

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
October 27, 2021

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 Frank Lodato, Councilman Michael Nesci, Mr. Robert Clayton, Mr. Gary Baldwin, Mr. Daniel Romanov, Mr. Joseph Mirarchi, Mr. Joel Natter, Mr. Robert Markoff, Mr. William Holobowski

**Absent:** Sharon Brown, Richard 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-** Chairman Lodato indicated that Ms. Brown and Mr. Wallace are absent this evening and gave advanced notice of said absence to the Board Secretary. No objection to their absence is made.

**PROFESSIONAL REPORTS –** None

**APPROVAL OF MINUTES-** None

**RESOLUTIONS-** None

**CONTINUED BUSINESS-**

**PB2021-06 Stavola Realty Company: 157 Hamilton Road & 1810 Wayside Road. Block 109, Lots, 12.01, 13.01, 15, 16, 18-24, & 29.02. Preliminary & Final Major Subdivision & Preliminary & Final Major Site Plan (Carried from October 13, 2021)**

Chairman Lodato noted for the record that this matter was previously heard on October 13, 2021 and was carried on record without any further notice or publication.

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Mr. Wolfson, Esq. introduced himself as the Attorney on behalf of the Applicant and stated that they will be presenting testimony for Lots E, F, & D. At the previous meeting on October 13, 2021, Mr. Henry Ney provided comprehensive testimony regarding the traffic generation, he is here this evening if there are any further questions.

*Attorney Collins swore-in the following witnesses-*

- Tung-To Lam, Site Engineer
- Chuck Dietz, Architect (*previously sworn*)
- Paul Phillips, Project Planner (*previously sworn*)

*The following exhibits are entered into the record:*

**A-1        *Plan Sheet Entitled Preliminary & Final Major Subdivision and Preliminary & Final Major Site Plan, Prepared by Tung-To-Lam, P.E. of Bohler Engineering dated April 30, 2021, Last Revised August 26, 2021, consisting of 78 Sheets***

**A-2        *Colored Site Plan Layout of Entire Project***

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

Mr. Wolfson asked Mr. Lam to provide testimony on proposed Lot E. Mr. Lam stated that the Applicant is proposing a 27,398 square-foot flex space building on Lot E. The flex-space is designed to accommodate each tenant who would have their own entrance and garage door. A contractor would be an example tenant envisioned for this space that would provide storage for their products and materials. This space was designed without true loading space and with flushed curbing similarly to a retail space. With this design, vehicles can pull directly into the building for loading and unloading operations. All drop aisles are 25 feet around the building that would allow for a WB 50 vehicle to maneuver the site, that is the largest vehicles envisioned to circulate this lane. Mr. Lam testified that the parking is in compliance with the Ordinance, the spaces are 9 by 18, and they are proposing 55 spaces whereas 35 are required.

A setback variance is required for the structure on Lot E; Mr. Lam explained that the height of the building determines the required setback. Therefore, a front-yard setback of 75.24 feet is required, whereas the Applicant is proposing 73.1 feet. Mr. Neff asked Mr. Lam to clarify the required height for this structure, it is his understanding that the Applicant has since decreased the height of the building since his letter was issued. Mr. Wolfson stated that the required height is 75.24 square feet. Mr. Neff stated that the original submission showed a higher building, the Applicant is now complying closer to the Ordinance.

Mr. Lam stated that the building is being designed with parallel and perpendicular walls which can act as a loading zone, however it provides flexibility.

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The Applicant is proposing trash enclosures throughout the site, they are defined as accessory structures, therefore variances would be required.

Utilities will be available underground throughout the entire site, water will be served by New Jersey American Water and the Applicant is designing a pump station in accordance with the Borough's standards. Gas service will be provided via New Jersey Natural Gas, and Electric will be under the jurisdiction of JCP&L.

The stormwater management on site has been designed in compliance with the March 2021 NJDEP standards. This site has been designed more as a regional stormwater, therefore there are basins gouged throughout the entire property. An easement will be granted to the Borough in the event any emergency maintenance is necessary, however the Applicant is required to maintain the basins.

In regard to landscaping, this site has been designed similarly to a campus, therefore the same plantings proposed throughout Lot A will carry across each lot. Mr. Lam stated that the Applicant is proposing a total of 268 trees on this site as a whole. 486 shrubs are proposed and there are over 1,010 ground covers and perennials throughout the site.

There are LED light fixtures and wall mounted lights proposed throughout the site. The Applicant is proposing 25-foot light poles whereas 18 feet is required, therefore a variance is needed. Mr. Wolfson clarified that a waiver is needed for light polls, not a variance. Mr. Neff stated that this site is a little narrower than some of the others, therefore he asked the Applicant to comply with the required lighting to eliminate the waiver. Mr. Wolfson confirmed that the Applicant will comply with the light pole requirement.

