

BOROUGH OF TINTON FALLS
PLANNING BOARD
REORGANIZATION MEETING
JANUARY 11, 2023

Attorney Collins called the meeting to order at 7:00 P.M.

Attorney 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."

Attorney Collins recognized the newly appointed and re-appointed Planning Board members, who completed their Oaths of Office before tonight's meeting:

- Joel Natter, Class IV Planning Board Member, Term to Expire 12-31-2026
- Daniel Romanov, Class II Planning Board Member, Term to Expire 12-31-2023
- Councilman Michael Nesci, Class III Planning Board Member, Term to Expire 12-31-2023
- Gary Baldwin, Mayor's Designee, Term to Expire 12-31-2025
- William Holobowski, Alternate #2 Planning Board Member, Term to Expire 12-31-2024

ROLL CALL:

Present: Chairman Frank Lodato, Councilman Michael Nesci, Gary Baldwin, Daniel Romanov, Joseph Mirarchi, Joel Natter, Bob Markoff, Richard Wallace, William Holobowski, Robert McCoy

Absent: None

Others: Dennis Collins, Esq., *Board Attorney*
Thomas Neff, *Board Engineer*
Jennifer Beahm, *Board*
Regina Acken, for Trish Zibrin, *Board Secretary*

All present stood for a Salute of the Flag.

PLANNING BOARD RE-ORGANIZATION –

Appointment of Chairman for the 2023 Calendar Year

Attorney Collins stated that as per the bylaws he will conduct the election of Chairman and asked for nominations for Chairman.

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Mr. Mirarchi offered a motion to nominate Frank Lodato as Chairman; the motion was seconded by Mr. Mr. Natter.

Seeing no further nominations, the nominations were closed.

Roll Call:

AYES: Mr. Mirarchi, Mr. Natter, Mr. Lodato, Councilman Nesci, Mr. Clayton, Mr. Baldwin, Mr. Romanov, Mr. Markoff, Mr. Wallace, Mr. Holobowski, Mr. McCoy

NAYS: None

ABSENT: None

INELIGIBLE: None

The Board elected Frank Lodato as Chairman for the 2023 year.

Appointment of Vice-Chairman for the 2023 Calendar Year

Chairman Lodato asked for nominations for the position of Vice-Chairman for the year 2023.

Chairman Lodato offered a motion to nominate Robert Clayton as Vice-Chairman; the motion was seconded by Mr. Mirarchi.

Seeing no further nominations, the nominations were closed.

Roll Call:

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

NAYS: None

ABSENT: None

INELIGIBLE: None

The Board elected Robert Clayton as the Vice-Chairman for 2023.

Appointment of Board Secretary

Mr. Mirarchi offered a motion to appoint Trish Zibrin as Board Secretary; the motion was seconded by Mr. Natter.

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Seeing no further nominations, the nominations were closed.

Roll Call:

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

NAYS: None

ABSENT: None

INELIGIBLE: None

The Board elected Trish Zibrin as Board Secretary for 2023.

Resolution Designating Meeting Dates of the Planning Board for the Year 2023

Chairman Lodato indicated that the Board has received a resolution to approve the dates for the Regular Planning Board Meetings of 2023.

Mr. Mirarchi offered a motion to accept the following Resolution, the motion was seconded by Mr. Clayton.

**RESOLUTION OF THE TINTON FALLS PLANNING BOARD DESIGNATING MEETINGS OF THE
PLANNING BOARD FOR THE YEAR 2023**

WHEREAS New Jersey Open Public Meetings Act (N.J.S.A. 10:4-8a et. seq.) requires that public bodies of a municipality designate and disseminate schedules, meetings, dates & times.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Tinton Falls that the Board will meet on the second and fourth Wednesday of each month unless otherwise noted below. Formal action can be taken at all meetings. The meetings will commence at 7:00 p.m. in the Court Room in the Borough Hall, 556 Tinton Ave, Tinton Falls, New Jersey and that the following dates are hereby designated as scheduled meetings for the Planning Board for the year 2023.

2023

January 11 & 25

February 8 & 22

March 8 & 22

April 12 & 26

May 10 & 24

June 14 & 28

July 12 & 26

August 9 & 23

September 13 & 27

October 11 & 25

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November 8
December 13
2024
January 10

BE IT FURTHER RESOLVED that this Resolution shall supersede any and all Resolutions previously adopted by the Borough specifying meetings of the Planning Board.

BE IT FURTHER RESOLVED that the Secretary of the Planning Board shall post a copy of the Resolution in the Borough Hall and that copies of the Resolution shall be forwarded by the Secretary to the Official newspapers of the Borough and to individuals requesting same under the New Jersey Open Public Meetings Act.

