

BOROUGH OF TINTON FALLS
REGULAR MEETING OF THE PLANNING BOARD
SEPTEMBER 23, 2020

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

Mr. Collins 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 Nesci, Mr. Clayton, Mr. Mirarchi, Mr. Natter, Mr. Markoff, Ms. Hamilton
Absent: Mr. Wallace
Others: Dennis Collins, Esq., *Board Attorney*
Trish Sena, *Board Secretary*
Tom Neff, *Board Engineer*
Jennifer Beahm, 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. Wallace is absent tonight and gave advanced notice of said absence to the Board Secretary. No objection to his absence is made.

Chairman Lodato noted that Mr. Crowley has resigned from the Planning Board, and the Mayor has appointed Gary Baldwin as his new designee.

PROFESSIONAL REPORTS – None

Chairman Lodato briefly discussed the COVID-19 protocols that are in place for tonight's meeting. He initiated a discussion regarding hybrid meetings in the wake of the COVID-19 pandemic. He explained that an Applicant has postponed their hearing and has requested that there be both an in-person and virtual option for residents.

Attorney Collins explained that due to COVID-19 the State of New Jersey passed emergency legislation which permitted certain government functions to take place remotely. However, he explained that this legislation failed to address the issue of Land Use Proceedings. He discussed the Municipal Land Use Law and how quasi-judicial proceedings take place. He voiced his concerns about having virtual meetings and the possibility of technology not working properly. For instance, the ability to share documents, viewing exhibits, etc., poses a concern for those

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participating virtually. Attorney Collins discussed the Governor's Executive Order regarding building occupancy of 25%.

Chairman Lodato discussed his concerns with allowing the public to participate remotely and the technical difficulties that could arise and disrupt the proceedings. Attorney Collins added that if the Board were to create a remote component and there is a failure in technology, the meeting would have to end.

Councilman Nesci explained that numerous residents have reached out to him voicing their concerns of not being able to participate in these meetings virtually. Attorney Collins noted that the Planning Board is fully in compliance with all CDC requirements.

Ms. Brown inquired if the Planning Board could implement Microsoft Teams meetings to allow residents to view and participate in these meetings. Mr. Romanov, the Borough's Director of IT, stated that the Borough Council uses the WebEx software for their meetings. Ms. Beahm added that the other towns she works for are holding virtual meetings.

Ms. Hamilton suggested that the Board start with a smaller application to ensure that the technology works appropriately. Discussion ensued amongst the Board and Board Professionals regarding the risks of a virtual meeting.

Attorney Collins explained that the Court Room is limited to 43 people and if there were to be more participants, the meeting would be shut down.

Chairman Lodato asked the Board to vote on whether or not the Planning Board will allow hybrid meetings.

Councilman Nesci offered a motion to allow the Planning Board to hold hybrid meetings, the motion was seconded by Ms. Hamilton.

Roll Call:

AYES: Councilman Nesci, Ms. Hamilton, Mr. Clayton, Mr. Romanov, Mr. Markoff, Ms. Brown

NAYS: Chairman Lodato, Mr. Mirarchi, Mr. Natter

ABSENT: Mr. Wallace

INELIGIBLE: None

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APPROVAL OF MINUTES- Chairman Lodato indicated that the Board has received the minutes of the August 26, 2020, meeting and asked for a motion to approve the minutes as submitted.

Mr. Clayton offered a motion to approve the minutes of the August 26, 2020, meeting; seconded by Mr. Mirarchi.

Roll Call:

AYES: Mr. Clayton, Mr. Mirarchi, Chairman Lodato, Councilman Nesci, Mr. Natter, Mr. Markoff, Ms. Hamilton

NAYS: None

ABSENT: Mr. Wallace

INELIGIBLE: Mr. Romanov, Ms. Brown

RESOLUTIONS- PB2020-08 Ranney School Inc.

235 Hope Road (Block 28.01, Lot 1.01 and Block 29 Lot 1.01) Resolution Granting Preliminary and Final Site Plan Approval with Submission Waivers

Mr. Natter offered a motion to memorialize a Resolution Granting Preliminary and Final Site Plan Approval to Ranney School, Inc. The motion was seconded by Mr. Mirarchi

Roll Call:

AYES: Mr. Natter, Mr. Mirarchi, Councilman Nesci, Mr. Romanov, Mr. Markoff, Ms. Brown, Ms. Hamilton

NAYES: None

ABSENT: Mr. Wallace

INELIGIBLE: Chairman Lodato

NEW BUSINESS-

PB 2020-05

Rose Glen Condominium Association, Inc.