On this lot the Applicant is proposing one monument sign off the driveway off of Stavbro Lane. The proposed sign is setback 10 feet from the property line and is 26 square feet. A setback variance is required as the Ordinance requires the sign to be setback 20 feet from the property line. A ground sign is also proposed and is 8 feet in height whereas 6 feet is required. Mr. Lam testified that they are proposing 8 feet due to the number of tenants that would occupy the building.

Councilman Nesci inquired about the proposed pump station and who would be in charge of managing it. Mr. Lam indicated that the Applicant is designing the station and will turn it over to the Borough. Mr. Neff stated that the pump station will have to be discussed with some of the Borough Officials and the Department of Public Works. DPW prefers to have the pump stations built to their standards and take it over to avoid any potential emergencies. Councilman Nesci asked Mr. Neff if he has any concerns with the proposed setback of the flex-space building? Mr. Neff indicated that the request is quite minimal especially because it is on a side street. Ms. Bell echoed the comments of Mr. Neff and stated that there is no access to this site from Route 18 therefore it would only be visible from 18 in the wintertime.

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Attorney Collins asked the Applicant to quantify the height difference between Route 18 and the proposed project? Mr. Lam stated that the building is set at an elevation of 93.5 and the roadway is set at approximately 89. The Applicant is also proposing a retaining wall and vegetation as a buffer.

Mr. Neff noted that there are some variances associated with the retaining wall on this site. Because Route 18 is technically a right-of-way, walls in the front yard shall not exceed two feet in height and shall be setback at least ten feet from the property line. Mr. Lam stated that the retaining wall along Stavbro Lane is four feet in height and the wall along Route 15 is 7.2 feet in height.

Chairman Lodato asked Mr. Neff if he has any concerns with granting the variances for the retaining walls. Mr. Neff explained that he takes no exception to the requested variances.

Chairman Lodato asked Mr. Lam to provide brief testimony on the traffic access to the site on Lot E. Mr. Lam indicated that there is only one full-movement driveway that is 30 feet wide off of Stavbro Lane. Chairman Lodato asked if there will be traffic access to Lots F & D and Mr. Lam stated that due to differences in grading, the lots are not interconnected.

Mr. Clayton asked how many tenants could fit into this building and Mr. Lam stated that it is designed to house approximately 20 tenants. Mr. Wolfson clarified that by the name of the use, it could change in terms of the ultimate number of tenants, it could be less but will not be more than 20.

Mr. Baldwin asked how the Applicant decided on 55 parking spaces when 35 are required? Mr. Lam explained that it was designed from a flexibility standpoint which would allow the perspective tenants enough parking.

Mr. Lam confirmed that the Applicant meets the building coverage requirements.

Mr. Neff noted that the proposed trash enclosures are located in the front yard area, he asked if they could possibly be relocated to a different location on site? Mr. Lam stated that they considered a few alternate locations on site, however it would have interfered with the traffic motion. He explained that they are proposing landscaping and the enclosure is set back several feet from Stavbro Lane.

Mr. Natter inquired about the proposed height of the building and Mr. Lam indicated it is 25.08 feet.

Mr. Neff asked if there is extra parking in the event that some perspective tenants have fleet vehicles? Mr. Lam stated that the parking is flexible for fleet vehicles.

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Mr. Lam confirmed that the Applicant will comply with the comments outlined in the Fire Marshal's report.

Mr. Clayton inquired if there will be any retail establishments permitted on this site? Mr. Lam stated that there will be no retail uses only the flex-space.

Mr. Lam stated that this concludes his testimony for Lot E, he will now move on to Lot F.

Mr. Wolfson noted for the record that the Applicant is also proposing a flex-space building on Lot F. He explained that the site was designed to include sufficient parking to accommodate any permitted use.

Mr. Lam testified that Lot F has no direct access to any frontage, however it does serve to front on Wayside Road and Route 18. On this site the Applicant is proposing a flex-space building that could accommodate six tenants. This structure would be designed without an overhead door; however, it would still be considered flex-space. The intent was to design something more of a light and traditional office space.

Mr. Lam explained that they are blending the site with parking throughout, there is dedicated loading zones through the back of the building. The square footage of the building is 10,400 square feet. Mr. Lam indicated that the structure is labeled as "flex" on the plans, however, the Applicant is requesting that it be for any permitted use in the IOP Zone. There is no direct access to this site off any streets, however, it does share an access with Lot D.

The drive-aisles and the truck circulation comply with the Borough Ordinance and can accommodate trailers for WB 50 trucks.

The Applicant is proposing 9 by 18-foot parking spaces, which is in compliance with the Borough Ordinance. They are proposing 90 parking spaces whereas only 13 are required.