Roll Call:

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

NAYS: None

ABSENT: None

INELIGIBLE: None

Resolution Designating the Official Newspapers for 2023

Chairman Lodato indicated that the Board has received a Resolution designating the Official Newspapers for 2023.

Mr. Baldwin offered a motion to designate the official newspapers as the Asbury Park Press and The Coaster; the motion was seconded by Councilman Nesci.

Roll Call:

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

NAYS: None

ABSENT: None

INELIGIBLE: None

PROFESSIONAL APPOINTMENTS:

Planning Board Attorney

Chairman Lodato indicated that the Borough received one proposal for Board Attorney, one proposal for Board Engineer and one proposal for Board Planner. He stated that a summary of said proposals had been circulated to the Board in December.

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Chairman Lodato offered a motion to appoint Dennis Collins, Esq. of Collins, Vella & Casello as Planning Board Attorney for the year 2023; the motion was seconded by Mr. Baldwin.

Roll Call:

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

NAYS: None

ABSENT: None

INELIGIBLE: None

The Board appointed Dennis Collins, Esq., as the Planning Board Attorney for the year 2023.

Planning Board Engineer

Chairman Lodato indicated that the Borough Council appointed T&M Associates as the Borough's Engineering firm, and the Planning Board usually follows suit.

Chairman Lodato offered a motion to appoint Thomas Neff, P.E., of T&M Associates as Planning Board Engineer for the year 2023; the motion was seconded by Councilman Nesci.

Roll Call:

AYES: Chairman Lodato, Councilman Nesci, Mr. Clayton, Mr. Baldwin, Mr. Mirarchi, Mr. Natter, Mr. Markoff, Mr. Wallace, Mr. Holobowski, Mr. McCoy

NAYS: None

ABSENT: None

INELIGIBLE: None

The Board appointed Thomas Neff, P.E., as the Planning Board Engineer for the year 2023.

Planning Board Planner

Chairman Lodato indicated that the Borough Council appointed Leon S. Avakian Inc. as the Borough's Planning firm, and again the Planning Board usually follows suit.

Chairman Lodato offered a motion to appoint Jennifer Beahm, P.P., of Leon S. Avakian Inc. as Planning Board Planner for the year 2023, the motion was seconded by Mr. Clayton.

Roll Call:

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

NAYS: None

ABSENT: None

INELIGIBLE: None

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The Board appointed Jennifer Beahm, P.P., as the Planning Board Planner for the year 2023.

This concludes the Reorganization portion of the meeting. The Board resumed with continued business.

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 October 26, 2022, meeting, and asked for a motion to approve the minutes as submitted.

Mr. Clayton offered a motion to approve the minutes of the October 26, 2022, meeting, the motion was seconded by Mr. Baldwin.

Roll Call:

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

NAYS: None

ABSENT: None

INELIGIBLE: None

RESOLUTIONS-

PB2022-11 Resolution Granting Preliminary & Final Major Site Plan Approval with Variances and Submission Waivers to P.H. Schoelkopf Realty, LLC.

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 Preliminary & Final Major Site Plan Approval to P.H. Schoelkopf Realty, LLC, the motion was seconded by Councilman Nesci.

Roll Call:

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

NAYS: None

ABSENT: None

INELIGIBLE: Mr. Mirarchi, Mr. Wallace

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CONTINUED BUSINESS-

PB2022-06

Shark River Road Owner, LLC

49 & 71 Shark River Road

Block 136, Lots 4.01 & 7

Preliminary & Final Major Site Plan

Chairman Lodato indicated that this matter was previously heard at the September 28, 2022, Planning Board meeting and is being continued this evening. The Applicant re-noticed appropriately for tonight's hearing.

Attorney Collins noted 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. Cameron McLeod, Esq. introduced him as the Attorney on behalf of the Applicant.

The following exhibits were entered into the record:

- A-1 Preliminary & Final Major Site Plan***
- A-2 Aerial Site Plan Prepared by Redcom***
- A-3 Colorized Rendering of the Overall Site Plan***
- A-4 Environmental Constraints Exhibit***
- A-5 Aerial Exhibit with Proposed Conditions Overlay***
- A-6 Colored Rendering of the Site***
- A-7 10 Acre Site Exhibit***
- A-8 Architectural Plans***
- A-9 Colored Rendering of Building East Site***
- A-10 Colored Rendering of Building West Side***
- A-11 Colored Rendering from Shark River Road & Wardell Road***
- A-12 Colored Rendering from Shark River Road & Wardell Road with Berm***
- A-13 Revised Plans as Outlined in T&M Engineering Review Letter***
- A-14 Colored Rendering of Revised Site Plan***

It was noted for the record that Mr. Wallace was not present at the September 28, 2022, meeting, therefore he can participate in discussion this evening however he is ineligible to vote.

