

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
JUNE 23, 2021

Vice-Chairman Clayton called the meeting to order at 7:00 PM

Vice-Chairman Clayton 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 (arrived at 7:09 PM), Councilman Nesci , Mr. Clayton, Mr. Romanov, Mr. Mirarchi, Mr. Natter, Ms. Brown, Ms. Hamilton  
**Absent:** Mr. Baldwin, Mr. Markoff, Mr. Wallace  
**Others:** Dennis Collins, Esq., *Board Attorney*  
Thomas Neff, Board Engineer  
Christine Bell, 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-** Vice-Chairman Clayton indicated that Mr. Baldwin, Mr. Markoff, & Mr. Wallace 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-** Vice-Chairman Clayton indicated that the Board has received the minutes of the January 27, 2021, meeting and asked for a motion to approve the minutes as submitted.

*Mr. Romanov offered a motion to approve the minutes of the January 27, 2021, meeting;  
seconded by Mr. Mirarchi*

**Roll Call:**

**AYES:** Mr. Romanov, Mr. Mirarchi, Councilman Nesci, Mr. Clayton,

**NAYES:** None

**ABSENT:** Chairman Lodato, Mr. Baldwin, Mr. Markoff, Mr. Wallace, Ms. Hamilton

**INELIGIBLE:** Ms. Brown

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Vice-Chairman Clayton indicated that the Board has received the minutes of the February 10, 2021, meeting and asked for a motion to approve the minutes as submitted.

*Mr. Natter offered a motion to approve the February 10, 2021, minutes; seconded by Mr. Mirarchi*

**Roll Call:**

**AYES:** Mr. Natter, Mr. Mirarchi, Mr. Clayton, Mr. Romanov, Ms. Hamilton

**NAYES:** None

**ABSENT:** Chairman Lodato, Mr. Baldwin, Mr. Markoff, Mr. Wallace

**INELIGIBLE:** Councilman Nesci, Ms. Brown

Vice-Chairman Clayton indicated that the Board has received the minutes of the March 10, 2021, meeting and asked for a motion to approve the minutes as submitted.

*Mr. Natter offered a motion to approve the March 10, 2021, minutes; seconded by Mr. Clayton*

**Roll Call:**

**AYES:** Mr. Natter, Mr. Clayton,

**NAYES:** None

**ABSENT:** Chairman Lodato, Mr. Baldwin, Mr. Markoff, Mr. Wallace

**INELIGIBLE:** Councilman Nesci, Mr. Romanov, Mr. Mirarchi, Ms. Brown, Ms. Hamilton

Vice-Chairman Clayton indicated that the Board has received the minutes of the March 24, 2021, meeting and asked for a motion to approve the minutes as submitted.

*Mr. Natter offered a motion to approve the March 24, 2021, minutes; seconded by Ms. Hamilton*

**Roll Call:**

**AYES:** Mr. Natter, Ms. Hamilton, Mr. Clayton, Mr. Romanov, Ms. Brown

**NAYES:** None

**ABSENT:** Chairman Lodato, Mr. Baldwin, Mr. Markoff, Mr. Wallace

**INELIGIBLE:** Councilman Nesci, Mr. Mirarchi

**RESOLUTIONS-**

**PB2021-04 Resolution Granting Minor Site Plan Approval to Woody's TF Properties, LLC. 1202 Sycamore Avenue, Block 70.02, Lot 28**

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

*Mr. Mirarchi offered a motion to memorialize a Resolution Granting Minor Site Plan Approval to Woody's TF Grille. The motion was seconded by Mr. Natter.*

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**Roll Call:**

**AYES:** Mr. Mirarchi, Mr. Natter, Mr. Clayton, Mr. Romanov, Ms. Hamilton

**NAYES:** None

**ABSENT:** Chairman Lodato, Mr. Baldwin, Mr. Markoff, Mr. Wallace

**INELIGIBLE:** Councilman Nesci, Ms. Brown

**NEW BUSINESS-**

**Master Plan Consistency Review, Ordinance 2021-1474: Ordinance Prohibiting the Operation of Any Class of Cannabis Business Within the Jurisdiction of the Borough of Tinton Falls Until Adequate Regulatory Guidance is Provided by the State's Cannabis Regulatory Commission**