Chairman Lodato asked Mr. Neff for a few examples of permitted uses in this zone? Mr. Neff stated that office space is permitted, however, retail is not permitted; if the Applicant wishes to have retail space on this lot, they will have to go before the Zoning Board. Mr. Lam stated that they do not have any tenants in mind at this time.

Attorney Collins noted for the record that this lot is essentially connected to Lot D by access points and therefore could potentially function as one lot.

Mr. Neff stated that the following uses are permitted in the Borough's IOP Zone: Professional or Medical Office Parks, Research Facilities, Veterinary Hospitals, Light Industrial, Contractors Yards, Gymnasiums, Fitness Centers, Dance Studios, Flex Space, Retail Warehouse & Assisted Living.

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Mr. Neff stated the Applicant is proposing an 8-foot wall that is 1.4 feet from the road, whereas retaining walls in the front yard shall not exceed two feet and shall be set back at least 10 feet from the road. Mr. Lam explained that because this is a transition ramp between Route 18 and Wayside Road the County needs jurisdiction. The unique nature of the kink in the property line resulted in a retaining wall at this particular location.

Mr. Neff asked if the Applicant would be willing to work with the County and/or the Turnpike Authority to add extra landscaping to soften and buffer the wall. Mr. Lam stated that the Applicant would be willing to do so. He explained that there is existing vegetation that they are trying to preserve as well.

Mr. Lam stated that the Applicant is proposing three loading zones that are 15 feet. Mr. Neff clarified that there are three, sixty-foot-long loading spaces.

Similarly to the other proposed lots, water will be serviced by New Jersey American Water, Gas by New Jersey Natural Gas and Electric from JCP&L.

The Stormwater Management is fully compliant with the current 2021 NJDEP standards.

The Applicant is proposing an abundance of landscaping with a mix of trees, shrubs, and ground covers.

Mr. Wolfson stated that the Applicant will comply with the required lighting requirements.

In regard to signage, the Applicant is proposing a 45-foot free standing sign on Wayside Road. Mr. Neff inquired what the sign would be used for and why it is significantly over what is permitted? Mr. Lam explained that the architect will provide further testimony on the proposed signage. The Board inquired about the location of the proposed sign and Mr. Lam clarified that it would be located on Wayside Road near the entrance to the adjacent development. Mr. Neff explained that the Ordinance permits a 25 square foot sign whereas the Applicant is proposing 48 square feet.

Mr. Neff asked the Applicant to clarify how many signs are proposed along the frontage on Wayside Road? Mr. Lam explained that there will be two signs on Wayside Road, one on Lot F and another on the adjacent Lot D.

Mr. Natter inquired about the height of the proposed building and Mr. Lam confirmed that the proposed building height is 23.38 feet. Mr. Natter also asked for the total size of Lot F and Mr. Lam stated that Lot F is 2.86 acres. The Ordinance permits a building coverage of 60% whereas the Applicant is proposing 45.9%.

Mr. Lam stated that this concludes his testimony for Lot F.

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Chairman Lodato stated that procedurally, he will allow the professionals to ask questions on the three lots, and then he will open the public portion of the meeting.

Mr. Lam began his testimony on Lot D which proposes a convenience store with gas. He stated that a full circulation driveway off of Stavbro Lane is proposed as well as a right in, right out driveway off of Wayside Road.

Attorney Collins clarified for the record what a Conditional Use is. He explained that the Applicant is proposing a permitted use in the IOP Zone, however, it is required to meet certain standards that were promulgated in the Ordinance. If the Applicant deviates or requires a variance for any of those standards related to the Conditional Use, they will have to go to the Zoning Board of Adjustment for approval. They are here before the Planning Board for approval because they meet all the standards of having a convenience store with gas on this lot.

Mr. Wolfson stated that the plans depict a 7-11, however it is just a rectangular box for a convenience store. The Applicant is seeking approval for a 4,647.5 square-foot structure. They are proposing eight dispensers, a maximum of sixteen vehicles can obtain fuel at that service.

Mr. Lam stated that they are proposing 43 parking spaces on this site whereas 42 are required, therefore complying with the Ordinance. The plan also includes three spaces for oversized vehicles such as landscape developers with a trailer. 30-foot drive aisles are proposed on this site to allow for ample space around the gas canopy.

The stormwater basin on this lot has been designed differently because the proposed use is a convenience store with gas. On Lot D they are proposing a bio-retention basin to provide some water quality. This basin will also be fully compliant with the NJDEP 2021 standards.

The Applicant is proposing the same lighting and landscaping as previously discussed with Lot F. The proposed utilities will run underground and will be serviced by New Jersey American Water, New Jersey Natural Gas, and JCP&L.