Attorney Collins noted that the Applicant's witness remains under oath from the September 28, 2022, meeting.

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Mr. MacLeod gave a brief overview of the application that is before the Board this evening. He explained that a number of concerns were raised by the Board at the previous hearing, therefore, the Applicant is here to present a revised submission this evening. The Board had concerns regarding the impervious coverage, the number of truck parking spaces, and the location of the access driveway off of Shark River Road. Mr. Tiner will present this modified plan and will walk through the changes to accommodate the Board's concerns.

Mr. MacLeod recalled Joshua Tiner, P.E., the Applicant's Engineer as the first witness this evening.

Mr. Tiner gave a brief overview of the subject property, which is located off of Route 66, Shark River Road, and Wardell Road. He described the proposed changes to the driveway located off of Shark River Road which has been moved approximately 120 feet away from the existing driveway as per the Board's recommendation. This driveway was previously a pre-existing nonconformity, which has been revised to comply with the Borough's Ordinance.

In regard to the proposed parking, Mr. Tiner explained that the plans have been revised to eliminate parking along the Garden State Parkway side of the property. The Applicant has reduced the number of parking spaces in the rear of the property. The Applicant is now proposing ten smaller size fleet vehicle spaces and four mid-size vehicle spaces. With this revision, the full-size trailer spaces have been eliminated. By reducing the number of parking spaces, they were able to also decrease the impervious coverage to approximately 36%, however, if it were within the 10 acres the coverage would be less than 60%. As a result of these modifications, the area of disturbance is now less than ten acres.

Mr. Tiner testified that the Applicant is still proposing a berm along Shark River Road to act as a buffer to the residential neighborhoods. Chairman Lodato inquired about the height of the proposed berm, and Mr. Tiner stated that it is approximately six feet.

Chairman Lodato asked for further clarification on the proposed access driveway. Mr. Tiner explained that in the previous submission, the Applicant was proposing to maintain the existing access driveway and curb cut. The revised plans show the proposed driveway approximately 120 feet away from the existing. Chairman Lodato noted that there were concerns raised by both the Board and Board Professionals at the last meeting regarding the overall safety of the entrance. Mr. MacLeod confirmed that this will be addressed during the Traffic Engineer's testimony.

In terms of site landscaping, Mr. Tiner confirmed that the Applicant will work with the Board Professionals to ensure compliance. Mr. Tiner stated that the Applicant will also comply with any outstanding comments outlined in both Mr. Neff & Ms. Beahm's review letters. .

Mr. MacLeod noted for the record that Mr. Neff's Third Engineering Review letter dated December 13, 2022, identifies a number of items that have been addressed by the Applicant. Mr. MacLeod confirmed that the Applicant will comply with terms of the letter and address any outstanding comments.

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Mr. Tiner provided brief testimony on the variances related to this project. He noted that there are three variances associated with the proposed fences within the front yard. The Applicant is proposing a seven-foot fence along the Garden State Parkway, whereas the maximum proposed height is four feet. Mr. Neff noted that this was not outlined in his letter because he is unsure if the Turnpike Authority will require this size fence. He explained that they are requesting this variance in the event of this condition. Ms. Beahm explained that this fence would be required for safety purposes, as they do not want pedestrians walking from the site into the parkway right of way. Ms. Beahm submits that this is a perfectly reasonable request and has no objection to the Board granting this variance. Mr. Tiner stated that the proposed fence will be chain-link.

In regard to the ten-acre site maximum lot area requirement, the Applicant has limited the development to ten-acres, however relief is still needed. Attorney Collins clarified this Ordinance requirement for the record. He explained that as per the Ordinance, warehouses can have a maximum lot size of 10 acres. The subject property is approximately 16.67 acres; therefore, the Applicant must demonstrate that this warehouse could fit on a ten-acre site. Mr. Tiner described the variances related to the proposed loading areas. The Ordinance states that no loading areas shall be located in the front yard, however, the Applicant is proposing a loading space along the Garden State Parkway frontage.

A design waiver is required as the subject lot has more than one frontage and the Applicant is proposing driveway access along both Wardell Road and Shark River Road.

Mr. Neff explained that as per the latest plan submission, there are required waivers for the lighting, however the Applicant has since revised the plans to eliminate these waivers. He asked the Applicant to provide testimony on the proposed signage. Mr. Tiner confirmed that the signage has been revised to comply with the Ordinance.

