

BOROUGH OF TINTON FALLS  
REGULAR MEETING OF THE PLANNING BOARD  
SEPTEMBER 27, 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 , Robert Clayton, Gary Baldwin, Lori Paone, Joel Natter, Joseph Mirarchi, Bob Markoff, Robert McCoy  
**Absent:** Councilman Michael Nesci, Bill Holobowski  
**Others:** Matthew Kalwinsky, Esq. (for Dennis Collins) Board *Attorney*  
Thomas Neff, *Board Engineer*  
Sam Avakian (For 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 Councilman Nesci, and Mr. Holobowski 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-**

**RESOLUTIONS-**

**NEW BUSINESS-**

**PB2023-02**

**Stavola Realty Company  
Centre Plaza  
Block 115, Lot 4.02 & 4.03  
Preliminary & Final Major Site Plan**

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Attorney Kalwinsky 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.

The following exhibits are entered into the record:

***A-1: Preliminary & Final Major Site Plan, prepared by James Thaon, P.E. of Bohler Engineering, dated April 26, 2023, consisting of twenty-one (21) sheets.***

***A-2: Aerial Exhibit of Property dated September 13, 2023***

***A-3: Colored Rendering of Overall Site Plan***

***A-4: Additional Aerial Exhibit***

***A-5: Colored Rendering of Proposed Building for Lot 4.02***

***A-6: Colored Rendering of Proposed Building for Lot 4.03***

***A-7: Freestanding Sign Exhibit***

The following witnesses are sworn in by Attorney Kalwinsky:

**James Thaon, P.E.**

**Henry Ney, P.E.**

**Charles Dietz, R.A.**

**Gary Vialonga, Applicant Representative**

**Christine Cofone, P.P.**

Peter Wolfson, Esq., introduced himself as the Attorney on behalf of the Applicant and gave a brief overview of the application proposing to develop two lots in the Borough's IOP Zone. Lot 4.02 is approximately 2.62 acres, and Lot 4.03 is approximately 3.63 acres. The Applicant is proposing a 16,108 square foot flex space building on Lot 4.02, and a 27,553 square foot flex space building on Lot 4.03. Additional site improvements include parking, loading spaces, signage, landscaping, etc.

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While both lots are currently vacant, the property did receive approval for an office building in 2002. Additionally, the two lots are uniquely located at the end of a cul-de-sac surrounded by the Garden State Parkway, and Routes 18 & 36. Mr. Wolfson noted for the record that the Applicant is pending approval from the following outside agencies; Freehold Soil, NJDEP, and the Monmouth County Planning Board.

Mr. Wolfson called Mr. Thaon as the first witness.

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

Referring to Exhibit A-2, Mr. Thaon described the subject property as 10 & 15 Centre Plaza which ends in a cul-de-sac with direct access to Route 18 and Route 36. To the East of the property there is a Red Roof Inn and Encompass Health Rehabilitation Hospital. The site is currently undeveloped with wetlands to the southeast. There is currently existing vegetation that the Applicant has tried to preserve, while also providing tree replacement where necessary. Mr. Thaon further explained that exhibit A-2 provides a clear indication of how these lots are irregular in shape which creates unique constraints when developing the property.

Mr. Thaon presented Exhibit A-3, a colored rendering of the overall site layout plan which shows the two proposed flex spaces buildings. Proposed "Flex Space One" on lot 4.03 is approximately 27,553 square feet with demising walls to fit up to five tenants. "Flex Space Two" on lot 4.02 is approximately 16,108 square feet with demising walls to fit up to four tenants. Both Flex spaces comply with both lot coverage and FAR. The Applicant is requesting variances with respect to front and side yard setbacks due to the overall configuration of these lots. For flex space two, the Applicant is proposing a front yard setback of 58.2 feet whereas 108 feet is required. Similarly, the Applicant is proposing a rear yard setback of 43.5 feet, whereas 72 feet is required. The proposed side yard setback is 63.5 feet, whereas 72 is required. Flex space one requires similar variances. The Applicant is proposing a front yard setback of 47 feet whereas 126 feet is required. The proposed rear yard setback is 20 feet whereas 84 feet is required. Chairman Lodato inquired if the Applicant is proposing to merge the two lots, and Mr. Thaon clarified that the Applicant is not requesting to do so. Chairman Lodato also requested testimony on the ownership of the two lots. Mr. Thaon confirmed that they will remain as two separate lots, however, there will be various easements put into place for access, utility, drainage, etc. Mr. Neff confirmed that this is common on commercial sites when the owner wants to keep the properties separate. Mr. Kalwinsky clarified that all easements will be in perpetuity meaning they will run with the land.

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Mr. Clayton noted that the back lot is essentially landlocked, and asked if it would make more sense to merge the two lots into one. Mr. Thaon noted that from a record-keeping perspective there are several benefits from keeping the lots separate.

