

BOROUGH OF TINTON FALLS
REGULAR MEETING OF THE PLANNING BOARD
SEPTEMBER 13, 2023

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

Vice-Chairman Clayton read the following statement: "This is a regular meeting of the Tinton Falls Planning Board and is being held in compliance with the New Jersey Open Public Meetings Act. Adequate notice of this meeting has been given by posting on the Bulletin Board of the Municipal Building and by advertising in the Asbury Park Press and The Coaster."

ROLL CALL:

Present: Councilman Michael Nesci, Robert Clayton, Gary Baldwin, Joel Natter, Bob Markoff, Bill Holobowski, Robert McCoy
Absent: Chairman Frank Lodato, Lori Paone, Joseph Mirarchi, Richard Wallace
Others: Dennis Collins, Esq., *Board Attorney*
 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- Vice-Chairman Clayton indicated that Chairman Lodato, Ms. Paone, Mr. Mirarchi, 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-

Vice-Chairman Clayton indicated that the Board has received the minutes of the March 22, 2023, Planning Board Meeting, and asked for a motion to approve the minutes as submitted.

Mr. Baldwin offered a motion to approve the March 22, 2023, minutes. The motion was seconded by Mr. McCoy

Roll Call:

AYES: Mr. Baldwin, Mr. McCoy, Councilman Nesci, Mr. Clayton, Mr. Natter, Mr. Markoff
NAYS: None
ABSENT: Chairman Lodato, Ms. Paone, Mr. Mirarchi, Mr. Wallace
INELIGIBLE: Mr. Holobowski, Mr. McCoy

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Vice-Chairman Clayton indicated that the Board has received the minutes of the April 12, 2023, Planning Board Meeting, and asked for a motion to approve the minutes as submitted.

Mr. McCoy offered a motion to approve the April 12, 2023, minutes. The motion was seconded by Mr. Councilman Nesci

Roll Call:

AYES: Mr. McCoy, Councilman Nesci, Mr. Clayton

NAYS: None

ABSENT: Chairman Lodato, Ms. Paone, Mr. Mirarchi, Mr. Wallace

INELIGIBLE: Mr. Baldwin, M. Markoff, Mr. Holobowski, Mr. McCoy

Vice-Chairman Clayton indicated that the Board has received the minutes of the June 28, 2023, Planning Board Meeting, and asked for a motion to approve the minutes as submitted.

Mr. Natter offered a motion to approve the June 28, 2023, minutes. The motion was seconded by Mr. Holobowski

Roll Call:

AYES: Mr. Natter, Councilman Nesci, Mr. Clayton, Mr. Markoff, Mr. McCoy

NAYS: None

ABSENT: Chairman Lodato, Ms. Paone, Mr. Mirarchi, Mr. Wallace

INELIGIBLE: Mr. Baldwin, Mr. Holobowski

RESOLUTIONS-

PB2023-01 Resolution Granting Preliminary & Final Site Plan Approval with Variances, Waivers, and Minor Subdivision Approval to Mid-Monmouth Tech Center, II. 1200 Pine Brook Road, Block 114, Lots, 13.02, 14.01, 18.02, 31 & 32.

Vice-Chairman Clayton 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 to Mid-Monmouth Tech Center, II the motion was seconded by Mr. Baldwin.

Roll Call:

AYES: Councilman Nesci, Mr. Clayton, Mr. Natter, Mr. Markoff, Mr. McCoy

NAYS: None

ABSENT: Chairman Lodato, Ms. Paone, Mr. Mirarchi, Mr. Wallace

INELIGIBLE: Mr. Baldwin, Mr. Holobowski

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NEW BUSINESS-

Ordinance 2023-1507

Master Plan Consistency Review

An Ordinance Amending Various Sections of the Borough Code to Update Regulations for Farms and Agricultural Uses.

Ms. Beahm gave a brief overview of Ordinance 2023-1507, explaining that its purpose is to make the Borough's current Ordinance consistent with the Right to Farm Act. This gives farms within the Borough the opportunity to do other accessory and ancillary uses. This amendment is in response to various applications that have been before the Zoning Board of Adjustment. She added that this Ordinance is consistent with both the County and the State's Right to Farm Act. As such, she indicated that this Ordinance is consistent with the Borough's Master Plan. Ms. Beahm stated that the Borough's Master Plan encourages a balance of development patterns which will protect the long term social-economic interest of the Borough. She respectfully requests that the Board act in the affirmative in the consistency determination.

Attorney Collins asked that the Board offer a Section-26 Report confirming that the Ordinance is consistent with the Borough's Master Plan.

Vice-Chairman Clayton asked if the Board had any questions and or comments? Hearing none, he asked for a motion to offer a Section-26 Report for Ordinance 2023-1507.

Mr. Baldwin offered a motion for a Section-26 Report, the motion was seconded by Councilman Nesci.

Roll Call:

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

NAYS: None

ABSENT: Chairman Lodato, Ms. Paone, Mr. Mirarchi, Mr. Wallace

INELIGIBLE: None

PB2023-10

MOESC School

100 Tornillo Way

Capital Review

Attorney Collins gave a brief overview of the Board's role during a Capital Review. He indicated that the Board can offer comments on the presented application, however, they are not reviewing it for any development purposes.