Ms. Beahm noted for the record that three of the four required variances are necessitated because this property has frontage along the Garden State Parkway.

Mr. Clayton asked Mr. Neff to clarify if the Applicant is building in the wetlands buffer, as the map shows disturbance in the riparian buffer. Mr. Neff explained that the riparian buffer is not the same thing as a wetlands buffer, they are not going into the wetlands buffer at all.

Ms. Beahm asked the Applicant to confirm that the proposed trash enclosure will be constructed out of masonry block, in which the Applicant confirmed it would. She also asked the Applicant to confirm that they will be installing sidewalk along Shark River Road and Wardell Road. Mr. MacLeod stated that the Applicant wanted feedback from both the Board and the public as to whether sidewalk should be installed, or a contribution be made to the Borough's sidewalk fund.

Mr. Neff asked the Applicant to confirm that they will comply with the Borough Fire Marshal's comments. The Applicant established that they would comply with all comment set forth in Mr. Costa's letter.

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Mr. MacLeod recalled Douglas Polyniak, Traffic Engineer as the next witness.

Mr. Polyniak affirmed that he has reviewed the revised site plan in accordance with traffic safety, however, he did not issue a revised traffic study. With respect to the number of vehicles and how the site operates, Mr. Polyniak stated that the site revisions have not changed the traffic impact. He explained that the new site design has improved the overall traffic patterns from an operations perspective. Specifically, the driveway access located on Shark River Road has been shifted to a ninety-degree right angle and moved further away from Route 66. Mr. Polyniak stated that this driveway design is far superior and a safer condition to the existing driveway layout. He noted that the Department of Transportation requires all driveways to be 100 feet from any corner, whereas the proposed drive aisle is 120 feet from the corner. He explained that the new design will reduce the ability for large vehicles to make right turns. Both the Shark River Road driveway and Wardell Road driveway have been designed to prevent right hand turns. Mr. Polyniak stated that it is his professional opinion that these designs are far superior and safer than what was previously proposed.

Chairman Lodato asked if right-hand-turns onto Wardell Road will be prohibited, and Mr. Polyniak confirmed that large vehicles and trucks cannot make a right-hand-turn onto Wardell Road.

Mr. Neff stated that as a condition of any approval he would request that the Applicant submit turning templates demonstrating egress to ensure that large tractor trailers will not block Shark River Road while waiting to turn onto Route 33.

Ms. Beahm concurred that this new design is a much safer condition as to what was previously proposed and confirmed that a waiver is no longer required as the driveway is now in compliance with the Ordinance.

Mr. Mirarchi voiced his overall concerns with traffic on Shark River Road, and inquired if the road could possibly be widened? Mr. Neff suggested the Applicant provide further testimony as it is his understanding that trucks really should not be accessing the site from Shark River Road. It was noted that there is a restriction for truck traffic on Shark River Road. Mr. Polyniak explained that the driveways were reconfigured to discourage large trucks from turning on Shark River Road and thus were designed to travel on the larger highways.

Mr. Neff asked the Applicant to clarify the definition of "trucks" in relation to what is prohibited on Wardell Road. Mr. Polyniak stated that this refers to large fuel-based tractor trailer vehicles. With respect to single-unit trucks such as UPS, Amazon, Fed Ex, etc. would be permitted to travel these roads.

Chairman Lodato asked if the current road conditions on Shark River Road would discourage truck traffic due to its narrow design? Mr. Neff agreed, however, realistically some truck drivers will still attempt to travel these roads which is why these restrictions must be put in place. He stated that the Applicant previously testified that they would provide proper signage highlighting these restrictions as well as notifying any future tenants that large trucks will be prohibited from these roads.

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Attorney Collins noted for the record that in terms of public infrastructure, the Board must be very careful in forcing the Borough to expand the right of way. The option of widening Shark River Road would be the responsibility of the Borough not the Planning Board. Mr. Neff suggested that if the Borough were to widen Shark River Road, it would essentially make it easier for large trucks and tractor trailers to travel.

Mr. Mirarchi voiced his concerns with safety at the intersection on Wardell & Shark River Road, he inquired whose responsibility it would be to upgrade this intersection. Mr. Neff stated that he has been working with the Tinton Falls Police and Department of Public Works on upgrades such as increasing the size of the signs, adding blinking signs, etc. The police have been reviewing accident reports at this particular intersection and have determined that on average over a five-and-a-half-year period, there is only one accident a year.

Mr. MacLeod noted that Mr. Hugh's the Professional Planner who previously testified at the September 28, 2022, meeting was unable to appear this evening. Paul Grygiel, P.P. will provide planning testimony on his behalf.