Block 120 Lot 37.06

Amended Preliminary and Final Major Site Plan

Attorney Collins stated that the notice is in order as to form and the Board has jurisdiction to hear this matter.

Jessica Baker, Esq. introduced herself as the Attorney on Behalf of the Applicant.

The following exhibit is entered into the record:

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A-1 *Preliminary & Final Major Site Plan prepared by Stuart Challoner, P.E., of Challoner & Associates, LLC dated December 12, 2019, consisting of six (6) sheets.*

Attorney Collins swore in the following witness:

Stuart Challoner, P.E. Challoner & Associates

Mr. Challoner placed his credentials on the record and the Board accepted him as an expert in the field of Engineering.

Attorney Collins explained that Rose Glen Condominium Association is seeking Amended Site Plan approval for an already existing development.

Ms. Baker explained that the Applicant is here this evening proposing new parking spaces, open-air patios, the expansion of current patios, new monuments signs, new storage shed, a new flagpole, and the installation of new fencing along Shafto Road.

Mr. Challoner stated that this application is the non-age restricted development located on Shafto Road which is completely built-out and occupied. He explained the current patios are located directly under the second-story decks; therefore, they could not utilize a grill. They are proposing to extend the existing patios by five feet and concrete grill pads so that residents can safely operate their grills.

Mr. Challoner indicated that each unit in this development has an on-site garage with a parking space. This site was designed with additional parking spaces for guests, etc., with a half a space per unit. He further explained that there are various residents who do not utilize their garages to park their vehicles. There are cars that currently park on the grass, and sidewalks as a result of inadequate parking.

There are existing parallel parking spaces located on Kyle Drive, the Applicant is proposing to change these parallel parking spaces to perpendicular spaces. In this particular area, 11 new parking spaces are proposed by expanding the parking lot by eight feet towards the existing solar farm. With these proposed changes, there will be a net increase of 32 parking spaces.

The Applicant is proposing a decorative open-rail black fence with brick pillars along Shafto Road to increase the presence of the association.

With this application, there are three new monument signs proposed. Two new signs are proposed at the access road off of Shafto Road and will be one-sided. Another sign is proposed at the secondary entrance off of West Park Avenue and will be a two-sided monument sign. A flagpole is also proposed along Shafto Road. A storage shed is proposed to store maintenance and landscaping equipment.

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Mr. Challoner indicated that several residents have already expanded their patios without the proper permits or approvals, therefore the Association is here this evening to obtain approval to expand all existing patios by five feet to legalize the work that has already been done. He explained that the expansion of the patios will not be done by the Association, it will be the responsibility of the individual homeowners. The Association will be responsible for the monument signs, the flagpole, the fencing, the parking spaces, and the storage shed. The grill pads and patio expansion will be the responsibility of the homeowner.

Mr. Neff inquired about the location of the storage shed and the parking spaces, he stated that there are some conflicts. He explained that the shed is located partially on the walkway and some of the parking spaces go through the walkway, he asked the Applicant to ensure that these improvements do not pose a conflict. Mr. Challoner explained that they will relocate the walking path so that it does not interfere with the proposed parking spaces.

Mr. Neff indicated that there is landscaping located where the new fence is proposed, he asked if it will be removed or relocated? Mr. Challoner noted that the intent is to not disturb the landscaping with the fence, however, if some needs to be relocated, the association will do so. He explained the fence will be located between the landscaping and the roadway.

Regarding the proposed fence, Mr. Neff questioned why they are proposing a five-and-a-half-foot fence when four feet is permitted in the front yard. He asked if there is a particular reason why it is so high? Mr. Challoner explained that the Applicant is not looking to block the view from Shafto Road, rather create security and an aesthetically pleasing street presence. Ms. Beahm voiced her concerns with the height of the proposed fence and suggested that the Applicant comply with the Ordinance.

Mr. Neff asked Mr. Challoner for the dimensions of the proposed flagpole and if it would require a variance. Mr. Challoner confirmed that the flagpole will be in compliance with the Borough Ordinance.

