

BOROUGH OF TINTON FALLS
REGULAR MEETING OF THE PLANNING BOARD
October 9, 2019

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

Mr. Lodato 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 Lodato, Councilman Baldwin, Mr. Crowley, Mr. Romanov, Mr. Clayton, Ms. Brown, Mr. Wallace, Ms. Hamilton
Absent: Mr. Natter, Mr. Markoff, Mr. Collins
Others: Dennis Collins, Esq., *Board Attorney*
Colleen Connolly, *Board Secretary*
Tom Neff, *Board Engineer*
Christine Bell, *Board Planner*

All present stood for a Salute to the Flag.

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PLANNING BOARD BUSINESS-

CITIZENS SERVICE ACT COMPLIANCE- Chairman Lodato indicated that Mr. Collins, Mr. Natter and Mr. Markoff are absent tonight and gave advanced notice of said absences to the Board Secretary with the exception of Mr. Collins. There are no objections to any of these absences.

Motion is made by Mr. Clayton and seconded by Mr. Romanoff to excuse these absences. All in Favor by those eligible to vote

PROFESSIONAL REPORTS – There are no professional reports.

APPROVAL OF MINUTES- Chairman Lodato indicated that the minutes of September 11, 2019 have been previously submitted to all Board members for review.

Councilman Baldwin makes a motion, seconded by Mr. Romanov to approve the minutes.

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Ayes: Councilman Baldwin, Mr. Romanov, Chairman Lodato, Mr. Clayton, Mr. Wallace
 Not eligible: Mr. Crowley, Ms. Hamilton
 Absent: Mr. Natter, Mr. Markoff, Mr. Collins
 Abstain: Ms. Brown

RESOLUTIONS- There are no resolutions to be memorialized this evening.

CONTINUING BUSINESS- PB 2019-12 – Denholtz Acquisitions, LLC – 151 Tornillo Way- Block 120.02 Lot 1.05 – Preliminary and Final Major Site Plan

Attorney Collins states that Councilman Baldwin has listened to the recording of the September 11, 2019 meeting and has executed an Affidavit attesting to same and is therefore eligible to vote. Mr. Crowley and Ms. Hamilton are not eligible to vote regarding this application. Atty. Collins states that the number of voting members is six (6) this evening. Mr. Giunco is amendable to continuing with six (6) voting members.

Mr. Giunco wishes to recall David Boesch who is reminded that he has been previously sworn in.

Chairman Lodato reviews that we are still discussing the access easement driveway.

Tom Neff, Engineer, reviews that there was a set of plans submitted from the applicant since the last meeting. Mr. Neff explains that the driveway has been widened near the southern portion and the radius has been increased around some of the other curb areas to provide for additional turning room. There were also three (3) sheets of turning templates showing that a WB67 tractor trailer could maneuver throughout the site from either entrance.

Mr. Boesch goes over the modifications of the circulation plan known as 151 A-10 that affects the access easement as well as 151 A-11

The following exhibits are marked into the record:

- 151 A-10 WB 67 Circulation Plan consisting of three sheets prepared by Nelson Engineering Assoc. dated Sept 11, 2019.
- 151 A-11 Expanded Entrance Turning Plan dated October 8, 2019 sheets 1-3
- 151 A-12 Freestanding Sign Analysis dated October 8, 2019

Mr. Neff states that the parking/ordinance changes were adopted at the last counsel meeting, so the parking reductions are in place.

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Mr. Neff confirmed that this facility is flex space and not a shipping/receiving facility. It is meant to be a flex space.

Mr. Neff discusses his striping recommendations for the driveway(s).

Chairman Lodato asks if the public has any questions for Mr. Boesch.

Mr. Falvo asks various questions regarding measurements of the loading docks and the delivery process anticipated for the prospective tenants.

Mr. Giunco calls Mr. John Rea as his next witness. Mr. Rea is reminded that he is still under oath.

Mr. Rea discusses his view on the circulation plan as well as his traffic count findings for Tornillo Way. Deliveries are discussed. The access and egress of the access easement are discussed. The truck traffic of Johnstone Supply is discussed and how it would interact with the proposed flex space traffic.

Chairman Lodato asks if any of the professionals, then Board members, have any questions of Mr. Rea.