Attorney Collins swore in Paul Grygiel, P.P.

Mr. Grygiel placed his credentials on the record and the Board accepted him as an expert witness in the field of Professional Planning.

Mr. Grygiel stated that this proposal is a permitted use in the Borough's IOP Zone, he explained that this is an appropriate use of the property as envisioned in the Borough's Master Plan. This site has connectivity to the regional road network with multiple highways and the Garden State Parkway nearby. This property was previously located in the Borough's Highway Commercial Zone; however, the site is isolated from most other retail uses in the municipality. He noted that the property does have some wetland constraints, however, he noted that this is an existing previously developed site.

Mr. Grygiel provided testimony justifying the variance relief being sought. He explained that the overall size of the 16.67-acre site is an existing condition which creates a hardship for the 10-acre lot maximum. He explained that although the Applicant is proposing a permitted use, it cannot function as such without variance relief. The Applicant has stipulated that although the property is 16.67 acres, they are constructing and designing a warehouse that could fit on a ten-acre site. The proposed design improves the site's existing conditions in terms of drainage, circulation, lighting, etc. Mr. Grygiel testified that this relief can be granted under the C1 hardship criteria. He also believes that these variances could be granted under the C2 criteria in terms of the redevelopment of the site with a permitted use that would provide updated features which would outweigh any determinants. He stated that the proposed improvements and redevelopment are consistent with the Borough's Master Plan. The Applicant is limiting disturbance and providing sufficient space and maintaining open areas in an appropriate location. He stated that the proposed traffic circulation and access are consistent with the Department of Transportation regulations as well as the Borough Ordinance. He affirmed that the Applicant's proposal poses no detrimental impact to the public good. The design includes adequate setbacks and berms to buffer the public's view.

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Mr. Grygiel explained the subject property has multiple frontages that trigger variance relief for the loading areas located in the front yard. He stated that the proposed loading area along the Garden State Parkway frontage is a minimal intrusion. He testified that the proposed fences require relief for the height, and explained that as it was previously discussed, this is solely for safety purposes. A design waiver is being sought for the street frontages and proposed driveways which provide for safer ingress and egress into the site.

Ms. Beahm concurred with Mr. Grygiel's testimony and stated that she takes no exception to the requested relief being granted. She explained that the existing conditions of this site include a variety of uses and occupants which are in various states of disrepair. This proposal restores the property creating one permitted use that is in line with the Borough's Zoning Ordinance.

Mr. Clayton inquired about the three infiltration basins being proposed and Mr. Neff explained that this is a result of the updated Stormwater Management regulations set forth by the NJDEP. The purpose of this is to ensure that if one basin fails, there is another one on site to prevent any potential flooding. Mr. Neff confirmed that the Applicant's proposal is in compliance with the new regulations.

Chairman Lodato asked if any members of the public wish to ask questions and or make comments?

Robert Zagaroli, 40 Shark River Road- Mr. Zagaroli was sworn-in by Attorney Collins. Mr. Zagaroli explained that when he purchased his property in 2018 and built his home, he was instructed that he must install a sidewalk along his frontage. He stated that it should be required that the Applicant install sidewalk along Shark River Road and Wardell Road to provide a safe space for pedestrians. Attorney Collins explained that under the Ordinance, the Board can either require the Applicant to install sidewalk along their frontage or make a monetary contribution to the Borough's sidewalk fund. Mr. Zagaroli stated that he believes a sidewalk should be installed along the site frontage as it would be beneficial to pedestrians. Mr. Neff asked if Mr. Zagaroli is suggesting that the sidewalk be installed on the side of the subject property, and Mr. Zagaroli affirmed. Mr. Neff explained that if the Applicant were to install sidewalk on their side of the street, it wouldn't necessarily connect to anything. Mr. Zagaroli inquired about the gas, water, and sewer lines as well as the proposed HVAC system location. He further inquired about the existing mailboxes, he explained that his mailbox is located across the street from his dwelling on Shark River Road. Mr. MacLeod confirmed that the mailboxes are located in the right of way, not on the Applicant's property, therefore they will not be disturbing any residential mailboxes. Mr. Neff explained that the Borough does not have the authority to move any mailboxes as they are under the jurisdiction of the post office. However, Mr. MacLeod affirmed that if any residential mailboxes are displaced due to the installation of sidewalks, the Applicant will gladly replace them. Ms. Beahm suggested that Mr. Zagaroli contact the post office to inquire about having his mailbox relocated to his side of the street. Mr. Zagaroli voiced his concerns with the proposed relocation of the access driveway, he stated that it will make it more difficult for tractor trailers to make a turn. Mr. Zagaroli inquired about the perspective tenants, and the Applicant explained that there are no known tenants at this time.

