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BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
OCTOBER 14, 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. Baldwin, Mr. Romanov, Mr. Mirarchi, Mr. Natter, Mr. Markoff, Ms. Brown, Mr. Wallace, Ms. Hamilton

**Absent:** None

**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-**

Chairman Lodato indicated that the room is nearing its capacity under the Covid-19 guidelines, he asked Mr. Collins to explain the protocols the Board must follow. Mr. Collins understands that those present this evening are here for the W&M Associates, LLC Application. The subject property is located at 1251 Jumping Brook Road and is owned by Mr. Bill Sitar.

The Board has been holding in-person meetings following the COVID-19 guidelines since July. Mr. Collins gave a brief explanation of Planning Board Meetings and the guidelines the Board must follow under the Municipal Land Use Law. He explained that under COVID regulations, the government gave little to no guidance on how a Land Use Board should proceed with their meetings. Mr. Collins advised that the Board recently decided to hold a Hybrid Meeting for an application after it became evident that the court room could not hold the capacity needed. He briefly discussed the Emergency Remote Meeting Protocol for Local Public Bodies provided by the State of New Jersey.

Mr. Collins stated that it is his legal opinion that in-person Planning Board Meetings are required under the law. He stated that the regulations provided by the State require in-person meetings. The Borough of Tinton Falls Planning Board has taken the most conservative interpretation of the Governor's Covid-19 regulations.

Mr. Collins advised that this evening the court room is two seats away from reaching capacity. Once the room reaches capacity, the Board must decide as to whether or not move the meeting

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to another location that provides sufficient capacity, or to allow a remote component. Mr. Collins discussed the requirements for a remote component.

Mr. Collins advised the applicant's attorney Mr. Pape that the court room has nearly reached capacity. Mr. Pape respectfully requested to discuss this matter with his client.

Chairman Lodato indicated that the Board will proceed with their routine business while the applicant's team discusses the meeting capacity.

**CITIZENS SERVICE ACT COMPLIANCE-** Chairman Lodato indicated that there are no absences this evening

**PROFESSIONAL REPORTS –** None

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

**Roll Call:**

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

**NAYS:** None

**ABSENT:** None

**INELIGIBLE:** Mr. Baldwin, Mr. Romanov, Ms. Brown

**RESOLUTIONS-** PB2019.18: *Apple Street Holdings, LLC: 106 Apple Street, Block 15.01 Lots 16.03 Granting Preliminary and Final Site Plan Approval with Variances, Submission Waivers and Design Waivers*

*Mr. Clayton offered a motion to memorialize a Resolution Granting Preliminary and Final Site Plan Approval to Apple Street Holdings, LLC. The motion was seconded by Mr. Mirarchi.*

**Roll Call:**

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

**NAYES:** None

**ABSENT:** None

**INELIGIBLE:** Mr. Baldwin, Ms. Hamilton

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Mr. Collins thanked everyone for their patience and cooperation navigating this new process under COVID-19. At this time, the applicant can either proceed with the hearing as the court room is not over its capacity, or they can carry the application and grant the Board an extension of time to act.

Chairman Lodato welcomed former Councilman Baldwin back to the Planning Board, he has been appointed as the Mayor's Designee, the Board is thrilled to have him back.

Mr. Pape advised that his client does not wish to proceed this evening due to issues with capacity. He asked that the application be carried to the next available hearing date. The applicant will re-publish and re-notice once a new hearing date is assigned. Mr. Pape asked the Board to consider a hybrid meeting for this application due to significant public interest. He respectfully requested the Board to consider a Special Meeting as well.

Mr. Collins advised that the Board must hold a discussion as to whether they wish to find an alternate location for this meeting or provide a remote component to hold a hybrid meeting.

Discussion ensued among Board Members in regard to hybrid meetings. Mr. Romanov stated that under COVID regulations, it would be quite difficult to find an alternate location that would allow an in-person meeting. Ms. Brown suggested a large gymnasium at a school such as Monmouth Regional.

If the Board decided to hold a hybrid meeting, it would be conducted in the same fashion as a regular in-person meeting.

Councilman Nesci explained that the Borough Council has been conducting their meetings via WebEx without any issues. In his opinion, a hybrid meeting is the best option for the Board under the COVID guidelines.

Mr. Collins explained that the hybrid option cannot be offered for all meetings, the regulations state that the Board must have a reasonable belief that a in-person meeting cannot be held for a specific application.

Discussion ensued in regard to the possible technical difficulties a hybrid meeting could create.

Ms. Brown suggested the MOESC School as a possible alternate location. Mr. Mirarchi suggested reaching out to the County for assistance in locating another location.

The question before the Board is to either find an alternate location or conduct a hybrid meeting. If an alternate location can be found, the meeting will be conducted there, however if an alternate location cannot be found, the Board must hold a hybrid meeting.

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Mr. Collins explained that the following motion states that the Board Professionals will explore an alternate location with sufficient capacity. If an alternate location cannot be found, the Board will conduct a hybrid meeting.

*Mr. Clayton offered a motion to explore alternate meeting locations and to hold a hybrid meeting if deemed necessary, the motion was seconded by Mr. Mirarchi.*

Mr. Collins respectfully requested that the applicant grant an extension of time in which to act through January 8, 2021.

**Roll Call:**

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

**NAYES:** None

**ABSENT:** None

**INELIGIBLE:** None

**OPEN PUBLIC DISCUSSION**

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

**EXECUTIVE SESSION-None**

**ADJOURMENT:**

*Mr. Romanov offered a motion to adjourn at 8:05 PM, seconded by Mr. Wallace. All present voted in favor.*

Respectfully submitted,

  
Trish Sena  
Planning Board Secretary

**APPROVED AT A MEETING HELD ON: April 14, 2021**