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MOESC is proposing to add additional space to their existing facility. He explained that MOESC offers support to schools throughout Monmouth and Ocean County.

Ms. Panchal stated that this project includes additions and alterations to the existing MOESC School facilities. The first floor includes classroom and support spaces for special needs students, while the second floor includes administrative offices. Ms. Panchal indicated that the Applicant did prepare a letter in response to T&M's Engineering Review Letter. Mr. Neff confirmed that the Applicant has issued a letter in response to the comments set forth in T&M's courtesy review. He explained that there were some questions regarding parking & stormwater management. Mr. Neff stated that he has no further questions or concerns from an engineering standpoint. Mr. Natter asked where the proposed addition will be in relation to Shafto Road. It was explained that the addition will be constructed in the rear of the building, not visible from Shafto Road.

Attorney Collins noted that if the Board has no further comment, it would be appropriate to offer a Section-31 Review. He will then draft a Resolution stating that the Board has no comments on the proposed project.

Councilman Nesci offered a motion for a Section-31 Review, the motion was seconded by Mr. Baldwin.

Roll Call:

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

NAYS: None

ABSENT: Chairman Lodato, Ms. Paone, Mr. Mirarchi, Mr. Wallace

INELIGIBLE: None

PB2023-08

Cross Builders, LLC

135 Apple Street

Block 14.01, Lot 1.03

Preliminary & Final Major Site Plan

Attorney Collins noted for the record that the notice to adjourning property owners and affidavit of publication is in order, the Board has jurisdiction to hear this matter.

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The following exhibits are entered into the record:

A-1: Preliminary & Final Major Site Plan, 135 Apple Street prepared by David H. Boesch, L.L.A., of Nelson Engineering Associates, Inc., dated June 2, 2023, consisting of ten (10) sheets.

A-2: Architectural Floor Plans & Elevations prepared by Matthew T. Cronin, A.I.A., last revised June 28, 2023, consisting of three (3) sheets.

A-3: Aerial Photograph

A-4: Colored Landscape Plan

A-5: Colored Rendering of Elevations

The following witnesses are sworn in by Attorney Collins:

David Boesch, L.L.A.

Matthew Cronin, A.I.A.

Paul Edinger, Esq., introduced himself as the Attorney on behalf of the Applicant. Mr. Edinger provided the Board with a brief overview of the subject property located at 135 Apple Street. Located in the Borough's N.C. Zone, and on the corner of Apple Street and Hance Avenue.

Mr. Boesch placed his credentials on the record and the Board accepted him as an expert witness as a Licensed Landscape Architect.

Referring to exhibit A-3, Mr. Boesch described the subject property which is approximately 17,558 square feet and located in the Borough's Neighborhood Commercial (NC) Zone. The Applicant is proposing to construct a three-story mixed-use building, with commercial properties on the first floor, and apartments on the second floor. As per exhibit A-4, the proposed building will be located on the western side of the site, and 12 parking spaces proposed at the eastern end of the property.

Mr. Boesch noted that the Applicant is seeking a variance for the minimum lot area of 20,000, whereas 19,359 is proposed which is a result of the existing conditions of the site. A variance is also required for the lot depth. Additionally, a variance is required for the proposed parking lot

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located within the residential buffer. Mr. Boesch indicated that the Applicant is proposing a dense landscape plan to sufficiently buffer the residential neighborhood.

Mr. Neff added that the Planning Board previously approved this Subdivision for the same Applicant in 2019. Attorney Collins noted that the lot area and lot depth variances were previously granted with the Subdivision approval.

The aerial photograph depicted in exhibit A-4 highlights the various commercial developments located on Apple Street.

Mr. Boesch testified that the Applicant is providing off-street lighting in the parking area and has revised the overall lighting plan to conform with the Ordinance. A design waiver is required for exceeding the permitted spillage at the entrance driveway for safety reasons.

Because this property is currently vacant, Mr. Boesch explained that it was challenging to design this site to the current NJDEP regulations. They are proposing a small detention basin which will allow the water to then flow into the main basin to the northwest of the proposed structure. There is an emergency discharge in the event of an unusual storm.

Mr. Edinger noted for the record that the subject property is located across the street from the Red Bank Animal Hospital, therefore the light spillage at the driveway access will not affect the residential neighborhood. Attorney Collins added that that the Board takes no exception to well-lit entrances.

Mr. Boesch confirmed that the Applicant will be installing sidewalk as opposed to contributing to the Borough's Sidewalk Contribution Fund.

The Applicant confirmed that they will comply with all comments set forth in both the T&M and Avakian review letters.

Regarding refuse, the Applicant is proposing an enclosure for both the trash and recycling receptacles. Mr. Neff inquired if this will be sufficient to serve the perspective tenants? Mr. Boesch indicated that the tenants are unknown at this time, however it will be used for general office space. Ms. Beahm requested that a detail of the proposed enclosure be added to the Site Plan.