Mr. Falvo asks Mr. Rea further questions regarding deliveries and spacing.

Mr. Giunco reiterates during his summation that his client wishes to be a good neighbor and if there is a timeframe that Johnstone needs exclusive use of the access easement driveway, it would not be a problem. The applicant also does not anticipate very much truck traffic.

Mr. Falvo states that he has an omitted question for Mr. Rea and after that would request a ten (10) minute recess in order to consult with his traffic expert.

Mr. Falvo asks a further question of Mr. Rea regarding truck circulation.

Recess is taken between 8:10 p.m. and 8:20 p.m.

Mr. Falvo asks Mr. Ney to be recalled. Mr. Ney is reminded that he is still under oath. Mr. Ney states that A-11 addresses some of the concerns that his client have but there are still a couple of issues. His client has concerns about activity occurring in the southern driveway. Specifically, tractor trailers using Johnstone's driveway to effectively make a u-turn, which would be a problem. Mr. Falvo states that signage in this area would be a benefit.

Also, regarding signage, Mr. Falvo believes the sign for the northern driveway is not in the most advantageous location. It is important that trucks arriving have early notice to utilize the northern driveway. Discussion ensues.

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Mr. Falvo states that he would like the sign moved and would like the sign to state the address of the site and the name of the building.

Mr. Falvo states that his client would like to see a recessed loading area for delivery trucks that come in and double park to reduce the concern of having someone else's truck's circulating in non-truck areas of this property.

Mr. Giunco responds, on behalf of the applicant, addressing the sign location. Mr. Giunco states that with regard to the signage located on the southern driveway, this would most likely create variance situations in terms of location and size. Mr. Neff states that directional signs throughout the site are allowed. However, there are size limitations. Mr. Neff recommends up to a ten (10) sq. feet sign for the access easement driveway at the northwest corner between the sites.

151 A-12 is discussed. Proposed sign location is discussed.

Chairman Lodato asks if there is anyone else in the public that wishes to speak.

Attorney Dennis Collins swears in Mr. Falvo's client, Mr. Robert Zimmermann, one of the founders of Johnstone Supply. Mr. Zimmerman gives a history of his business and states that he has experience as a tractor trailer driver.

Mr. Falvo asks if he still has concerns as to what driveway will get the most use. Mr. Zimmerman voices his concerns that he believes that tractor trailer drivers will miss the first driveway and then be utilizing the second driveway. Mr. Zimmerman corrects a previous statement that gave the impression that the access easement driveway was used as an exit only driveway for his business, which is incorrect. Mr. Zimmerman states that his truck traffic triples in June and July. Currently, this time of year is slow for his business. Mr. Zimmerman also states that with the approval of 150 Tornillo Way and the anticipated approval of 151 Tornillo, there will be significantly more truck traffic and general traffic on Tornillo Way. Mr. Zimmerman states that his main concern is for the safety of his workers and the general public.

Atty. Collins asks Mr. Zimmerman if, when he bought this property, was he aware of the access easement that required a shared driveway? Mr. Zimmerman states that he was aware of it at the very end because it was the only way the application would be approved. Atty. Collins asks if he was aware of the permitted uses that would be surrounding the property. Mr. Zimmerman states that he was aware. Atty. Collins asks if he performed his due diligence with respect to the impacts of the design on that access driveway that may be from a neighbor that would be using. Mr. Zimmerman states yes. Atty. Collins asks if he had hired an engineer to describe to him what would be the various alternatives that may occur the property. Mr. Zimmerman states that he did but does not think this scenario came up.

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Mr. Neff comments to Mr. Zimmerman that his company is basically a supply house and sells products which is why there is a significant number of trucks entering and exiting. This proposed site is not going to be operated like your Johnstone site. This is flex space, this is not a supply house.

Atty. Collins reiterates that it is a permitted use on the site. There are no variances needed for the traffic circulation on the site as it relates to a WB 67.

Ms. Brown begins commenting about this application. Ms. Brown believes this application to be inherently unfair. The driveway was known to be a shared driveway. She states that the application for the use next door to Johnstone is a fairly benign type of setup. Ms. Brown does not think it is ok to treat your neighbor like this.

Mr. Falvo states the issue is a question of safety. The applicant, as a result of our concerns at the last meeting, revised their entrance.

