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BOROUGH OF TINTON FALLS
REGULAR MEETING OF THE PLANNING BOARD
April 11, 2018

Chairman Cunningham called the meeting to order at 7:30 P.M.

Chairman Cunningham read the following statement: "This is a regular meeting of the Tinton Falls Planning Board and is being held in compliance with the New Jersey Open Public Meetings Act. Adequate notice of this meeting has been given by posting on the Bulletin Board of the Municipal Building and by advertising in the Asbury Park Press and The Coaster."

ROLL CALL:

Present: Chairman Cunningham, Vice Chairman Lodato, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Clayton, Mr. Natter, Ms. Mayer, Mr. Michalowski

Absent: Mr. Collins, Mr. Mirarchi

Others: Dennis Collins, Esq., *Board Attorney*
Tom Neff, *Board Engineer*
Deanna Keefer, *Board Secretary*

All present stood for a Salute to the Flag.

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PLANNING BOARD BUSINESS-

CITIZENS SERVICE ACT COMPLIANCE- Chairman Cunningham indicated Mr. Collins and Mr. Mirarchi were absent tonight, however we would wait on addressing same until the end of the meeting.

PROFESSIONAL REPORTS – Mr. Neff reminded board members to complete DEP Storm water online course by June 1st.

APPROVAL OF MINUTES- Chairman Cunningham indicated that the board had received the minutes of the February 28th meeting, and asked for a motion to approve the minutes as submitted. *Mr. Clayton offered a motion to approve the minutes of the February 28th meeting as submitted; the motion was seconded by Ms. Mayer.*

Roll Call:

AYES: Mr. Clayton, Ms. Mayer, Mr. Lodato, Mr. Crowley, Mr. Romanov, Mr. Natter

NAYS: None

ABSENT: Mr. Collins, Mr. Mirarchi

INELIGIBLE: Chairman Cunningham, Councilman Baldwin, Mr. Michalowski

RESOLUTIONS-

PB 2017-10 US Home Corporation d/b/a Lennar

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Block 101 Portion of Lot 1- Parcel C
Preliminary & Final Major Site Plan & Subdivision

Attorney Collins noted for the record that he circulated the above resolution for the board's consideration, and that he shared the draft resolution with an attorney whom represented an adjoining property owner. Councilman Baldwin asked if FMERA had reviewed the resolution. Attorney Collins indicated that he did speak with FMERA regarding the resolution.

Ms. Mayer offered a motion to memorialize a resolution granting Preliminary & Final Approval for Phase I and Preliminary Approval for Phase II to US Home Corporation d/b/a Lennar. The motion was seconded by Mr. Clayton.

Roll Call:

AYES: Ms. Mayer, Mr. Clayton, Mr. Lodato, Mr. Crowley, Mr. Romanov, Mr. Natter

NAYS: None

ABSENT: Mr. Collins, Mr. Mirarchi

INELIGIBLE: Chairman Cunningham, Councilman Baldwin, Mr. Michalowski

NEW BUSINESS-

Chairman Cunningham advised the public of the procedural rules of the Tinton Falls Planning Board.

PB 2018-01 Lombardo Builders
Block 147 Lot 29- 102 Shark River Road
Minor Subdivision

Attorney Collins stated that Mr. Giunco is the attorney present on behalf of the applicant, the notice of adjoining property owners and affidavit of publication have been reviewed, are in order and the board has jurisdiction to hear this matter.

Mr. Giunco stated that this is an application by Lombardo Builders and Developers, for a property that connects between Shark River Road and Wardell Road. The property consists of 1.386 acres and is currently vacant and wooded. The proposal is to subdivide into two new lots, one with frontage on Shark River Road, the other with frontage on Wardell.

Attorney Collins swore in the following witness:
Jeffrey Carr, PE

Attorney Collins also swore in Tom Neff, Planning Board Engineer.

Attorney Collins explained that this application proposes as a variance free application, due to the proposed lots fully conforming to size. He further explained that Mr. Neff has requested that in lieu

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of a right-of-way easement, the applicant give the Borough the right-of-way land, which then reduces the size of one of the lots, making it an undersized lot. Therefore the application was fully conforming, and the Borough is creating the variance.

Mr. Carr gave the board an overview of his background and expertise, and is accepted as an expert witness by the board.