Mr. Lam explained that the Applicant is requesting variances and waivers for Lot D, the first being for the proposed accessory structure in the front yard. A variance is also needed for the size of the accessory structure, a maximum of 400 square feet is permitted, whereas the proposed canopy is 4,284 square feet. He explained that the size of the canopy is industry standard and relative to the number of gas pumps.

The Applicant is also proposing a 9.4 foot retaining wall between Lots E & D. Chairman Lodato inquired if a fence is also being proposed between the two properties and Mr. Lam confirmed that a fence is being providing for all protections.

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In regard to the tenant sign, the Ordinance permits one sign per tenant whereas the Applicant is proposing three signs, Mr. Lam indicated that the architect would provide further testimony in that regard. Similarly, there are four proposed canopy signs and one free standing sign.

The Applicant is proposing two driveways on this lot, one with access from Stavbro Lane, and the other with access off of Wayside Road.

Mr. Neff inquired about the proposed directional signs, he noted that the Ordinance permits 2 square feet whereas 3 square feet is being proposed. Mr. Lam testified there is a directional sign off the driveway on Wayside Road that would act as an entrance sign for the convenience store.

Mr. Lam stated that the Applicant is proposing two loading zones on this lot whereas three are required. He explained that generally deliveries are coordinated with the vendors therefore two loading zones are sufficient.

Mr. Neff questioned if diesel gas is proposed, and Mr. Lam confirmed that local diesel is proposed.

Mr. Neff inquired if the Applicant would be agreeable to prohibiting tractor trailers on this site and Mr. Lam stated that there will be no tractor trailers as the site is not designed to accommodate them. Mr. Neff voiced his concerns with larger, non-tractor trailer trucks; he explained that sometimes trucks will overhang into the drive aisle while they are waiting for fuel. Mr. Lam stated that they have designed the site so that larger vehicles can occupy two pump stations, therefore not blocking the aisle.

Mr. Lam testified that the underground tank would comply with the Bureau of Underground Safety.

Mr. Neff indicated that there is an additional waiver, as there are two driveways proposed. He explained that the Borough Ordinance states that a lot with multiple frontages on different streets, the driveway access shall be on the street with the lower function, which in this case would be Stavbro Lane. However, the Applicant is proposing a driveway along Wayside Road, he asked Mr. Lam to provide testimony as to why this additional driveway is necessary. Mr. Lam explained that because this is a corner lot, it was designed to funnel all traffic at the intersection with the traffic light. From a safety standpoint, he believes this is a superior layout because it gives drivers an option.

Mr. Neff referenced the proposed drainage basin on Lot E and inquired if a guiderail is necessary since it is so close to Stavbro Lane. Mr. Lam stated that they will check the zoning requirements and will comply with any necessary safety measures.

Chairman Lodato inquired if a sidewalk is proposed along Wayside Road? Mr. Lam stated that there is sidewalk proposed along the entire frontage that has access from the street frontage into



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the site, similarly, there is a sidewalk along Stavbro Lane. All proposed sidewalks are designed for ADA compliance.

Discussion ensued in regard to the possible extension of the Route 18 ramps. Mr. Ney, the Applicant's Traffic Engineer stated that the County is in favor of the extension, DOT has jurisdiction. The information was sent to the NJDOT however they have not gotten a response. Mr. Neff stated that ultimately this would fall under the County's jurisdiction as far as approving the exit driveway for the gas station lot. Mr. Lam stated that they have received a comment letter from the County and the Applicant has resubmitted and is awaiting further correspondence.

Attorney Collins inquired if there is anything in Mr. Neff's or Ms. Beahm's reports that the Applicant cannot comply with? Mr. Lam confirmed that they will comply with any outstanding comments in the Engineering and Planning letters.

Chairman Lodato asked if any members of the public wish to ask questions?

***Lynn Clemons, 1860 Wayside Road-*** Ms. Clemons stated that she spoke with a representative in the County who will be contacting the County Engineer regarding her concerns with the emerging of Route 18 onto Wayside Road. In regard to Lot E, Ms. Clemons questioned why another additional flex space was necessary when a 90,000 square foot structure was approved on Lot A. Mr. Lam stated that the approved building on Lot A is a warehouse not a flex-space. Mr. Wolfson clarified that it functions more closely to a warehouse, as discussed, because of the mix between office and warehouse area. Ms. Clemons asked the Applicant to clarify the differences between Lot A and Lot E? Mr. Wolfson stated that they differ in terms of the size of the building and the likely nature of those tenants that would be interested in occupying either one. Mr. Neff stated that the actual units are much smaller on Lot E, therefore the tenants would perhaps be local contractors, plumbers, HVAC technicians, etc., whereas Lot A would include larger type uses and tenants. Ms. Clemons inquired if both structures would include office space and Mr. Wolfson stated that they both can. Ms. Clemons also asked if the proposed convenience store on Lot D is definitely a 7-11, and Mr. Wolfson confirmed that it is not.