Ms. Brown states, that with all due respect, the Board has it's own professionals. Ms. Brown states that she thinks there must be something else bigger in play than the signage, or the curb cut or how the striping is going to be done. The professionals are telling us how they would like to see it done. Every request Johnstone has made of Denholtz, has been agreed upon and now we are back to the where the sign is going to be placed. There has already been discussion regarding the signage.

Chairman Lodato asks if there is any more material to present. The answer is no.

Mr. Zimmerman addresses Ms. Brown and gives a background of how his business began and how it has grown. Mr. Zimmerman states that he wants this property developed but does not want a situation where tractor trailers back up, jump the curb, sideswipe or hit someone. As a truck driver, he states he has real concerns. He discusses what truck drivers look for and offers insight into his thought process regarding making deliveries.

Chairman Lodato asks if there is anyone else from the public who wishes to speak. Hearing none, Councilman Baldwin makes a motion to end the public session, seconded by Ms. Brown, all in favor.

Mr. Giunco summarizes in detail for the Board his client's application and amendments thereto.

Chairman Lodato asks Mr. Neff about the application as it stands before the Board. Mr. Neff states that he takes no exception to Mr. Giunco's summary. The latest plan we have before us – A-12 with the wider driveway at the location of the access easement, does provide increased turning room for the tractor trailers and it does allow them to safely operate in and out of the site. With the addition of the 10 square foot sign, it is adequate for the property. The loading spaces will be added on either side of the building. With regard to the northern driveway, he has no objection to a small directional entrance sign, which will comply with the ordinances in place.

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Ms. Bell states that she has no objection to Mr. Giunco's summary. She believes the striping will provide some safety for cars and other vehicles entering the site. She believes the addition of the 10 sq. ft. sign by the north entrance will be beneficial. She agrees with Mr. Neff's suggestion for a small conforming directional sign near the north entrance will be beneficial.

Atty. Collins summarizes the application before the Board. This includes affirmatively granting a variance for a 10x12 monument sign, provide contrasting non-architectural elements on the façade; provide house-side shields around the perimeter of the property. The applicant would supplement landscaping in the rear island on the southwest corner of the building. The applicant would shield the hotbox with landscaping. There was discussion to be applicable to both applications that because the applicant meets the parking requirement, they would be permitted to bank areas, if they so desired, to a minimum of one space per 800 sq. feet, which is now the standard. That they would provide a fire hydrant at a location directed by the fire official. A sidewalk would be required in lieu of a contribution. They would provide striping on the expanded driveway to provide appropriate channeling of car traffic. They would provide signage at the access easement, subject to review of the board engineer to direct traffic to the appropriate properties. The Board would grant a variance up to a maximum of 10 sq. ft. for the directional sign in that area. The applicant would design a drop-off zone set on the south and north sides of the building for trucks like Fed Ex (box trucks, etc.). There would be an ordinance-compliant directional sign for the northern driveway entrance. Also, the applicant would comply with all outstanding comments of the engineer and planner reports.

Mr. Falvo asks that when the revised plans are submitted, that he be favored with a copy of them and any reports from the professionals concerning the revised plans. Atty. Collins states that the Board would be disinclined to give their staff additional work that is otherwise not required by law. He would hope that all concerned would share information. Mr. Giunco states for the record that he has previously delivered to Mr. Falvo .pdf and copies of each plan.

Chairman Lodato asks if there is a motion.

Councilman Baldwin makes a motion and is seconded by Ms. Brown to approve the application as discussed.

Ayes:	Councilman Baldwin, Ms. Brown, Chairman Lodato, Mr. Romanov, Mr. Clayton, Mr. Wallace.
Nays:	None
Ineligible:	Mr. Crowley, Ms. Hamilton
Absent:	Mr. Collins, Mr. Natter, Mr. Markoff

Atty. Collins states to Mr. Giunco that he will let him know when the resolutions will be ready and when the next meeting will be scheduled.

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EXECUTIVE SESSION- None

OPEN PUBLIC DISCUSSION- None

ADJOURNMENT-

Motion made by Mr. Romanov and seconded by Mr. Crowley at 9:15 p.m. All present voted in favor.

Respectfully submitted,

Colleen Connolly

Colleen Connolly,
Board Secretary

Approved at a Meeting held on: November 13, 2019