

BOROUGH OF TINTON FALLS
REGULAR MEETING OF THE PLANNING BOARD
MARCH 22, 2023

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, Robert Clayton, Gary Baldwin, Lori Paone, Joseph Mirarchi, Joel Natter, Bob Markoff
Absent: Richard Wallace, Bill Holobowski, Robert McCoy
Others: Dennis Collins, Esq.
Thomas Neff, *Board Engineer*
Jennifer Beahm, *Board Planner*
Trish Zibrin, *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 Mr. Wallace, Mr. Holobowski, and Mr. McCoy 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-

Chairman Lodato indicated that the Board has received the minutes of the January 11, 2023, Planning Board Meeting, and asked for a motion to approve the minutes as submitted.

Mr. Baldwin offered a motion to approve the January 11, 2023, minutes. The motion was seconded by Mr. Markoff

Roll Call:

AYES: Mr. Baldwin, Mr. Markoff, Chairman Lodato, Councilman Nesci, Mr. Mirarchi, Mr. Natter

NAYS: None

ABSENT: Mr. Wallace, Mr. Holobowski, Mr. McCoy

INELIGIBLE: Ms. Paone

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RESOLUTIONS-

PB2022-06 Resolution Granting Preliminary & Final Major Site Plan Approval with Variances, Submission Waivers, and Design Waivers to Shark River Road Owner, LLC. 49 & 71 Shark River Road, Block 136, Lots 4.01 & 7

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

Mr. Clayton offered a motion to memorialize a Resolution Granting Preliminary & Final Major Site Plan Approval to Shark River Road Owner, LLC; the motion was seconded by Mr. Baldwin.

Roll Call:

AYES: Mr. Clayton, Mr. Baldwin, Chairman Lodato, Mr. Natter,

NAYS: None

ABSENT: Mr. Wallace, Mr. Holobowski, Mr. McCoy

INELIGIBLE: Councilman Nesci, Ms. Paone, Mr. Mirarchi, Mr. Markoff

PB2022-14 Resolution Granting Preliminary & Final Major Site Plan Approval with Variances, Submission Waivers, and Design Waivers to Ranney School, Inc.

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

Councilman Nesci offered a motion to memorialize a Resolution Granting Preliminary & Final Site Plan Approval with Submission Waivers to Ranney School, Inc. Block 28.01, Lot 1.01, and Block 29, Lot 1.01.

Roll Call:

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

NAYS: None

ABSENT: Mr. Wallace, Mr. Holobowski, Mr. McCoy

INELIGIBLE: Ms. Paone, Mr. Mirarchi

NEW BUSINESS-

PB2022-12

Books N' Things Warehouse, LLC

91 Apple Street

Block 14.02, Lot 17.05

Preliminary & Final Site Plan

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Attorney Collins stated that the Notice of Hearing to adjoining parties and Affidavit of Publication have been received and that the Board has jurisdiction to hear the matter.

Attorney Collins swore in the following witnesses:

Patrick Ward, P.E., P.P.

Gabriela Giuliani, Applicant Representative, CEO of Books N' Things

Salvatore Tomasiello, A.I.A.

The following exhibits are entered into the record:

- A-1 Preliminary & Final Major Site Plan for LMMP Partners, LLC prepared by Patrick R. Ward, P.E., P.P., of Insite Engineering, LLC dated June 28, 2022, last revised February 23, 2023, consisting of thirteen (13) sheets.***
- A-2 Colored rendering of site plan with aerial photos.***
- A-3 Sign package plans (2 sheets)***
- A-4 Proposed floor plans***
- A-5 Architectural elevations***

Dan O'Hern, Esq., introduced himself as the Attorney on behalf of the Applicant. He stated that the Applicant is here this evening proposing a small warehouse for a mail order business. They are currently leasing another space at 57 Apple Street and are looking to build a permanent space. This property is currently vacant and is in the Borough's Neighborhood Commercial Zone.