***The Board took a ten-minute break and went back on the record at 8:40 P.M.***

Mr. Wolfson called Mr. Chuck Dietz, Project Architect as the next witness. Attorney Collins reminded Mr. Dietz that he was previously sworn-in and remains under oath.

Attorney Collins stated that Mr. Dietz will begin providing testimony on Lot E, he asked if there are any additional exhibits he wishes to mark?

*The following exhibits are entered into the record:*

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**A-3        *Floor Plans and Elevations entitled "Proposed Center: 157 Hamilton Road and 1810 Wayside Road" prepared by Charles P. Dietz, dated April 30, 2021, last revised August 26, 2021, consisting of nine (9) sheets.***

**A-4        *Aerial rendering of all six (6) proposed buildings.***

**A-5        *Floor Plans and Elevations of Building E.***

**A-6        *Additional Site Rendering of Building E.***

Referencing exhibit, A-3 Mr. Dietz detailed how Lot E is an irregular shaped lot, therefore an irregularly shaped building was therefore designed. Unlike Building A, a traditional rectangular flex-space style building would not work on this lot, therefore two depth offsets were designed in the building. Each tenant would have an office area, a bathroom, a storefront entrance, and a single roll up door; this is consistent on both sides of the building.

Referencing exhibit, A-5, Mr. Dietz explained that they are proposing a similar color and style building as the approved structure on Lot A. However, this space will be shorter and less in building height and square footage. Warm gray tones with light colored strips at the top are proposed. The Applicant is proposing 37.5 square foot signs for each tenant. Mr. Neff clarified that the Ordinance permits 6 square-foot signs per tenants, whereas the Applicant is proposing 37.5 square feet per tenant, therefore a variance is required. Mr. Mirarchi inquired if the tenant signs will only be facing Stavbro Lane, and Ms. Bell clarified that they would face Wayside Road and Route 18. Referencing exhibit, A-4, Mr. Dietz explained that even though this structure sits behind two other buildings, there are proposed tenant signs along that façade, and the rear façade that fronts on Route 18. Chairman Lodato asked if the Applicant is complying with the Ordinance and Mr. Wolfson stated that they are seeking relief for the size of each tenant sign. Chairman Lodato voiced his concerns with potential sign pollution and asked Ms. Bell if she has any concerns with this request? Ms. Bell indicated that the signs could be a bit smaller and still serve their purpose. She does not see the need for such large signs. Mr. Dietz testified that the Applicant would be agreeable to reducing the square footage of the signs to 20 square-feet per sign which would be closer to the ordinance requirement. Mr. Mirarchi voiced his concerns with the proposed signage and inquired why so much signage is needed for a flex-space building?

*The following exhibit is entered into the record:*

**A-6        *Additional Site Rendering of Building E***

Chairman Lodato inquired if the purpose of the large tenant signs are so that they are identifiable for the tenants? Mr. Dietz confirmed that the purpose of these signs is for delivery trucks bringing

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merchandise or equipment to this facility to know where they are going. Mr. Wolfson added that there could be as many as twenty separate users in this building, the signs would help identify a specific tenant. Mr. Mirachi asked why the signs need to be on both sides of the building and Mr. Dietz indicated that there could be different tenants on the Wayside façade compared to the tenants on the Route 18 façade. Mr. Natter noted that the plan shows a row of large trees in front of the building facing Wayside Road, he asked if the signs would then be visible from Wayside Road? Mr. Dietz stated that he does not know the full maturity heights of the trees, however, the signs would approximately be about 18 to 19 feet above grade.

Mr. Wolfson asked Mr. Vialonga, representative of Stavola Realty to provide further clarification and information on the proposed signage. Attorney Collins reminded Mr. Vialonga that he was previously sworn and remains under oath.

Mr. Vialonga stated that the purpose of the signs is not to advertise to the traveling public on Wayside Road and Stavbro Lane, they are designed to direct visitors to the proper tenant. He understands the concerns raised by the Board and stated that the units will be labeled as Unit A, B, C, etc., as per the Fire Marshal. Mr. Mirarchi inquired about an alternative directional sign, and Mr. Vialonga clarified that they are also proposing a directional sign, however, the tenant signs in question will be on the building identifying each tenant.

To Mr. Natter's previous point, Chairman Lodato asked Mr. Neff if the proposed trees would mitigate the visibility of these signs from Wayside Road? Mr. Neff stated that the trees would help, however this site is much higher than the convenience store so it could possibly be more visible. Mr. Vialonga stated that he will let the Board discuss this matter and the Applicant will comply with whatever the Board decides for this building. Mr. Baldwin voiced his appreciation for the Applicant's consideration of reducing the size of the signs. He stated that he understands the need for the tenant signs, as visitors will need to know where they are going once approaching the building. Chairman Lodato echoed the comments of Mr. Baldwin however he understands Mr. Mirarchi's concerns as well. Mr. Neff indicated that if the Applicant were to reduce the size of the signs to 2 by 8 each sign would be 16 square feet.