Mr. Collins briefly discussed Ordinance 2021-1474 and the Planning Board's role in reviewing the Ordinance. He stated that this Ordinance is being adopted by many communities in New Jersey since the State adopted legislation legalizing recreational marijuana use. He explained that this legislation does not address any land use implications. Therefore, if local municipalities did not pass this Ordinance, any class of cannabis business would become a permitted use in all industrial zones. The Planning Board must determine whether or not this Ordinance is consistent, or not inconsistent with the Master Plan. Mr. Collins stated that the policy decisions are up to the Governing Body.

Ms. Bell stated that she has reviewed Ordinance 2021-1474 and believes it is not inconsistent with the Master Plan. She explained that there is nothing in the Master Plan that speaks to the marijuana industry.

Ms. Bell indicated that the Planning Board could conduct a Master Plan Reexamination to identify zones or areas within zones that would be permissible for different types of cannabis businesses to be permitted or not permitted.

*Chairman Lodato offered a motion finding Ordinance 2021-1474 not inconsistent with the Master Plan, the motion was seconded by Mr. Mirarchi.*

**Roll Call:**

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

**NAYES:** None

**ABSENT:** Mr. Baldwin, Mr. Markoff, Mr. Wallace

**INELIGIBLE:** None

**PB2021-03 Riley Minor Subdivision, 531 Tinton Avenue, Block 24, Lots 6 & 8: Minor Subdivision**

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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.

Mr. Perter Falvo, Esq. is the attorney present on behalf of the applicant.

Attorney Collins swore in the following witness(s):

***Michael Cannon, P.E. Site Engineering***

The following exhibits are entered into the record:

***A-1 Preliminary and Final Minor Subdivision Plan prepared by Michael Cannon, P.E., P.L.S., of the Cannon Group, P.C., dated October 19, 2020, last revised May 7, 2021, consisting of one (1) sheet.***

Mr. Cannon indicated that the subject property is located at 531 Tinton Avenue and is situated on Lots 6 & 8. Lot 6 is approximately 4.96 acres, and lot 8 is approximately 10.25 acres. The Applicant is proposing a lot line adjustment to relocate the existing boundary line between two lots. This would create two new lots, lot 6.01 and lot 8.01. Proposed lot 6.01 would be 1.024 acres and proposed lot 8.01 would be 14.20 acres.

Mr. Neff briefly discussed the proposed road realignment with the Lennar development and stated that Municipal Drive will connect to Pearl Harbor Drive, which will then be realigned with the Reeds Road extension. He explained that this will not impact the proposed subdivision.

Mr. Cannon stated that the Applicant will comply with all conditions set forth in Mr. Neff's Engineering Review Letter.

Mr. Cannon discussed the Variances associated with this Minor Subdivision. The Applicant is seeking a Variance for Lot Area and Lot Width on lot 6.01. Thus, creating an undersized lot.

Ms. Bell requested further testimony as to how the undersized lot meets the criteria for a C Variance. She explained that it is not good Planning practice to create undersized lots.

Mr. Cannon explained that existing lot 6 is approximately 5 acres and is essentially unusable due to environmental constraints. Lot 8 is approximately 10 acres and is used for agricultural purposes. Thus, with this Minor Subdivision, the Applicant wishes to expand the agricultural use on lot 8.01. Mr. Cannon stated that Mr. Wollner intends to keep the land as pastureland for his horses. Therefore, he believes there is no impact on the Master Plan and the Zone Plan because visually nothing is changing from what exists.

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Attorney Collins inquired how much of lot 6 is uplands? Mr. Cannon stated that approximately 2 acres are uplands. Ms. Bell stated that this subdivision would create a developable lot.

