolved by reducing the size of the sign, so no variance will be required.
- Ground sign setback of 8 feet, whereas minimum of 20 feet is required.
- Seeking tenant window signs of 12 square feet each, whereas a maximum of 6 square feet is permitted.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

-Asking for 10 signs advertising off-site businesses along the car wash aisle, whereas none are permitted.

Mr. Kuzmin asked for clarification on the digital sign request. Ms. Krimko responded that they are proposing to reduce the size of the digital sign from 80 square feet to 60 square feet. Chairman Battista interjected that there is a variance being sought for the digital aspect of the signage to be considered. Ms. Bell commented that the sign is an existing non-conforming as it is 8 feet from the property line, whereas 20 feet is permitted. Ms. Krimko said that the variance would be needed for the expansion of that sign in that non-conforming location. Mr. Lomangino noted that the sign was originally approved to be at that location, however, in a smaller size, which was agreed to by both Ms. Bell and Ms. Krimko.

Chairman Battista commented that, although he acknowledges that the location of the car wash presents a hardship regarding burglaries, he struggles with voting to grant a variance for the digital sign. He inquired as to whether there is a more effective way to advertise than to add more signs including digital? Ms. Bell stated that, she finds the site difficult to manage due to the sign pollution. Ms. Lomangino said that, to reduce confusion, they are removing \$25,000 worth of signs. He stated that the intention is to have the digital sign be informational as to the operation of the car wash and not to advertise other businesses.

Mr. Porzio confirmed with Ms. Krimko that regardless of who occupies the tenant space, the signs must be 12 square feet.

Chairman Battista asked if there are any other witnesses? Ms. Krimko stated that there aren't any.

Mr. Neff stated that the Applicant is intensifying the deficiency in parking by removing more spaces and added vacuums. He stated that 49 parking spaces are required, whereas the Applicant is seeking 36 parking spaces which includes 8 spaces on the adjacent lot. Mr. Boesch stated that the Ordinance requirement for a car wash is 10 spaces per washing lane and 2 spaces per vacuum station. Ms. Krimko asked Mr. Boesch if there is a demand for parking for any use other than the employee and the vacuum station? Mr. Boesch answered that there is not. Referencing the Third Engineering Review Letter from Mr. Neff dated November 15, 2022, Chairman Battista read item 11 which stated that there have been repeated notification to the Applicant of the illegal parking on the sidewalk along Wardell Road and that all parking must be in designated parking spots. Ms. Krimko stated that the illegal parking is due to laziness of the Ice King employees and not due to lack of parking. Mr. Lomangino supported Ms. Krimko's assertion and stated that the employees will no longer be parking illegally. Mr. Lomangino said that the proposed location for the new additional vacuum stations is never utilized and that it is wasted space. Mr. Neff conceded that the ordinance requiring 10 parking spaces is excessive for a self-serve car wash application, however, he stated that the existing signs for "management parking only" need to be removed to provide parking for the brewery during peak hours. Mr. Lomangino said those signs have been removed.

Ms. Bell contributed that a waiver is required for the buffer along the residential zone due to the proposed two new vacuum stations.

Upon closing discussions, it was determined to carry the application to January 5, 2023. Ms. Krimko stated that she will file an amended application and provide further notice. Chairman Battista stated that he would like to hear the Board Members thoughts on the Application.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

Mr. Kuzmin expressed his concern with the overflow of the vacuum station causing a hazard on Wardell Road. He suggested adding two parking spaces to the entry.

Mr. Palmieri feels confident that the signage issues will be resolved, however, he voiced his concern about Jughandle Brewery's instability and the affect that will have on the flex space. Ms. Krimko replied that she will have the details for him the January 5, 2023 meeting.

Mr. McKinley reiterated that simpler plans for the next meeting will help the Board immensely. Ms. Krimko promised to simplify the plans.

Mr. Porzio stated that the original approved application was for a 24-hour car wash, however, the site now more closely resembles a traditional car wash. Ms. Krimko responded that the only difference is the addition of one employee. Chairman Battista countered that the addition of the car detailing business has significantly intensified the scope of the operation. Mr. Lomangino responded that adding the car detailing operation to the vacant flex space was not meant to intensify the car wash operation. He stated that the car detailer works by appointment only and utilizes no outside parking.

Mr. Neff reminded the Board that there is more testimony from the Applicant's planner regarding uses for the flex space.

Mr. Palmieri asked if the car detailer has their own business being run separately from Mr. Lomangino? Mr. Lomangino answered in the affirmative.

Ms. Bell reminded the Board that there are Conditional Use and D1 Variances still to be addressed in further testimony and repeated that Ms. Krimko will ensure that they are included in the amended application and notice. Ms. Krimko stated that they will amend the application to reflect a contingency plan for if Jughandle Brewery leaves as all other variances were addressed in the original application and notice.

Ms. Hatami agreed with Mr. Kuzmin's concern about the overflow of traffic onto Wardell Road as well as the signs, the advertising in the car wash queue and asked to be provided with a visual of the proposed changes to the signs for the tenants.

As a client of the car wash, Mr. Porzio stated that the car wash queue moves so quickly that he doesn't have any concern regarding the vacuum station causing any overflow onto Wardell.

Mr. McKinley asked for specifics regarding car detailing appointments and duration of the vehicles being on-site. Mr. Lomangino answered that all operations of the car detailer have been functioning well. Chairman Battista pointed out that, while that may be the case, it is in violation. He added that there is a list of actions that the Applicant has taken since the original approval which have been in violation. He recounted that the original application was very straightforward and that at the time when he voted to approve the application, the flex space was going to be designated as storage or office space. He stated that it has transformed into a brewery and a car detailing business with contingency uses being proposed if the brewery vacates or shrinks. Chairman Battista then reiterated that it is possible to recreate the signage to be both elegant and effective. He feels that the most important issue is the constant change in the plans for the flex space. He expressed concern as to whether the Applicant can obtain clarity on the plans or viability of Jughandle Brewery by the next hearing.

BOROUGH OF TINTON FALLS
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 1, 2022

Ms. Krimko commented that once the Applicant leased space to Jughandle Brewery, there were limitations put on the flex space which were restricted to ancillary to the car wash or Ice King. Although the space was approved as flex space, it was built out as a car wash, a brewery and two storage areas to existing tenants. The Applicant is asking for approval to use the building as flex space in the event the brewery shrinks or vacates. Ms. Krimko stated that a determining factor is whether the car detailer is considered a flex space from the perspective of parking and traffic generation.

Mr. Hirsch stated that clarity on the intention of the brewery to continue operation is needed to make a clear decision based upon a specific scenario.

Ms. Krimko recapped that the Applicants goal is to be granted permission to return the building to flex space. She will amend the application and create more user-friendly exhibits for the next meeting on January 5, 2023. Further notice will be provided by the Applicant.

MOTION TO ADJOURN

Chairman Battista made a motion to adjourn. The motion was seconded by Vice-Chairman Palmieri.

All in Favor: Aye

Time: 10:22pm

Respectfully submitted,

Regina Acken
Board Secretary

APPROVED AT A BOARD MEETING ON: January 5, 2023