

**BOROUGH OF TINTON FALLS  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MARCH 2, 2023**

The meeting was opened by Chairman Battista at 7:35pm.

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 led the meeting in a salute to the flag.

Ms. Acken took roll call.

**Present:** Chairman Battista, Mr. Palmieri, Mr. Lomangino, Mr. McKinley, Ms. Hatami, Ms. DeMaio

**Absent:** Vice-Chairman Kuzmin, Mr. Porzio, Mr. Provines

**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 February 2, 2023, have been previously distributed via email for the Board Members to review.

*Mr. Lomangino offered a motion to approve the minutes of the February 2, 2023, meeting. The motion was seconded by Mr. Palmieri. All in favor by those eligible to vote.*

**RESOLUTION**

**BA2021-09**  
7<sup>th</sup> Day, LLC  
4045 NJ Route 33  
Block 146, Lot 6.01 & 7  
Use and Bulk Variance

Chairman Battista advised that the proposed Resolution in this matter has been distributed to the Board Members prior to tonight's meeting. The Board approved this application on January 5, 2023.

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

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*Mr. Palmieri offered a motion to memorialize Resolution BA2021-09, the motion was seconded by Chairman Battista.*

**ROLL CALL**

AYES: Mr. Palmieri, Chairman Battista, Ms. Hatami, Ms. DeMaio

NAYES: None

ABSENT: Vice-Chairman Kuzmin, Mr. Porzio, Mr. Provines

INELIGIBLE: Mr. Lomangino, Mr. McKinley

**CONTINUED BUSINESS**

**BA2022-13**

Stavola Realty Company  
157 Hamilton Road & 1810 Wayside Road  
Block 109, Lots 12.01, 13.01, 15, 16, 18-24, 29.02  
Use and Bulk Variance, Site Plan Approval

Chairman Battista stated that this matter is being carried to the April 6, 2023, Zoning Board meeting without further notice.

**BA2022-19**

FLM Associates, LLC  
3212 Shafto Road  
Block 145, Lot 15.01  
Use Variance & Site Plan

Chairman Battista stated that this matter is being carried to the April 6, 2023, Zoning Board meeting without further notice.

**NEW BUSINESS**

**BA2022-22**

Denholtz Tornillo 150 LLC and Maplewood 3, LLC  
150 Tornillo Way  
Block 120.04, Lot 1.02  
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. Hatami made a motion to accept service. The motion was seconded by Chairman Battista. All present voted in favor.

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Jennifer Krimko, Attorney for the Applicant

Ms. Krimko explained that the Applicant is seeking a use variance for two principal uses within a single building on the site.

She submitted the following exhibits:

A-1 Aerial photo prepared by Beacon Planning

A-2 Photo Board containing four 8x10 photos

Attorney Hirsch swore in the following witness.

Andrew Janiw, Beacon Planning & Consulting Svs, 315 Highway 34, Colts Neck, NJ

Mr. Janiw presented his credentials, and the Board accepted him as an expert in Planning.

Mr. Janiw detailed the existing site, the proposed use and the variance being requested. He explained the operational hours, employee requirements and traffic pattern of the proposed physical therapist office. Although permitted in the IOP zone, the physical therapist is a medical use by ordinance definition and therefore, not permitted to occupy the same building as flex space.

Mr. Janiw stated that the parking lot is more than adequate to accommodate the proposed use and that the relief being sought is consistent with the 2007 Master Plan, which he detailed. He concluded that the site is particularly suited for the proposed use due, in part, to the location, the more than adequate parking (including four ADA parking spots), and the design and configuration of the space.

Mr. Janiw testified that the intensity of the use is not being increased, but rather, compliments the current tenant uses. Attorney Hirsch commented that the parking lot does not allow for large tractor trucks which eliminates the appeal for some potential flex tenants.

Chairman Battista asked the Board Professionals for their opinions on the application. Mr. Neff and Ms. Bell had no concerns and supported the testimony in all parts. Mr. Neff added that the clients of the proposed physical therapy office will be seen by appointment only which poses a lower customer traffic pattern than a retail establishment. Mr. Neff concluded that all concerns on his Engineering report have been addressed.

Chairman Battista asked if there were any questions for the Applicant.

Hearing none, Chairman Battista asked if there were any statements for the Applicant.

Hearing none, Chairman Battista offered a motion to close the public hearing. Mr. Lomangino seconded the motion. All present voted in favor.

Ms. Hatami stated that her initial concerns have been addressed and she is satisfied with the testimony of the Applicant. She offered a motion to approve BA2022-22 with the conditions set for by Attorney Hirsch. Mr. Palmieri seconded the motion.

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**ROLL CALL**

AYES: Ms. Hatami, Mr. Palmieri, Chairman Battista, Mr. Lomangino, Mr. McKinley, Ms. DeMaio

NAYES: None

ABSENT: Vice-Chairman Kuzmin, Mr. Porzio, Mr. Provines

INELIGIBLE: None

Chairman Battista offered a motion to Adjourn. Mr. Lomangino seconded the motion. All present voted in favor.

Time: 8:22pm

Respectfully submitted,

A handwritten signature in cursive script that reads "Regina Acken". The signature is written in dark ink and is positioned above the printed name and title.

Regina Acken  
Zoning Board Secretary

APPROVED AT A BOARD OF ADJUSTMENT MEETING ON: April 6, 2023