

BOROUGH OF TINTON FALLS
REGULAR MEETING OF THE PLANNING BOARD
MAY 26, 2021

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Chairman Lodato called the meeting to order at 7:00 PM

Chairman 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, Mr. Clayton, Mr. Baldwin, Mr. Romanov, Mr. Mirarchi, Mr. Natter, Mr. Markoff, Mr. Wallace, Ms. Hamilton
Absent: Councilman Nesci, Ms. Brown
Others: Dennis Collins, Esq., *Board Attorney*
Thomas Neff, Board Engineer
Jennifer Beahm, Board Planner
Trish Sena, *Board Secretary*

All present stood for a Salute to the Flag.

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PLANNING BOARD BUSINESS-

CITIZENS SERVICE ACT COMPLIANCE- Chairman Lodato indicated that Councilman Nesci and Ms. Brown are absent tonight and gave advanced notice of said absence to the Board Secretary. No objection to their absence is made.

PROFESSIONAL REPORTS – None

APPROVAL OF MINUTES- Chairman Lodato indicated that the Board has received the minutes of the November 11, 2020, meeting and asked for a motion to approve the minutes as submitted.

Mr. Natter offered a motion to approve the minutes of the November 11, 2020, meeting; seconded by Mr. Clayton

Roll Call:

AYES: Mr. Natter, Mr. Clayton, Mr. Baldwin, Mr. Romanov, Mr. Mirarchi, Mr. Markoff, Mr. Wallace
NAYES: None
ABSENT: Councilman Nesci, Ms. Brown
INELIGIBLE: Chairman Lodato, Ms. Hamilton

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Chairman Lodato indicated that the Board has received the minutes of the December 9, 2020, meeting and asked for a motion to approve the minutes as submitted.

Mr. Mirarchi offered a motion to approve the November 11, 2020, minutes; seconded by Mr. Baldwin

Roll Call:

AYES: Mr. Mirarchi, Mr. Baldwin, Chairman Lodato, Mr. Clayton, Mr. Romanov, Mr. Natter, Mr. Markoff, Mr. Hamilton

NAYES: None

ABSENT: Councilman Nesci, Ms. Brown

INELIGIBLE: Ms. Brown, Mr. Wallace

Chairman Lodato indicated that the Board has received the minutes of the January 13, 2021, meeting and asked for a motion to approve the minutes as submitted.

Mr. Clayton offered a motion to approve the January 13, 2021, minutes; seconded by Mr. Mirarchi

Roll Call:

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

NAYES: None

ABSENT: Councilman Nesci, Ms. Brown

INELIGIBLE: None

RESOLUTIONS-

PB2019-06 Resolution Granting Minor Subdivision Approval with Submission Waivers and Variances to Christopher Glasser, 3545 Shafto Road, Block 148 Lot 5.01

Chairman Lodato asked if the Board has any questions? Hearing none, he asked for a motion.

Mr. Natter offered a motion to memorialize a Resolution Granting Minor Subdivision Approval to Christopher Glasser. The motion was seconded by Mr. Clayton

Roll Call:

AYES: Mr. Natter, Mr. Clayton, Chairman Lodato, Mr. Baldwin, Mr. Romanov, Mr. Markoff, Mr. Wallace

NAYES: None

ABSENT: Councilman Nesci, Ms. Brown

INELIGIBLE: Mr. Mirarchi, Ms. Brown, Ms. Hamilton

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PB2020-17 Resolution Granting Amended Preliminary & Final Major Site Plan Approval with Bulk Variances, Submission Waivers, and Design Waivers to Trinity Hall Inc., 101 Corregidor Road, Block 101.02 Lot 2

Chairman Lodato asked if the Board has any questions? Hearing none, he asked for a motion.

Mr. Clayton offered a motion to memorialize a Resolution Granting Amended Preliminary & Final Major Site Plan Approval to Trinity Hall Inc. The Motion was seconded by Mr. Romanov.

Roll Call:

AYES: Mr. Clayton, Mr. Romanov, Chairman Lodato, Mr. Baldwin, Mr. Natter, Mr. Markoff, Mr. Wallace

NAYES: None

ABSENT: Councilman Nesci, Ms. Brown

INELIGIBLE: Mr. Mirarchi, Ms. Brown, Ms. Hamilton

NEW BUSINESS-

PB2021-04 Woody's TF Properties, LLC 1202 Sycamore Avenue, Block 70.02 lot 28: Minor Site Plan

Attorney Collins stated for the record that the notice to adjourning property owners and affidavit of publication have been reviewed and are in order as to form. The Board has jurisdiction to hear this matter.

Ms. Jennifer Krimko, Esq. is the attorney present on behalf of the applicant.

The following exhibits are entered into the record:

A-1 *Plans entitled Preliminary & Final Major Site Plan for Woody's Ocean Grill, prepared by Jason L. Fichter, P.E., P.P., CFM, CME of Insite Engineering, dated March 2, 2021, consisting of seven (7) sheets*

A-2 *Colored rendering of overall Site Plan*

Attorney Collins swore in the following witnesses:

Jason Fichter, P.E. and P.P., Insite Engineering
Chris Wood, Owner, Woody's Ocean Grill

Ms. Krimko gave a brief overview of the site, stating there is an existing restaurant and outdoor patio. The patio will be resurfaced, reconfigured, and slightly extended. The Application before

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the Board is to expand the patio, which will encroach on existing parking spots. However, the applicant will be making up for the parking spots in another location on site. The restaurant is increasing the seating capacity by 35 seats.