Chairman Lodato inquired about the similar style fence located on Commvault's property, and Attorney Collins noted that it was a preexisting nonconformity.

In regard to stormwater management, Mr. Neff stated that it appears this application triggers "Major Development". He asked if the Applicant could reduce the scope of this project to be under a quarter acre? Mr. Challoner further explained that the proposed impervious coverage for these improvements will be under and thus will not be considered Major Development. Ms. Beahm asked for clarification on the proposed grill pads and patio extensions, and asked Mr. Challoner if he is suggesting that because these improvements will be made by the homeowner, it will not be considered Major Development? Mr. Challoner stated that the overall goal is to stay under a quarter of an acre.

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Attorney Collins asked for clarification, and Mr. Challoner stated that he will reduce the size of the patios to ensure it is less than a quarter of an acre.

Mr. Neff noted that landscaping is required around the monument signs and Mr. Challoner confirmed that the Applicant will provide that.

Mr. Challoner affirmed that the Applicant would comply with all comments set forth in Mr. Neff's letter.

Chairman Lodato asked if any Board Members have questions of this witness?

Mr. Clayton inquired if the proposed flagpole requires lighting and Mr. Challoner stated that this would be up to the discretion of the association, if they were to keep the flag up at night, it will require a light.

Ms. Brown asked Attorney Collins if the developer of Rose Glen installed inadequate patios and now the homeowners must expand them? Attorney Collins explained that the initial site plan application was fully in compliance with the law and met all impervious coverage requirements. Mr. Neff stated that if the Applicant were to have an issue with meeting the stormwater requirements, he would recommend that they eliminate the patio expansion and just allow the grill pads. Mr. Neff stated that the expansion of parking is absolutely necessary, as it has become a serious safety hazard for police, fire and EMS. Attorney Collins explained that the Applicant will not expand the patios if it were to trigger Major Development.

Mr. Neff discussed the RSIS which is the State governing regulations for residential developments such as Rose Glen and allow the developer to count the garage as a parking space. When in reality most use their garages as storage and not for parking a vehicle.

Chairman Lodato asked Ms. Beahm for her opinion on the proposed fence, and she explained that she does not provide any a security and is only an aesthetic improvement. She indicated that there must be adequate planning testimony to justify this variance.

Chairman Lodato announced that the Board will take a five-minute break and resume at 9:04 PM.

Mr. Challoner testified that the proposed fence does provide separation from the roadway and the development. Further, the size of the fence and the pillars provides a majestic aesthetic, and suggested the Applicant would plant additional landscaping. Ms. Beahm stated that Shafto Road is a highly traveled road and stated that she does not take exception to the increased height of the fence to protect the asphalt walking path located on the site.

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Ms. Beahm stated that this application has three monument signs and require landscaping. She explained that testimony was provided earlier affirming that landscaping will be planted around the signs. Ms. Beahm further explained that she does not take exception to the number of signs being proposed. Mr. Neff added that the size of the signs complies with the Ordinance.

Mr. Mirarchi stated that he finds the proposed fence aesthetically pleasing.

Mr. Neff stated that he is happy to see additional parking installed in this development. He added that if a resident were to expand their patio, they must submit a Zoning Permit application and a letter of approval from the HOA.

Mr. Mirarchi offered a motion to grant Amended Preliminary and Final Major Site Plan approval with the conditions set forth by Attorney Collins to Rose Glen Condominium Association. The motion was seconded by Mr. Clayton.

Roll Call:

AYES: Mr. Mirarchi, Mr. Clayton, Chairman Lodato, Councilman Nesci, Mr. Romanov, Mr. Natter, Mr. Markoff, Ms. Brown, Ms. Hamilton

NAYES: None

ABSENT: Mr. Wallace

INELIGIBLE: None

OPEN PUBLIC DISCUSSION

Mr. Clayton offered a motion to close the Public Discussion, the motion was seconded by Mr. Mirarchi. All present voted in favor.

EXECUTIVE SESSION-None

ADJOURMENT:

Councilman Nesci offered a motion to adjourn at 9:11 PM, seconded by Mr. Clayton. All present voted in favor.

Respectfully submitted,

Trish Sena

Trish Sena
Planning Board Secretary

APPROVED AT A MEETING HELD ON: OCTOBER 14, 2020