Ms. Giuliani introduced herself as the CEO and owner of Books N' Things, which she owns with her wife Ashely. She stated that Books N' Things currently owns the property located at 91 Apple Street, however, it is contingent upon the Planning Board approval. She described the nature of the Books N' Things business, explaining that they provide books, magazines, and different materials to inmates in prison across the United States. They also provide gift items that the inmates can send to friends and family members. Ms. Giuliani stated that the company has been in business for 13 years. She clarified that anyone could purchase items from their website, however, specifically family members of those incarcerated purchase items to send to their loved ones in prison. They are looking to grow and expand their company, which is why they are looking to have their own building. There are a total of 4 employees who work Monday-Thursday 8:00 A.M. until 6:00 P.M. She indicated that during the busy holiday season, they do tend to work Fridays, however there are no weekend hours. Ms. Giuliani confirmed that they do not have customers who come to visit the site, however, they do receive deliveries from UPS, FedEx, the Post Office and the like. UPS and FedEx come daily to deliver products from their vendors, and they ship out their products back out through the post office. She further explained that the proposed building is designed with a garage door in the rear, for the purpose of receiving deliveries. Mr. O'Hern asked Ms. Giuliani to clarify the name

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"Books N' Things Warehouse" stating that the proposed building is not really a warehouse. She explained that this is a very small shipping and receiving operation, and they will not be operating in a true warehouse fashion.

Ms. Beahm asked the Applicant to clarify the purpose of the proposed shed? Ms. Giuliani stated that the shed would be used to store seasonal items, lawn equipment, etc. She explained that there are different products that are popular around the holiday season. Further, the Books N' Things business strives to get the product out to their customers quickly, especially during the holiday season. The shed would allow them to have certain products on hand. Mr. Neff asked the Applicant to confirm that this a traditional residential style shed, and Ms. Giuliani stated that it would be.

Mr. O'Hern called Salvatore Tomasiello as the next witness.

Mr. Tomasiello placed his credentials on the record and the Board accepted him as an expert witness in the field of Architecture.

Referencing exhibit, A-4, Mr. Tomasiello stated that the Applicant is proposing a 3,600 square foot building, with the first-floor entry facing Apple Street. He briefly described the internal layout of the proposed structure. The second floor consists of open office space for the employees along with a small kitchenette and break area.

Exhibit A-5 illustrates the proposed elevation facing Apple Street, consisting of metal material, metal siding, as well as natural wood siding. The left façade contains brick materials as well as natural wood siding. The design also contains glass windows with an exposed staircase.

Ms. Beahm questioned Mr. Tomasiello if there are any other developments or buildings in Tinton Falls that look like the proposed building? Ms. Beahm stated that the proposed architecture is too urban and does not fit into Tinton Falls, and further stated that the signage is very difficult to read. The architecture should be consistent with what currently exists in the Tinton Falls community. Ms. Beahm recommended that the Applicant to consider and less urban, and more suburban design. If the Board were to act favorably upon the application, she would request that the Applicant work with her office to design a building that fits in in Tinton Falls.

Mr. Baldwin asked the Applicant to describe what is located on either side of this proposed building. Mr. O'Hern clarified that this building has frontage along Apple Street and Blossom Street and is surrounded by a residential neighborhood. Mr. Baldwin echoed the comments of Ms. Beahm stating that the proposed architecture does not fit in a residential neighborhood. Chairman Lodato stated that he also has concerns about the proposed architecture.

Chairman Lodato asked if the Board has any further questions of this witness?

Mr. O'Hern called Patrick Ward, P.E., P.P., as the next witness.

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

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Mr. Ward briefly described the site layout and explained that this lot was created by Minor Subdivision. He explained that since this lot is in the NC Zone, the lot is slightly undersized.

He noted that there are two changes that have been made since the latest plan revision. The Applicant originally was proposing traditional style trash cans and have now revised the plan to include a fenced-in refuse enclosure. Exhibit A-2 illustrates what is now being proposed for a trash enclosure that can house two dumpsters. The enclosure will be masonry block and will be screened, conforming with the ordinance. Due to this change, the proposed shed has been shifted and will remain 18.5 feet from the property line.

Mr. Ward described the proposed two-story office building that is designed for one tenant. The proposed shed will be located 12 feet from the westerly property line and will be limited to 12 feet in height. The proposed parking lot is located on the West side of the building. The Applicant is proposing 15 parking spaces along with concrete sidewalk along all frontages. All utility connections will be to Apple Street and will be underground. In terms of drainage, the Applicant is seeking to limit the runoff to neighboring properties by having all roof-runoff and pavement run-off into an underground system.