Mr. Fichter described the site as it exists today, the property is located in the Borough's Neighborhood Commercial (NC) Zone. Due to the COVID-19 pandemic, outdoor seating at restaurants has become crucial. The Applicant is seeking approval to formalize and slightly expand the outdoor seating of the restaurant and optimize parking on-site. There are no changes proposed to the existing building or utilities.

Mr. Fichter stated that the Borough's Ordinance requires 107 parking spaces for the existing restaurant and seating. There are currently 92 useable parking spaces on-site. The Applicant is proposing to add an additional 35 seats for a total of 355 seats, therefore the parking requirement becomes 118 spaces. The applicant can restripe existing oversized parking spaces throughout the site to gain an additional 4 parking spaces, for a total of 96 parking spaces. The applicant will provide a van accessible ADA parking space in the main parking lot.

Mr. Fichter explained that the applicant is not proposing any changes to the site's existing lighting, however they are proposing 4 light posts around the patio. Lights will be dimmed during off hours.

In regard to landscaping, the applicant is proposing a visual buffer between the patio and the roadway.

Mr. Fichter stated that the Applicant will comply with all technical comments detailed in Mr. Neff's letter.

Mr. Fichter discussed the variances associated with this application. The applicant is requesting a variance for the patio in the front yard, whereas the Ordinance permits patios in the side and rear yards only.

In regard to the safety of the patio, Mr. Fichter explained that the patio is five feet higher than the adjacent roadways and it not in the line of traffic.

The Applicant is also requesting a variance for the parking deficiency. Mr. Fichter described both the C1 and C2 criteria.

Chairman Lodato asked the Board if they have any concerns with the parking deficiency? Ms. Krimko stated that Mr. Wood will provide testimony for the overall operation of the site.

Ms. Beahm asked how far the existing patio is from the property line? Mr. Fichter stated that the existing patio is 25 feet from the property line. Ms. Beahm voiced her concerns with the proposed patio abutting the front property line.

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While Ms. Beahm understands the significant impact the COVID-19 pandemic has had on the restaurant industry, she noted that approvals and variances will remain with the property after the pandemic.

Mr. Wood explained that the kitchen has a capacity as to how many tables can be served at one time. When the outdoor patio is in use, 35 indoor seats will not be used.

Mr. Neff asked the applicant to request that the County allow the planting of appropriate landscaping in the right-of-way next to the walkway.

Chairman Lodato opened the public session. Hearing no comment, the public session is closed.

A brief discussion ensued regarding the proposed landscaping in the County right-of-way.

Mr. Baldwin offered a motion to grant Minor Site Plan Approval to Woody's TF Properties, LLC with conditions outlined by Attorney Collins; the motion was seconded by Mr. Mirarchi.

Roll Call:

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

NAYES: None

ABSENT: Councilman Nesci, Ms. Brown

INELIGIBLE: None

Sycamore Recreation Complex/Mahala F. Atchison School Capital Review-

Mr. Neff gave a brief overview of this Capital Review project. This is a joint project between the Borough of Tinton Falls and the Mahala F. Atchison School. He explained that there is common space in the back of the school's property that the Borough and school use.

The Borough is proposing to remove the old tennis courts, as new tennis courts are being built at Wardell Park on the South end of town. The Borough is proposing two permanent pavilion structures to be utilized by the Borough's Recreation Department for summer camp and various other programs. The school will also be able to use these structures for school events as well. Borough residents can rent these pavilions out for private events as well. A permanent restroom facility will also be constructed. This project will be funded through the Borough's Open Space Fund. Work will begin this summer.

Mr. Neff asked the Board if they have any questions? Mr. Mirachi asked who is responsible for insuring the two pavilion structures? Mr. Neff stated that it will be outlined in the lease agreement, he would have to follow up with the Borough for additional information. Mr. Mirarchi inquired if cooking facilities are proposed on site, and Mr. Neff stated that cooking equipment is

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not proposed. Mr. Baldwin inquired about the seating capacity of each pavilion? Mr. Neff stated that he does not have any exact number, as it depends how it is set up. Each pavilion is 40x60.

Chairman Lodato offered a motion to acknowledge the Borough of Tinton Falls and Mahala F. Atchison School appeared before the Planning Board for a Capital Review; the motion was seconded by Mr. Clayton.

Roll Call:

AYES Chairman Lodato, Mr. Clayton, Mr. Baldwin, Mr. Romanov, Mr. Mirarchi, Mr. Natter, Mr. Markoff, Mr. Wallace, Ms. Hamilton

NAYES: None

ABSENT: Councilman Nesci, Ms. Brown

INELIGIBLE: None

PUBLIC DISCUSSION-

Hearing no comment, Chairman Lodato asked for a motion to close the public discussion. Mr. Clayton offered a motion to close the public discussion seconded by Mr. Romanov, all present voted in favor

EXECUTIVE SESSION-None

ADJOURMENT:

Mr. Mirarchi offered a motion to adjourn at 8:00 PM, seconded by Mr. Clayton. All present voted in favor.

Respectfully submitted,



Trish Sena
Planning Board Secretary

APPROVED AT A MEETING HELD ON: August 11, 2021