Regarding the orientation of the proposed structures, the Applicant is seeking setback variances due to the configuration of the lots. For example, Route 36 runs along the northwestern portion of the property and is considered a front yard. With respect to building height, flex space one is proposed to be 42.07 feet high whereas 40 feet is permitted by the Borough Code. The proposed height of flex space two is 35 feet and complies with the Code.

Mr. Thaon discussed access and circulation to the site. Centre Plaza contains a 30-foot-wide full movement driveway and provides access to both buildings. With respect to truck circulation, Mr. Thaon explained that this site was designed with a lot of flexibility to allow trucks to circulate in either direction around the site. More specifically, the site was designed to accommodate a fire truck and other emergency vehicles. Additionally, the Applicant is requesting relief as it relates to some of the drive aisles and circulation. Due to the existing wetlands, a variance is required for disturbing critical environmental areas. Mr. Thaon indicated that the Applicant has filed all necessary permits with the NJDEP and will provide the Board with the approvals once received. The Applicant is required to construct a retaining wall on both the northern and eastern property lines as well as a portion of the southern property line.

Chairman Lodato inquired if the ramps will be looking down onto this property and Mr. Thaon confirmed. Mr. Thaon noted that the Red Roof Inn is approximately four feet lower than this site, therefore the retaining wall will be blocking the view from the hotel. To clarify, Mr. Thaon explained that the Route 18 interchange is considered a rear yard.

The Borough's Ordinance does not permit chain-link fencing in a front yard, whereas the Applicant is proposing this fencing along the retaining wall which is a front yard.

According to the Ordinance, the Borough requires all sites along a Borough Road to either install sidewalks or make a monetary contribution to the Borough's Sidewalk Fund. It has been determined that sidewalk is not necessary in this location, therefore, the Applicant will be contributing to the Borough's Sidewalk Fund.

Regarding parking, the Applicant is proposing parking stalls on the north and south side of flex space two, and the southwestern side of flex space one. There are a total of 46 parking spaces proposed for flex space one and 38 proposed for flex space two. This site complies with both ADA and Electric Vehicle requirements. The Applicant is seeking a setback variance for the

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location of the parking stalls. The Applicant is proposing a setback of 10 feet, whereas 25 feet is required.

The Applicant is proposing evergreen shrubs to provide a buffer to the neighboring properties.

Mr. Neff inquired about the proposed parking. He stated that 55 spaces are required by Ordinance, and the Applicant is proposing 84 spaces. He asked Mr. Thaon to provide clarification as to why that many spaces are needed for this site. Mr. Thaon explained that they designed this site to offer flexibility to potential tenants, as they are marketing these buildings to permitted uses in the IOP Zone. He further explained that in terms of impervious coverage they remain under what is permitted. In addition, they also comply with all NJDEP standards in terms of Stormwater Management.

Chairman Lodato asked Mr. Thaon to address the height of flex space one, and why it cannot comply with the Ordinance. Mr. Thaon explained that the internal clear space is incredibly important in any flex style building. Further, the Architect will provide additional testimony on the overall height of the building. However, he noted that this is the industry trend to create a marketable building. Mr. Wolfson noted for the record that this is a unique location, therefore every application stands on its own.

Mr. Thaon provided the Board with testimony regarding the proposed loading spaces. He indicated that these flex spaces are intended to house smaller tenants such as a plumber or a carpenter. With that in mind, the site was designed to have adequate loading spaces. The building has been designed with knockout panels so a future tenant can potentially install a roll-up door if necessary.

Mr. Neff asked if the Applicant would comply with the comments set forth in the Borough Fire Marshal's Memorandum? Mr. Thaon confirmed that the Applicant will comply.

For flex space two, the Applicant is proposing two loading spaces whereas three are required. Mr. Thaon indicated that there is ample loading space for the intended tenants and operations of this site. For flex space one the Applicant is proposing 5 loading docks and up to nine if needed by future tenants.

Mr. Neff inquired if there would be any fleet vehicle parking on site and noted that it would count towards the parking requirement.

Mr. Thaon provided testimony on the location of the proposed trash enclosures and noted that a variance would be required due to the number of accessory structures on the property.

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Utilities are available to the site along Centre Plaza, which includes water, sewer, electric, and gas.

The Applicant is proposing landscaping throughout the site in accordance with the Borough Ordinance. Mr. Thaon indicated that the Applicant will also comply with the Borough's Tree Removal Ordinance. Chairman Lodato inquired if the trees will adequately buffer the view from both ramps? Mr. Thaon stated that these trees will provide a strong buffer to the site as they are providing 54 shade trees. Further, the Applicant is amenable to work with the Board Professionals to further landscape the property.

LED lighting is proposed throughout the site which is inclusive of both wall-mounted and free-standing lights. The Applicant complies with most of the Borough's lighting requirements; however, a variance is required for maximum lighting level of 2.5 footcandles whereas 0.1 is permitted.

Mr. Thaon provided testimony in relation to the proposed signage. The Applicant is proposing a monument sign which will comply with both area and height, however, a variance is required for the proposed location of 10 feet from the property line, whereas 20 feet is required.