Regarding traffic, Mr. Ward noticed that this is a permitted use in the NC Zone and is a relatively modest use. The Applicant submitted a traffic statement which anticipates approximately 42 trips per day and does not see any impact in traffic on Apple Street. The Applicant is not proposing any on-street parking.

The Ordinance requires one loading space for any proposed office building, however, the Applicant is not proposing any designated loading space. Mr. Ward explained that because of the overall size of the property and building the Applicant does not feel that a loading space is necessary. UPS and FedEx will utilize this site like a residential property. Mr. Neff asked the Applicant to clarify that delivery trucks will not need to back out onto Apple Street, and that there is enough room for a vehicle to complete a K-turn to exit the site. Mr. Ward confirmed that this will not be an issue and the property is designed for delivery trucks to maneuver the site. He further explained that the proposed fifteen parking spaces will allow for more space as well, as this operation only has four employees.

In terms of landscaping, Ms. Beahm indicated that a waiver is required for parking lot landscaping. She stated that she is not opposed to the Applicant not having landscaping in the parking lot area, however, she recommends adding additional landscaping along the residential frontages to create a larger buffer. Mr. Ward added that the Applicant will also be planting shrubs and perennials to buffer the parking area.

The Applicant is proposing two building mounted LED lights that are 16 feet high which will not impact the residential neighborhoods.

Referencing exhibit, A-3, Mr. Ward indicated that the Applicant is proposing one monument sign on the Apple Street façade. A wall mounted sign is also proposed along the side of the building.

Chairman Lodato asked the Board Professionals for their opinions on the proposed signage.

Mr. Neff stated that he is not opposed to the wall mounted sign, however, he did note that the design is different than what the Board is used to seeing. Ms. Beahm agreed and added that if the size remains under 20 square-feet she takes no exception to the proposed sign. Mr. Neff indicated that the freestanding sign must be increased to three feet to comply with the Ordinance. Mr. Neff stated that he has no objection to the proposed lighting, however, the Borough does require that any lighting be dimmed during the off-

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hours. Mr. Ward agreed, explaining that LED lighting is very controllable therefore, the Applicant has no objection to dimming the lighting during the off-hours.

Ms. Beahm asked the Applicant to provide testimony on the proposed fence. Mr. Ward explained that the Applicant is proposing a six-foot vinyl fence on the northside of the property. The purpose of the solid fence is to provide screening from the neighbors to the North. Further, because this property is a corner lot, to extend this fence along the Blossom Street frontage, a variance is required.

Mr. Ward indicated that the Applicant is proposing a very minimal use and has designed a building fit for an undersized lot. The building is designed to protect the residential neighbors to the maximum extent while still providing a functional office use on a commercial property. The Applicant has accomplished this by providing evergreen screening at the rear and north side of the property. The proposed parking lot is situated on the west side of the property adjacent to the existing commercial building. Further, the Applicant is seeking nine design waivers one being improvements in the residential buffer area which includes the portion of the parking lot, shed, refuse enclosure, and concrete slab. Regarding the 10% landscape area in the parking lot, the Applicant has testified that they will plant the required landscaping elsewhere on the property. The proposed parking lot setback is 5 feet whereas 10 feet is required. Essentially, the buffer waivers are relative to the size of the lot, and the Applicant has worked to comply with the building setback requirements. The lighting waivers are a result of proposing a minimal amount of lighting and fixtures.

Mr. Ward testified that the Applicant is seeking four variances this evening, the first one for the six-foot vinyl fence located in the front yard. He explained that the purpose of this fence is to provide privacy to the neighboring properties. A variance is required for the 40-foot residential buffer encroachment, as well as not proposing a loading space whereas one is required. Also, the Applicant is proposing a five-foot parking setback whereas ten feet is required. Mr. Ward stated that it is his opinion that these variances qualify under the C-1 hardship criteria. He further explained that the building is undersized compared to what could potentially be permitted in this zone and is sized appropriately. The Applicant has designed this site to be as safe as possible while also providing adequate residential buffer. The undersized lot creates a hardship as it inhibits the extent to which the property can be utilized. He further stated that this is an appropriate and permitted use in the NC Zone which will promote the general welfare of the community. This application provides adequate air and open space where feasible. The focus of this design is to maximize the buffer area with plantings and place the parking area adjacent to the commercial property. Mr. Ward stated that pending the architectural changes that will be discussed with Ms. Beahm's office, the Applicant feels as though they are proposing an attractive design that is respectful to the neighborhood. In terms of negative criteria, the proximity of the parking lot and driveway to the adjacent lot, as well as the buffer to the residential neighbors to the rear could be considered. Overall, this project will not cause substantial detriment to the public good and will not impair the purpose of the zone plan.