Mr. Clayton inquired if the tenant signs will be designed with the same font for consistency? Mr. Vialonga explained that they typically look for similar types of signage, however most tenants like to personalize them with their logos, etc. Mr. Vialonga stated that he would be willing to reduce the size of the tenant signs to 12 square feet. Ms. Bell explained that although that is still double what is permitted, it is certainly a big reduction from what was originally proposed and is even smaller than what Mr. Neff recommended. She is in favor of reducing the signs to 12 square feet.

Referencing exhibit, A-3, Mr. Dietz discussed the proposed 50 square foot free standing sign on Wayside Road. The sign includes the address across the top, and a panel for each of the proposed tenants. It will provide the names of the tenants and where in the building they are located. The sign was designed with a pointed stone base and will include the Stavola logo on the bottom. Mr.

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Neff clarified that the size of the sign complies as far as the square footage, however the proposed height is 8 feet whereas 6 feet is permitted.

Mr. Dietz concluded his testimony for Lot E, and began with Lot F.

Referencing exhibit, A-4, Lot F contains a proposed flex multi-tenant building. This lot does not have any direct access from Stavbro Lane or Wayside Road. The Applicant is proposing six tenants in this space. This building would have a single frontage facing Wayside Road which would have a storefront entrance to the building with a rear egress door, and overhead door. This structure does not have roll up doors similarly to Lot A, it has a single roll up door in the rear. Although they are proposing a maximum number of six tenants, the space could potentially be a single user.

The proposed design of the building will feature stone pilasters, decorative wall sconces, and the center element is approximately two feet taller than the balance on either side of the façade. The rear of the building will look similar to the balance of Building A and Building E with concrete panels, warm colors and scoring articulation.

Attorney Collins inquired if the Applicant is proposing the same size tenant signs as Building E? Mr. Dietz stated that they are also proposing 37 and a half square foot tenant signs. Mr. Neff noted that the proposed signs look like they are designed for a retail use. Mr. Dietz explained that this space was designed beyond the flex-space as the Applicant is considering seeking approval for a different use as opposed to straight flex-space. Chairman Lodato agreed with Mr. Neff that this space looks like it was designed for a retail use which is not permitted in the IOP Zone. Mr. Neff stated that office space, veterinary, dance studios, fitness centers, and retirement nursing facilities are example of permitted uses in this zone. Mr. Neff asked the Applicant to confirm that they will not be mixing uses in the same building, for example having an assisted living facility next to flex space. Mr. Vialonga explained that they chose this design because of the exposure to Wayside Road, they are looking for tenants that are seeking exposure. For example, an Urgent Care, or Dentist Office. Mr. Wolfson noted that this building is only 10,400 square feet. Ms. Bell and Mr. Neff voiced their concerns with mixing the uses, however that would ultimately be decided by the Zoning Officer.

Ms. Bell indicated that the proposed signage variance for this building makes more sense here especially because it is going to be a much higher traffic site than the other flex spaces.

Mr. Mirarchi inquired if a medical marijuana dispensary would be a permitted use and the Applicant indicated that it would be a prohibited use.

Mr. Romanov inquired if any of the proposed signs would be illuminated in any way and Mr. Dietz confirmed that they would be internally illuminated channel letters. Mr. Vialonga explained that the signs could be illuminated, the intent is for nighttime exposure.

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Mr. Neff explained that if this site is open to the general public to come in and purchase goods such as a Cooper Electric, it would be considered retail. Mr. Vialonga stated that the Applicant does envision that type of use and would have to go to the Zoning Board for a Use Variance if they decide to proceed with that. The Applicant has been contemplating going before the Zoning Board to discuss possible retail uses on this site.

Mr. Nesci stated that he is in favor of the design of the building, however, the signage seems a little too large.

The Board voiced their concerns with the design of the building appearing to be intended for retail establishments as well as the proposed signage.

Due to the Board's comments and concerns, Chairman Lodato asked the Applicant if they would be amenable to adhering to the Ordinance? Mr. Neff noted that because the tenants are still unknown, it is difficult for the Board to decide whether or not the proposed signage is appropriate. Mr. Neff stated that the Applicant is allowed one wall sign per frontage, and in addition to that, tenant signs up to six square feet. One wall sign up to 60 square feet is permitted as well.