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Regarding the traffic impact, Mr. Boesch specified that in the Applicant's response letter, they provided trip generation totals in accordance with the New Jersey Department of Transportation. Specifically, the traffic volumes fall well below the NJDOT definition of a significant increase in traffic.

Mr. Edinger noted that the Applicant did receive a memorandum from the Borough's Fire Marshal, who had no comments on the proposed development.

The Applicant will provide metes and bounds descriptions for the proposed easements.

The Applicant also agrees to comply with the Shade Tree Commission's review letter.

Mr. Edinger briefly discussed the site hours of operation, noting that because there are no perspective tenants at this time, the hours of operation are unknown. Ms. Beahm asked for the anticipated hours of operation, and it was explained that this building will be marked to general professional office space who would operate during normal business hours.

Mr. Neff inquired about the ground sign, stating that the Ordinance permits 25 square feet whereas the proposed sign is 32 square feet. Mr. Boesch confirmed that the Applicant will revise the size of the sign to comply with the Ordinance.

Ms. Beahm requested testimony on the Affordable Housing obligation. She clarified that one of the two proposed residential dwellings on the second floor must be an affordable unit. The Applicant confirmed that they will comply with this requirement. It was noted that if the Applicant does not fulfill this requirement, they would need to seek their approvals from the Zoning Board of Adjustment, not the Planning Board.

Mr. Edinger called Matthew Cronin as the next witness.

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

Mr. Cronin explained that he designed the three-story mixed-use building. He noted that the basement is only accessible from a dedicated outside door. The first floor consists of two commercial units. Unit A is approximately 815 square feet, and Unit B is approximately 809 square feet. The first floor contains entrances to the second-floor residential living spaces.

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Residential Unit C consists of a living room, dining room, kitchen, laundry, half bath, and study. The third floor living space has two bedrooms and two bathrooms.

Regarding the proposed study space, Ms. Beahm explained the concern about the study becoming a third bedroom and subsequently not having enough parking spaces. She explained that technically speaking the room does not contain a closet and therefore is not considered a bedroom, however, that does not necessarily deter someone from making it a bedroom. She requested that the doors to the study be removed to prevent the possibility of a third bedroom. The Applicant confirmed that they would comply with that request. Mr. Neff suggested that this be a condition of any approval and be set forth in the Resolution. Unit C is a total of 1,752 square feet. Unit D has similar amenities as described in Unit C.

Ms. Beahm asked for clarification on the proposed building height stating there are discrepancies between the plans. She asked that the plans be revised with the correct building height.

Mr. Clayton inquired about the residential units and if there are any proposed fire escapes. Mr. Neff stated that this requirement would be determined by the construction official. The Applicant is not proposing a fire escape, they are however including sprinkler systems throughout the building.

Mr. Neff noted for the record that the Applicant has revised the plans to include an Electric Vehicle charging space.

Hearing no further questions from the Board or Board Professionals, Vice-Chairman Clayton opened the meeting to any public comments.

Harold Blankley, 8 Glenwood Drive: Mr. Blankley was sworn in by Attorney Collins. Mr. Blankley briefly introduced himself stating that he built his home in Tinton Falls in 1972, and he once served on the Planning Board. He voiced his overall concern with the potential impacts on traffic. Mr. Blankley indicated that this property is not particularly suitable for retail use as he would prefer to see the commercial space used as professional offices. He also voiced his concerns with the overall aesthetics of the property. Attorney Collins clarified for the record that the Planning Board does not have the authority to restrict an Applicant from any permitted uses in the zone. Ms. Beahm added that this site has not been designed for retail use.

Hearing no further comments, Mr. Clayton asked for a motion to close the Public Discussion.

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Mr. Holobowski offered a motion to close the public discussion, the motion was seconded by Councilman Nesci. All present voted in favor.

Mr. Holobowski requested clarification on the removal of doors and the proposed study. Ms. Beahm explained that proposed residential units include a study which could potentially be turned into an additional bedroom. The Applicant is only proposing enough parking spaces for a two-bedroom dwelling.

Mr. Clayton inquired if lighting is proposed in the parking lot? There are a series of pole lights and wall lights throughout the parking lot. All lights will be turned off at 10:00 P.M. The doorway lights will be motion sensor for resident safety.

Vice-Chairman Clayton asked for a motion.

Mr. Baldwin offered a motion to approve PB2023-08 with the conditions set forth by Attorney Collins. The motion was seconded by Councilman Nesci.

Roll Call:

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

NAYS: None

ABSENT: Chairman Lodato, Ms. Paone, Mr. Mirarchi, Mr. Wallace

INELIGIBLE: None

Vice-Chairman Clayton 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. Baldwin offered a motion to close the public discussion, the motion was seconded by Mr. Natter. All present voted in favor.

EXECUTIVE SESSION-None

ADJOURNMENT:

Mr. Baldwin offered a motion to adjourn at 8:17 P.M., the motion was seconded by Mr. Markoff. All present voted in favor.

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Respectfully submitted,



Trish Zibrin

Planning Board Secretary

APPROVED AT A MEETING HELD ON: November 8, 2023