Attorney Collins asked Mr. Cannon to provide testimony on the positive and negative criteria for the C1 & C2 Variances.

Mr. Neff stated that Reeds Road is not a public road so there would be no access to the property via Reeds Road unless an access easement is granted.

Ms. Bell inquired about the intent of proposed lot 8.01. She asked if the Applicant has any intentions to preserve it as farmland?

Mr. Cannon stated that the Applicant is taking unusable land and creating pastureland. He indicated that the Applicant is not proposing any new structures on the lot, therefore, maintaining light, air, and open space.

Attorney Collins swore-in the following witness:

***Ron Wollner, 8 Green Meadow Drive- Applicant.***

Mr. Wollner explained that he purchased the farm property at 511 Tinton Avenue a few years ago because he did not want to see it developed. He wanted to keep the property as it is, renovating the house and stable. He stated that he is interested in this property because it always felt like it should have been a piece of the farm. Mr. Wollner indicated that he never intends to develop this property, as he wants to preserve the open space.

Mr. Neff asked for some clarification as to what accessory structures currently exist on lot 8? Mr. Wollner stated that there is a shed, barn, garage, and residential dwelling.

*Nancy Arno, 495 Tinton Avenue-* Ms. Arno inquired about the eastern property line, according to the proposed plan, it shows their fence on lot 8. She stated that she wants trees and shrubs to remain on the eastern property line to prevent any issues with stormwater management. Attorney Collins stated that the Planning Board does not get involved with property owner survey disputes. He explained that unless it was changing the size of the lot or would trigger a variance, the Board has no jurisdiction. Mr. Wollner indicated that he is willing to work with Mr. Arno and stated that he will not be removing any trees.

Discussion ensued regarding the creation of an undersized lot and the possibility of future development on the lot.

*Ronnie Battista, 521 Tinton Avenue-* Mr. Battista praised Mr. Wollner for all that he has done to preserve the farm property and construct a beautiful barn. He encouraged the Board to vote favorably on this application as it would be preserving open space in Tinton Falls.

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Discussion ensued between Attorney Collins and Ms. Brown, and it was determined that Ms. Brown must abstain from voting as she is Mr. Wollner's neighbor.

*John Lane, 525 Tinton Avenue-* Mr. Lane echoed the comments of Mr. Battista, praising Mr. Wollner for what he has done with the farm.

*Mr. Clayton offered a motion to close the public discussion, the motion was seconded by Mr. Mirarchi. All present voted in favor.*

Mr. Clayton asked what the benefits of creating an undersized lot would be? Mr. Cannon explained that they are not developing anything on the property and the existing conditions remain unchanged.

Councilman Nesci asked Mr. Neff and Ms. Bell if they foresee any issues in creating an undersized lot 6.01?

Ms. Bell explained that because the lot would be undersized for what is permitted in the zone, a builder would need several variances to construct a home on lot 6.01.

Attorney Collins explained that the Board would be creating a nonconforming lot by granting this subdivision approval.

Ms. Brown inquired if verbiage could be included in the Resolution to prohibit any future owner from developing the lot? Discussion ensued regarding lot 6.01.

*Mr. Natter offered a motion to grant Minor Subdivision approval to Bertram Riley, Jr. and Samantha Riley. The motion was seconded by Mr. Clayton*

**Roll Call:**

**AYES:** Mr. Natter, Mr. Clayton, Chairman Lodato, Councilman Nesci, Mr. Romanov, Mr. Mirarchi,

**NAYES:** Ms. Hamilton

**ABSENT:** Mr. Baldwin, Mr. Markoff, Mr. Wallace

**INELIGIBLE:** None

**ABSTAIN:** Ms. Brown

**PUBLIC DISCUSSION-**

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

**EXECUTIVE SESSION-**None

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**ADJOURMENT:**

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

Respectfully submitted,



Trish Sena  
Planning Board Secretary

**APPROVED AT A MEETING HELD ON: DECEMBER 8, 2021**