Mr. Thaon testified that there are currently no perspective tenants at this time, however, the Applicant is marketing the space to permitted uses within the IOP Zone. He indicated that any potential tenants would need to obtain a Zoning Permit from the Borough. Hours of operation could be up to 24 hours a day. The Applicant will also be complying with code by minimizing lighting at night.

Mr. Clayton asked the Applicant for the height of the proposed light poles and Mr. Thaon indicated that they are 18 feet high.

Mr. Natter inquired if the internal circulation driveways are one way, or two ways and Mr. Thaon stated that they are two ways.

Mr. Wolfson called Charles Dietz as the next witness.

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

Mr. Dietz offered clarification on the overall height of the building. He demonstrated how the 42 feet is only for a very short distance and is given a tower look for aesthetic purposes.

Chairman Lodato requested testimony on the proposed color of the building, noted the Board has some concerns over the color palate used in the past. Mr. Dietz confirmed that the color

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palate will be in the warm grey family like other Stavola Realty buildings in town. The corner towers with darker colors, scoring and decorative features to avoid any blank walls.

Mr. Avakian stated that he is pleased with the proposed design and has no objections to the architecture.

Mr. Dietz presented the Board with the proposed layouts of the flex spaces. Building one is intended to have no more than five tenants with storefront and office space. Building two is intended to have four tenants with a similar design to building one.

Regarding signage, the Applicant is proposing a Stavola Realty logo which is considered a wall sign. He also provided details on the proposed freestanding sign.

Mr. Natter asked for the loading specifications for the larger building, and Mr. Dietz indicated that the Applicant is proposing one per tenant and are nine feet wide by ten feet tall.

Mr. Wolfson called Christine Nazzaro Cofone, P.P., as the next witness.

Mr. Cofone placed her credentials on the record and the Board accepted her as an expert in the field of Professional Planning.

Ms. Cofone indicated that Mr. Thaon presented the requested variances and waivers during his Engineering testimony. Ms. Cofone discussed both the C1 and C2 criteria for granting variances. She noted that the overall size, shape, and topography of this property provides a hardship in terms of developing the property. In addition, the irregular shape of the building envelope provides another hardship. She further stated that she would consider the height of the proposed building a C2 variance as it is a better zoning alternative to make the façade of the building aesthetically pleasing. With this application, Ms. Cofone sees no substantial impact on the public good. Further, she sees no substantial detriment to the Borough's Zoning Plan.

Ms. Cofone stated that this is a conforming use in the IOP Zone and promotes various land use goals that were outlined in the Borough's Master Plan Reexamination Report.

Ms. Cofone testified that the Applicant has met their statutory burden of proof for the requested variances.

Mr. Avakian commended Ms. Cofone's testimony and briefly reiterated the requested relief.

Chairman Lodato stated that he is now more comfortable with the height of the building after seeing the exhibits and hearing additional testimony on its location. Discussion ensued amongst Board Members regarding the design of the building.

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Mr. Vialonga, President of Stavola Realty Company discussed the proposed design of the building, stating that they have been working with Ms. Beahm to design an aesthetically pleasing structure. Mr. Neff added that the Borough's definition for building height indicates that any associated screening or enclosures may exceed the building height by ten feet or 10%. Mr. Vialonga added that if the Board were to act favorably, his team will work with Ms. Beahm to ensure that she is satisfied with the architectural design. Mr. Kalwinsky stated that as a condition of approval, the Applicant must have the architectural designed approved by Ms. Beahm.

Mr. Wolfson stated that he has no further witnesses this evening, and respectfully requests that the Board approves the application. The Applicant agrees to comply with any outstanding comments set forth in the Board Professional's review letters.

Chairman Lodato asked if any members of the public wish to ask questions or make comments? Hearing none, he asked for a motion to close the Public Discussion.

*Mr. Clayton offered a motion to close the Public Discussion, the motion was seconded by Mr. Markoff. All present voted in favor.*

Chairman Lodato asked the Board Professionals for their final opinions on the application. Mr. Avakian stated that this proposed development utilizes this uniquely shaped lot in a positive way. Mr. Neff has no objections from an Engineering standpoint.

Mr. Baldwin praised the architectural design as it prevents the structure from looking like a concrete box. Various Board Members echoed the comments of Mr. Baldwin and stated they have no objection to the proposed building height and design.

Hearing no further comment or discussion, Chairman Lodato asked for a motion.

*Mr. Mirarchi offered a motion to approve PB2023-02 with the conditions set forth by Attorney Kalwinsky. The motion was seconded by Ms. Paone.*

**Roll Call:**

**AYES:** Mr. Mirarchi, Ms. Paone, Chairman Lodato, Mr. Clayton, Mr. Baldwin, Mr. Natter, Mr. Markoff, Mr. Wallace, Mr. McCoy

**NAYS:** None

**ABSENT:** Councilman Nesci, Mr. Holobowski

**INELIGIBLE:** None



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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. 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 8:52 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: November 8, 2023**