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Heather McKittrick, 132 Shark River Road- Ms. McKittrick was sworn in by Attorney Collins. Ms. McKittrick explained that she has done her best to educate herself on the Municipal Land Use Law and process, as well as this particular application. She voiced her concerns with the proposed warehouse and its impact on local residents, families, and pets. She stated that her main concern is the overall size of the proposed warehouse and the ancillary development and its impact on the surrounding neighborhoods. She suggested that granting the requested variances would set a dangerous precedent. Ms. McKittrick voiced her concerns with the traffic this site will generate. She claims that the proposed warehouse would be a drastic change in the use of the land. She indicated that approximately 600 members of the community signed a petition opposing this development. Ms. McKittrick further voiced her concerns with traffic safety and her disapproval with the Traffic Impact Study conducted by the Applicant. She stated that the traffic study is too generalized as the tenants still remain unknown. She indicated that the traffic analysis failed to address the specific times in which the study was conducted, as well as traffic counts for off-peak hours. It is Ms. McKittrick's opinion that the figures listed in the traffic study are inaccurate. She requested that the Applicant conduct a more extensive traffic investigation, she also suggested the Planning Board conduct their own independent assessment. She discussed the requested design waiver regarding the location of the driveways and claimed that the relocation of the driveway does little to address the concerns of the residents. She requested signage be installed at the intersection of Shark River and Wardell Roads. Ms. McKittrick again suggested that this development would be putting local residents, families, and children in danger. Attorney Collins interjected and stated that suggesting the Planning Board would be putting people in danger shows a lack of understanding of the Board's processes and jurisdiction. He further stated that if the Board were to approve this application, they would be acting in accordance with the Municipal Land Use Law. He again noted that this is a permitted use in the IOP Zone, and it is the Borough Council, not the Planning Board who sets the Zoning Ordinances. Mr. Neff and Ms. Beahm noted that this property has been acting as a commercial use for decades.

Chairman Lodato announced that the Board would take a ten-minute recess at 8:38 P.M. The Board was back on the record at 8:48 P.M.

Ms. McKittrick clarified that it is not her intent to offend anyone or place blame on the Planning Board in any such way. She continued by referencing the turning templates and stated that they do not take residential garbage and recycling trucks into consideration. She requested that the Applicant submit revised turning templates to demonstrate that these vehicles can maneuver the site. Ms. McKittrick noted that at the September 28, 2022, meeting this matter was carried to December 14, 2022, however that meeting had to be canceled and rescheduled to this evening. She stated that this change in meeting date did not appear clear to her on the Planning Board website, and she did not receive a community alert about this meeting. She stated that the residents' quality life and property values will decrease as a result of this warehouse and urged the Planning Board to consider the long-term effects of this project.

Larry Smith, 25 Wyncrest Lane- Mr. Smith was sworn-in by Attorney Collins. Mr. Smith inquired about the hours of operation of this facility. Mr. MacLeod explained that the intended hours of operation would be compliant

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with the Borough's code. However, the intended tenants would be consistent with the small-scale local use. Mr. Smith also asked the Applicant to clarify the anticipated tractor-trailer truck traffic this site would generate? Mr. MacLeod deferred to the Traffic Engineer for further clarification. Mr. Polyniak stated that during the peak hours trucking would count for approximately 10% of peak hour traffic. Therefore, approximately four trucks or tractor trailers would enter and exit the site in an hour. Regarding the right-turn ban for larger trucks, Mr. Smith inquired as to how these larger vehicles would enter and exit the site? Mr. Polyniak explained how these vehicles would access the major roadways such as Route 33 and the Garden State parkway from both Shark River Road and Wardell Road. Mr. Smith discussed his concerns with large trucks navigating the intersection of Route 66 and Shark River Road, explaining that it is a dangerous intersection as it is.