Attorney Collins asked the Applicant to confirm that they will comply with any outstanding comments set forth in both Mr. Neff and Ms. Beahm's review letters? Mr. Ward affirmed that the Applicant would comply. Mr. Ward also confirmed that they will comply with any comments set forth by the Borough Fire Marshal.

Ms. Beahm stated that she takes no exception to the relief sought, however, she respectfully requests that the Applicant work with her office to address her concerns with the proposed architecture.

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Mr. Neff echoed the comments of Ms. Beahm stating that this is very similar to other developments located on Apple Street and he has no objections.

Chairman Lodato asked if the Board has any questions?

Mr. Mirarchi and Mr. Markoff both stated that they see no issues with the proposed architecture and are pleased with the design.

Mr. Natter asked Ms. Beahm if there needed to be significant changes to the exterior of the building. Ms. Beahm clarified that she would like to see modest changes to the design as she feels it could be softened.

Ms. Paone voiced her concerns about the fence located in the front yard. Ms. Beahm clarified the fence is in the back of Apple Street, however, since this is a corner lot the fence would be located on the Blossom Street frontage. Ms. Paone stated that she is concerned about the fence interfering with the driveway, and the Applicant agreed to reduce the size of the fence to four feet at the 20-foot mark.

Chairman Lodato asked if any members of the public wish to ask questions or make a comment.

Tiffani Monroe, 92 Peach Street- Ms. Monroe explained that her property is located directly behind the proposed development explaining that it is a very quiet neighborhood, she asked the Applicant to clarify the hours of operation. She also voiced her concerns with the proposed evergreen trees creating too much shade for her property. Ms. Beahm explained that the Applicant's proposed plantings will not touch Ms. Monroe's property, therefore, the evergreen trees will have zero impact on her lot. Regarding the hours of operation, Attorney Collins explained that although the Applicant has testified to their hours of operation, there are no requirements set forth in the Ordinance for office space hours of operation. Ms. Giuliani clarified that there will only be four employees and no customers will be accessing the building. Mr. Neff asked the Applicant to clarify the proposed book-exchange box. Ms. Giuliani explained that this would allow members of the community to leave and take books. Ms. Monroe inquired about the proposed grading and drainage. Mr. Ward stated that the proposed drainage will only improve current conditions to reduce any concerns with neighboring properties. Mr. Neff added that it will be an underground drainage system beneath the parking lot. Ms. Giuliani provided additional testimony on the overall purpose of the shed and storing seasonal items.

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 Councilman Nesci. All present voted in favor.

Mr. Mirarchi offered a motion to grant Preliminary and Final Site Plan approval with the conditions set forth by Attorney Collins to Books N' Things Warehouse, LLC. The motion was seconded by Mr. Natter.

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Roll Call:

AYES: Mr. Mirachi, Mr. Natter, Chairman Lodato, Councilman Nesci, Mr. Clayton, Mr. Baldwin, Ms. Paone, Mr. Markoff

NAYS: None

ABSENT: Mr. Romanov, Mr. Mirarchi, Mr. Markoff, Mr. Wallace

INELIGIBLE: None

Chairman Lodato asked if any member of the public would like to speak on any matter not currently pending before the Board. Hearing none, he 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. Natter. All present voted in favor.

EXECUTIVE SESSION-None

Chairman Lodato noted that the next Planning Board meeting will be held February 8, 2023.

ADJOURMENT:

Mr. Clayton offered a motion to adjourn at 8:38 P.M., the motion was seconded by Mr. Natter. All present voted in favor.

Respectfully submitted,



Trish Zibrin
Planning Board Secretary

APPROVED AT A MEETING HELD ON: SEPTEMBER 13, 2023