The following exhibit is entered:

A1- Minor Subdivision plat prepared by William H. Doolittle, PLS of Lindstrom, Diessner & Carr, P.C., dated February 6, 2018 consisting of one sheet.

Mr. Carr described the current conditions, and the orientation of the site. Mr. Carr testified that the lot is in an R-2 zone where the minimum lot size is 30,000 square feet. Mr. Carr indicated for this subdivision they are proposing to split the lot into two lots that meet the minimum size lot requirement. Proposed lot 29.02 is exactly 30,000 square feet, and proposed lot 29.01 is 30,389 square feet.

Mr. Giunco asked Mr. Carr to confirm that if this application is approved, and the applicant dedicates the right-of-way, the Borough will have a 25 foot right-of-way from center line to the applicant's property. Mr. Carr confirmed same.

Mr. Giunco referred to Mr. Neff's review letter dated March 23, 2018. Mr. Carr indicated that the applicant intends to comply with all items in Mr. Neff's letter.

Mr. Carr indicated that the shape and size of the lot, along with the Borough's request for dedication of the right-of-way, creates a hardship for the applicant. He then described to the board the aspects of the application that create a benefit to the public good, and stated there is no negative impact to the zone plan.

Mr. Neff stated that his main concern with this application was the frontage along Shark River Road, and it sounds like the applicant has addressed his concern. He further stated that the improvements will result in a safer travel way, with the proposed widening of the road.

Mr. Neff asked about an existing enclosure on proposed lot 29.02, Mr. Giunco confirmed that said enclosure will be removed. Mr. Lodato asked what the enclosure was used for. Mr. Giunco indicated that the property owner used it to house a tractor.

Chairman Cunningham asked if anyone in the public had any questions.

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Mr. Fabisak, 1 Wyncrest Lane- Mr. Fabisak expressed that he feels the proposed driveway along the curve of the road will be very dangerous. Attorney Collins explained that when the applicant proposes to build a house on the lot, the proper Borough representative will review the sight triangle to ensure safety.

Mr. Lupo, 9 Wyncrest Lane- Mr. Lupo asked if the lot remained a single lot, could the driveway be installed on Wardell rather than Shark River Road. Attorney Collins stated that even if it remained a single lot with dual frontage, they could still install a driveway on either road. Mr. Lupo asked about the process when the applicant proposes to build a house on the lot.

Ms. Smith, 25 Wyncrest Lane- Ms. Smith expressed her concern with a driveway being installed on the curve of Shark River Road. Ms. Smith asked what the Borough will be doing with the dedicated right-of-way. Attorney Collins defined a right-of-way and ownership of same. Ms. Smith asked if the sidewalk being installed will connect with the sidewalk on Wyncrest Lane, discussion ensued regarding same.

Further discussion ensued regarding a driveway on Shark River Road.

Mr. Lodato offered a motion to close the public session, the motion was seconded by Mr. Natter. All present voted in favor.

Councilman Baldwin asked if the applicant made a contribution to the sidewalk fund, why not use it to install sidewalk to close the gap to Wyncrest Lane. Mr. Neff agreed that it would make sense to complete the sidewalk, and agreed to look into doing so. Further discussion ensued regarding what this process would look like.

Attorney Collins reviewed the application and the associated variance.

Councilman Baldwin offered a motion to grant Minor Subdivision approval to Lombardo Builders & Developers, LLC. The motion was seconded by Mr. Clayton.

Roll Call:

AYES: Councilman Baldwin, Mr. Clayton, Chairman Cunningham, Mr. Lodato, Mr. Crowley, Mr. Romanov, Mr. Natter, Ms. Mayer, Mr. Michalowski

NAYS: None

ABSENT: Mr. Collins, Mr. Mirarchi

INELIGIBLE: None

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EXECUTIVE SESSION- Not needed

OPEN PUBLIC SESSION- No public present

*Ms. Mayer offered a motion to close the public session. The motion was seconded by Mr. Clayton.
All present voted in favor.*

ADJOURNMENT-

*Ms. Mayer offered a motion to adjourn at 8:12 P.M. The motion was seconded by Mr. Clayton.
All present voted in favor.*

Respectfully Submitted,

Deanna Keefer

Deanna Keefer
Board Secretary

Approved at a meeting held on: May 24, 2018