Dorothy Anderson, Almar Avenue- Ms. Anderson was sworn in by Attorney Collins. Ms. Anderson explained that she has lived in Tinton Falls since 2004 and explained that while she knows she purchased a property across from an industrial use, the Applicant is also aware he purchased land across the street from a residential neighborhood. Therefore, the livelihood of children and families should be taken into consideration. She stated that the Applicant is proposing a 129,000 square foot warehouse whereas only 110,000 square feet is permitted. Both Mr. Neff and Ms. Beahm interjected and clarified for the record that the size of the warehouse is not over what is permitted. Mr. Neff further explained that the 10-acre restriction only applies to warehouse facilities, therefore, theoretically speaking a larger structure of a different use could be built on this property. The Applicant does not need any variance or waiver for the size of the warehouse the building complies with what is permitted in the IOP Zone. Attorney Collins clarified that on a 16-acre site they are developing only six acres due to the ten-acre requirement. Ms. Beahm briefly reiterated the required variances. Ms. Anderson voiced her concerns with granting a variance for the height of the fence, and Ms. Beahm explained that it is required by the Turnpike Authority and necessary for overall safety. She stated that there is no precedent set in these proceedings as every application stands on its own facts and testimony. Attorney Collins explained that granting variances is a legal process and there are two elements of proof required to grant a variance. He further explained that in order to deny the variance for the seven-foot fence, there must be proof that it would cause a substantial detriment to the public good. He elucidated that an Applicant seeking variance relief does not provide the Board grounds to outright deny an application. Chairman Lodato referenced the Amazon application that was before the Planning Board a few years ago and noted that similarly only a few variances were required. Chairman Lodato stated that the Planning Board simply cannot tell Applicants they cannot build on their land, however, the Board can dictate how a certain project is built. Furthermore, if an Applicant is proposing a permitted use and is denied by the Board, the Applicant has the ability to legally contest the denial in court. Ms. Anderson acknowledged that the proposed building is aesthetically pleasing and well designed. However, the upmost concern of neighboring residents are the tractor trailers and traffic safety. She concluded by asking the Applicant to take the local families and children into consideration and work together to create a safe environment for all. Mr. MacLeod asked Ms. Anderson if she would like to see sidewalks on Wardell Road, and she affirmed that she would request the Applicant install sidewalks on both Wardell and Shark River Road as opposed to making a contribution to the fund.

Mike Miles, 47 Wyncrest Lane- Mr. Miles was sworn in by Attorney Collins. Regarding the traffic testimony, Mr. Miles asked the Applicant to define "peak hours." Mr. Polyniak testified that peak hours are typically 7:00 AM to 9:00 AM and 4:00 PM to 6:30 PM. Mr. Miles inquired if school bus traffic was included in the traffic study

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and Mr. Polyniak indicated that they were not counted in this study. Mr. MacLeod explained that the analysis did not include specific data on school buses, however school buses would have been included in the overall traffic data. Mr. Miles inquired if the Applicant would have to abide by the Borough's noise ordinance, and Mr. MacLeod confirmed that they would. With respect to the noise Ordinance, Ms. Beahm clarified that it must be consistent noise for a period of time. Mr. Miles explained similarly to his neighbors, his overall concern is the truck traffic this site would generate.

Rick Van Duzer, 5 Thresher Court- Mr. Van Duzer was sworn in by Attorney Collins. Mr. Van Duzer inquired about the size of the tractor trailers allowed to access the property. Mr. Polyniak indicated that the tractor trailers would be WB62 which are approximately 70 feet long. Mr. Van Duzer voiced his concerns with the potential gridlock caused by the tractor trailers at the intersection of Shark River Road. He suggested that the Applicant limit the size of the tractor trailers.

Pamela Dobrin, 1 Thresher Court- Ms. Dobrin was sworn in by Attorney Collins. Ms. Dobrin voiced her concerns with the weight ton limit continuing to be enforced on Shark River Road, as trucks still continue to travel this roadway. Ms. Dobrin asked Attorney Collins if the Planning Board has any authority to enforce the weight limit? Attorney Collins explained that the Planning Board is a body of limited jurisdiction who enforces the Land Use Ordinance. The Planning Board's powers are derived from the Municipal Land Use Law and the governing body's regulations regarding development in the Borough. This Board ensures that these projects are consistent with the Land Use Ordinance or if they meet the criteria for variance relief. Further, it is the jurisdiction of the Borough of Tinton Falls Police Department to enforce the weight limit on Shark River Road. Chairman Lodato suggested that Ms. Dobrin voice her concerns with truck traffic on Shark River Road to the Borough Council. Ms. Dobrin insinuated that if the Planning Board were to approve this application, they would put a burden on the Borough and governing body. Attorney Collins stated that this is simply not true, this application is before the Planning Board tonight because it is a permitted use on this particular property. Ms. Beahm added that if the concern is the weight limit on a public road, then it is incumbent of the governing body to assess this issue. Therefore, the burden falls on the Borough Council as they are the ones who set the parameters by which this Board operates. Mr. MacLeod acknowledged that there is a weight limit on Shark River Road and further explained that this site was specifically designed to prevent tractor trailers from turning onto Shark River Road. Ms. Dobrin suggested that the Applicant do not allow tenants with tractor trailers to operate on this site.