Attorney Collins suggested that the Applicant provide the Board with further information and exhibits depicting the true size and visualization of the signs. Mr. Vialonga stated that Paul Phillips the project planner could perhaps provide further testimony in regard to the need of 37 and a half square feet signs. Attorney Collins noted that it is very important for the Board to be able to visualize and understand what they are approving. Mr. Dietz explained that in addition to the tenant signs the Applicant is also proposing a sign on the north and south elevation for the corner units. A free-standing sign on Wayside Road is also proposed. Ms. Bell asked Mr. Dietz to provide further testimony on the location and size of the free-standing sign. Referencing exhibit, A-4 the sign is proposed near the right in and right-out driveway that serves both the convenience store and this building. The size of the letters are based on the proximity of the free-standing sign to the roadway and the speed limit. These signs will be visible and not dangerous to drivers trying to read the signs. The sign will include all six tenants' names and each tenant would get the same size panel.

Mr. Dietz stated that this concludes his testimony for Lot F, he will now move to Lot D.

Exhibit A-4 depicts the convenience store with gas which shares the driveway with the flex-space on Lot F. The Applicant is proposing a 4,647.5 square foot building which was originally designed based on 7-Eleven standards, however there is no specific tenant at this time. The building will be constructed with decorative stone, canopies, and a single wall sign. This would be a single occupied tenant building sign over the entrance and a second sign that faces the gas pumps. Another logo sign will be on the façade that would face Wayside Road. This building is designed in a more architectural nature as the building on Lot F. Decorative stone will be on all four sides, decorative stucco, metal canopies, and decorative wall sconces are also proposed. The main

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entrance is identified with a parapet that rises several feet about the main parapet of the building. The parapets will help screen any mechanical rooftop equipment.

A monument sign is proposed on Stavbro Lane which they share with the six tenants that are in proposed Building E. Another freestanding sign is proposed on Wayside Road which would only identify the convenience store and gas prices.

Mr. Mirarchi asked the Applicant why this site was designed to 7-11 standards if they do not have a secure tenant and Mr. Dietz explained that 7-11 initially showed interest in the site. Mr. Vialonga clarified that when the application was originally submitted, they were finalizing a long-term lease with 7-11, and then they stalled it. The site was fully designed for 7-11. The Applicant believes that if this approved, they could promote the site to other gas and convenience store operators for a long-term lease.

Mr. Wolfson called Mr. Paul Phillips, Professional Planner as the next witness.

Mr. Collins reminded Mr. Phillips that he was previously sworn and remains under oath.

Beginning with Lot E, Mr. Phillips indicated that there is a required front yard setback of 75.24 feet whereas the Applicant is proposing 73.1 feet to Stavbro Lane and 37.9 feet to Route 18. He explained that although Route 18 is not a true front yard, it is considered a front yard. There is a 15-foot grade differential as well as a vegetative buffer. Mr. Phillips stated that the proposed setback to Stavbro Lane is de minimis in nature as it relates to the geometry of the lot and the realigned Stavbro Lane. He explained that the bulk of the building complies with the setback requirement, therefore he believes the Applicant is meeting the spirit of the Ordinance with regard to the front yard setback. In his opinion, there is no overdevelopment of the lot, therefore, there is no impact on the public good or the zone plan should this variance be granted.

In regard to the loading zones, there are no dedicated loading spots on Lot E. There will be drive up doors for trucks on this building which would suitably serve the prospective users of the tenants.

The Applicant is proposing a trash enclosure along the Route 18 frontage that will be buffered with landscaping. He also noted that the Applicant is proposing a retaining wall along the Route 18 right of way.

Regarding the parking setback, there is a requirement of 25 feet, whereas the Applicant is proposing approximately 10 feet on the two sides of the building and along Route 18. In his opinion, Route 18 is not a true front yard, and the other deficiencies are to side yards.

Mr. Phillips discussed the proposed signage; the Applicant has agreed to reduce the tenant signs to 12 square feet to identify the flex tenant from the interior of the site. The proposed ground sign setback is 10 feet in lieu of 20 feet. He explained that the same variance was granted in

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connection with Lot A and is to maximize visibility. The sign complies in terms of area; however, a variance is needed for the height of the sign, 8 feet is proposed whereas 6 feet is required.

Lot F has a proposed loading zone in the front yard on Route 18 and is maximally screened from the public view shed. The Applicant is also proposing a retaining wall which requires variances for setback, height, and front yard location. The Applicant has agreed to add landscaping to soften the view.

Mr. Phillips explained that multiple trash locations were also approved in connection with the Lot A project, therefore he sees no detriment to the public good or zone plan if the relief for the trash enclosures are granted.

Mr. Phillips briefly discussed the waivers for front yard recycling storage, foot candle illumination and loading stall dimensions.