Hearing no further comments, Chairman Lodato asked for a motion to close the public discussion.

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

Chairman Lodato asked the Board Professionals to give their thoughts and opinions on the application that has been presented this evening.

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Attorney Collins reiterated that this is a permitted use, the Board must consider the requested variances. He understands that it is typical for residents to be concerned about development in their neighborhoods, however it is the jurisdiction of this Board to determine whether or not the Applicant satisfied their burden of proof of the six requested variances and one waiver.

Mr. Neff explained that the Board Professionals have been working with this Applicant extensively, as there have been several plan revisions since its initial submission. From an engineering standpoint, the Applicant has addressed all of his comments. The Applicant has reduced the height of the retaining wall, the lighting is in compliance with what is permitted, they are maintaining evergreen trees on site as a buffer, they agreed to restricting right turns onto Shark River Road, and have agreed to installing sidewalks along all frontages as per the resident's request. Additionally, the Applicant has significantly reduced the number of truck parking on this site. Mr. Neff stated that he has no further questions or comments of this Applicant.

Ms. Beahm echoed the comments of both Attorney Collins and Mr. Neff, stating that this is a permitted use in the IOP Zone and have complied with almost every single bulk provision. In her opinion, they have satisfied their burden of proof of the deviations requested. The Applicant has further shown that this warehouse could be fully operational on a ten-acre site as per the Ordinance requirement. Overall, this application is conforming with the intent of the Ordinance, and the 2019 Master Plan Reexamination. Ms. Beahm takes no exception to the relief requested.

Mr. Neff inquired about various outside agency approval, and asked if the Applicant received a response from the Department of Transportation? Mr. MacLeod stated that they have received a letter of no interest from the Department of Transportation. The only permit required from the DOT is for the drainage along the edge of the property.

Chairman Lodato asked the Board for their questions and or comments.

Mr. Mirarchi inquired as to when the demolition of this property would commence? Mr. MacLeod indicated that at this time they are unsure when any kind of demolition would begin. Mr. Mirarchi asked that any perspective tenant is made aware of the weight limit on Shark River Road and suggested that this be added to any potential contract. Mr. Neff confirmed that if the Board were to act favorably and approve this application, he will discuss the restrictions on Shark River Road at the pre-construction meeting.

Mr. Clayton asked Ms. Beahm if she is satisfied with the overall architectural design and color scheme of the proposed building? Ms. Beahm confirmed that she is pleased with the architecture, however, she indicated that the Applicant has agreed to continue to work with her and her office.

Chairman Lodato asked Councilman Nesci to address the four-ton weight limit on Shark River Road with his fellow colleagues on the Borough Council. He acknowledged that there are both positive and negative aspects to this project, however the site as it exists today is in disrepair. Chairman Lodato indicated that the Applicant has listened to previous concerns of both the Board and Board Professionals and revised their plans accordingly.

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Mr. MacLeod asked for clarification on the installation of sidewalks. He suggested that the Applicant make a monetary contribution to the fund for the installation of sidewalks on the residential side of Wardell as opposed to the site frontage. Mr. Neff explained that he has never seen this done before, typically the Board does not dictate where the sidewalks are installed with the fund monies. Mr. Neff agrees that it sidewalks along these frontages do not seem necessary as they will not connect to anywhere. Mr. MacLeod indicated that the Applicant will agree to install sidewalks along their frontage, however, will continue to work with the Board Professionals and comply with their suggestions.

Attorney Collins outlined the various conditions to be added to the Resolution if the Board were to grant an approval.

Mr. Holobowski offered a motion to approve PB2022-06 with the conditions set forth by Attorney Collins. The motion was seconded by Mr. Clayton.

Roll Call:

AYES: Mr. Holobowski, Mr. Clayton, Chairman Lodato, Mr. Baldwin, Mr. Romanov,

NAYS: Councilman Nesci, Mr. Mirarchi, Mr. Natter, Mr. Markoff

ABSENT: None

INELIGIBLE: Mr. Wallace

Attorney Collins stated that the application was approved by a 5 to 4 vote.

OPEN PUBLIC DISCUSSION-

Chairman Lodato asked if there were any public present that would like to address the board. Hearing none, the public discussion was closed.

EXECUTIVE SESSION-

ADJOURNMENT- Chairman Lodato indicated that the next Planning Board meeting is January 25, 2023.

Chairman Lodato asked for a motion to adjourn.

Mr. Baldwin offered a motion to adjourn at 10:02 P.M. The motion was seconded by Councilman Nesci. All present voted in favor.

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Respectfully Submitted,



Trish Zibrin
Board Secretary

Approved at a meeting held on: March 22, 2023