Moving on to Lot D, Mr. Phillips indicated that the Applicant is proposing a convenience store with gas which is a conditional use in the IOP zone. The Applicant meets all expressed conditional use standards. Therefore, the relief requests are more generic bulk variance relief as opposed to the site-specific conditional use standards which are specifically tailored to a gas station convenience store. He explained that a number of the variances are also technical in nature and are related to the fact that the generic zone standards were never meant to be applied to this type of use. For example, the proposed canopy in the front yard is typical for gas fueling operation. Similarly, the restriction on the accessory structure size of 400 square feet.

The parking setback variance is also required which is due to the layout of the site. Mr. Phillips explained that the Applicant is trying to provide as much parking as possible for the convenience store to keep the parking away from the fueling operation. There is no parking on the other side of the fueling operation to avoid pedestrian traffic. Because of this, there is some encroachment on the front yard parking along Wayside Road in which he does not view as being substantially detrimental.

Similarly, to the previous lots, there are variances for the retaining wall height as well as the number of accessory structures.

Mr. Phillips testified that the Ordinance does not provide for any canopy signage which is standard in a convenience store with gas operation. The Applicant is also proposing two ground signs in lieu of one because there are two separate access points on different streets. There are multiple tenant signs on the ground sign proposed to list the tenants on Lot F.

Chairman Lodato asked if any members of the audience have any questions?

**Lynn Clemons, 1860 Wayside Road-** Ms. Clemons voiced her concerns with the overall uncertainty of the tenants/uses in these buildings as well as the impact on traffic.

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Hearing no further comment, Mr. Mirarchi offered a motion to close the public portion, the motion was seconded by Mr. Holobowski. All present voted in favor.

Chairman Lodato asked Mr. Neff and Ms. Bell for their final thoughts and comments.

Mr. Neff explained that although the Applicant has come down with some compromises as far as the signage and lighting, it seems as though some of the issues are still stemming from the proposed signage.

Ms. Bell agreed that the Applicant was amenable to reduce the signage on Lot E. Given the nature of the imagined uses on Lot F, Ms. Bell does believe that the variances requested do make sense. She further explained that Mr. Phillips provided adequate testimony as to why these variances should be granted.

Mr. Wolfson indicated that if the Board has concerns with the proposed signage on Lot F, perhaps the Applicant could provide a depiction of the proposed signage to-scale.

Chairman Lodato indicated that he does not see any issues with Lot E & D, however, he would prefer to carry Lot F to a future meeting so that a better visual rendering could be provided to the Board. He further explained that Mr. Dietz did a good job at presenting and designing the building, however, the Board is concerned that they do not know what they are approving.

Attorney Collins suggested the Board take action on Lots E & D before discussing Lot F further.

Chairman Lodato asked the Board for a motion on Lot E.

*Mr. Clayton offered a motion to approve "Lot E" for PB2021-06 with the conditions set forth by Attorney Collins, the motion was seconded by Mr. Natter.*

**Roll Call:**

**AYES:** Mr. Clayton, Mr. Natter, Chairman Lodato, Councilman Nesci, Mr. Baldwin, Mr. Romanov, Mr. Markoff, Mr. Holobowski

**NAYES:** None

**ABSENT:** Ms. Brown, Mr. Wallace

**INELIGIBLE:** None

Chairman Lodato asked the Board for a motion on Lot D.

*Mr. Mirarchi offered a motion to approve "Lot D" for PB2021-06 with the conditions set forth by Attorney Collins, the motion was seconded by Mr. Baldwin.*



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**Roll Call:**

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

**NAYES:** None

**ABSENT:** Ms. Brown, Mr. Wallace

**INELIGIBLE:** None

Mr. Wolfson offered that if the Board were to feel more comfortable proceeding with preliminary approval for Lot F that would be specifically conditioned upon resolving the sign issue. Therefore, the Applicant would have to come back to the Planning Board for final approval.

Attorney Collins explained that if the Board were to grant preliminary approval it would be contingent on them coming back to the Board with a complete signage package. Attorney Collins noted that the Applicant could carry to the November 10, 2021, meeting.

Attorney Collins noted for the record that the Board will carry this application to November 10, 2021, at 7:00 PM, without any further notice.

Chairman Lodato asked for a motion for Lot F.

*Mr. Mirarchi offered a motion to grant Preliminary Approval for "Lot F" for PB2021-06 with the conditions set forth by Attorney Collins, the motion was seconded by Mr. Baldwin.*

**Roll Call:**

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

**NAYES:** None

**ABSENT:** Ms. Brown, Mr. Wallace

**INELIGIBLE:** None

**PUBLIC DISCUSSION-**

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

**EXECUTIVE SESSION-None**

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**ADJOURNMENT:**

*Mr. Clayton offered a motion to adjourn at 10:28 PM, seconded by Mr. Mirarchi. All present voted in favor.*

Respectfully submitted,

  
Trish Sena  
Planning Board Secretary

**APPROVED AT A MEETING HELD ON: February 23, 2022**