

BOROUGH OF TINTON FALLS
REGULAR MEETING OF THE PLANNING BOARD
OCTOBER 11, 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, Joel Natter, Bob Markoff, Robert McCoy

Absent: Richard Wallace, Bill Holobowski

Others: Matthew Kalwinsky, 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- 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-

PB2023-07

Casey Pesce
33 & 45 Apple Street
Block 14.04, Lots 45.01 & 49.01
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 Matthew R. Wilder, P.E., of Morgan Engineering & Surveying, dated April 20, 2023, consisting of eight (8) sheets

A-2: Colored Rendering of Overall Site Plan consisting of two (2) sheets

A-3: 6 Photos of Existing Conditions

The following witnesses are sworn in by Attorney Kalwinsky:

Matthew R. Wilder, P.E.

Casey Pesce, Applicant

Erik Anderson, Esq., introduced himself as the Attorney on Behalf of the Applicant. He briefly described the Application and the subject property located at 33 & 45 Apple Street. The Applicant is seeking approval for the expansion of Apple Street Kitchen. Improvements include the expansion of the dining area, a covered patio, as well as the reconfiguration of the parking area to the West.

Mr. Anderson called Mr. Pesce as the first witness this evening.

Mr. Pesce introduced himself as the owner and chef of Apple Street Kitchen. His time at Apple Street originated in 2002 when he worked at the restaurant Mumford's. He is also the owner of D 'Jeet Restaurant in the Grove in Shrewsbury. He took over the Apple Street property in 2018 and opened Apple Street Kitchen. He discussed how the COVID-19 Pandemic affected his business and the setbacks it caused in expanding his business. Apple Street Kitchen is a full-service restaurant, serving breakfast, lunch, café, catering, and occasional private parties. The restaurant is open Tuesday-Saturday, 9:00 A.M.-3:00P.M. With this expansion, Mr. Pesce wishes to extend his hours to Sunday, 8:00 A.M.-4:00P.M. The property also includes a ½ acre organic garden which grows various fruits and vegetables for the restaurant. Mr. Anderson asked Mr. Pesce if there are currently any issues with parking on site, and Mr. Pesce confirmed that there are no issues with parking at this time, therefore off-street parking is not an issue.

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With this application, Mr. Pesce is seeking approval for an approximately 1,400 square foot expansion to the dining area. With this additional space, there will be a better layout for dining as well as private parties.

Mr. Anderson called Matthew Wilder, P.E., as the next professional witness.

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

Mr. Wilder described the subject property and the existing conditions. With this proposed addition the restaurant will contain approximately 100 indoor seats, and an additional 26 outdoor seats. The proposed deck and outdoor seating will be seasonal and weather permitting. The building currently has approximately 65 seats.

As per the NJDOT's Trip Generation Study, a restaurant typically has a total of 280 weekday trips, and 292 weekend trips. He noted that these figures are based upon restaurant operations, this does not take into consideration the fact that Apple Street Kitchen is only open for breakfast and lunch. Dinner service counts for 60% of the trips from a restaurant. This proposed expansion will not have any impact on current traffic conditions.

Aside from the restaurant expansion, there are various site upgrades to accommodate this addition. In the eastern part of the parking lot, they are proposing to mill and overlay the existing drive aisle and parking and removing curbing to provide ADA compliant parking. Existing curbing in the western parking lot will also be removed to increase the parking spaces. The existing parking area currently has 26 parking spaces and will these improvements the number of parking spaces will be increased to 31.

There is an existing trash enclosure within the western parking lot enclosed by board-on-board fence. The Applicant is proposing to construct a new masonry block trash enclosure that will also be buffered by evergreen trees. Trash is currently collected once a week by a private hauler, while recyclables are picked up by the Borough. The Applicant is not anticipating the need to increase the frequency of pickups; however, they can do so if necessary.

The Applicant is proposing a drywell that will receive runoff from the roof and infiltrate into the ground. Mr. Wilder noted that they will also comply with all comments set forth in the T&M Review related to Stormwater Management.

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Mr. Neff asked Mr. Wilder to confirm that the proposed parking lot is two-way, and Mr. Wilder advised that it will be. The western parking lot will provide most of the customer parking.

Mr. Anderson asked Mr. Wilder to provide testimony on the overall façade of the restaurant. Mr. Wilder explained that the proposed addition will match the current aesthetics of the building.

Mr. Clayton inquired about proposed sidewalks and asked if the Applicant is proposing a walkway from the parking lot to the main entrance? Mr. Wilder indicated that they will be installing interior sidewalks to the existing sidewalk on Apple Street, which would allow customers to access the restaurant. Mr. Clayton questioned the amount of proposed parking, and if it will be enough to accommodate the 126 seats? Mr. Wilder clarified that the Borough Ordinance requires one parking space for every three seats, therefore they meet the requirements. Mr. Neff and Ms. Beahm confirmed that the proposed parking complies.

Mr. Neff added that the plans indicate retail in one area of the restaurant, he requested clarification on the purpose, and if it exists. Mr. Wilder clarified that it is a part of the restaurant used as a desert and pastry display. It should not have been indicated as retail on the architectural plans. Mr. Neff requested that the architectural plans be revised to accurately reflect what exists and what is being proposed.

Ms. Paone inquired if private cooking classes are still offered at the restaurant, and it was confirmed that Apple Street Kitchen no longer offers any classes. Mr. Wilder added that the main goal of the expansion is to have the ability to host private parties. If there is a private party, they will not offer regular dinner service, the restaurant would be closed for the party.

Ms. Beahm noted that the architectural plans show 66 new seats, which means that the existing restaurant currently has 34 seats. She stated that the Applicant needs to reconcile the seat numbers, and the plans must be revised for accuracy. The Applicant agrees to revise the plans if the Board were to act favorably on the application.

Ms. Paone asked for clarification regarding the possibility of dinner services. Mr. Pesce explained that it's possible the restaurant would open for dinner seating Thursday-Sunday, if there is not another event scheduled. The hours would potentially be 5:00 P.M.-9:00 P.M.

Regarding lighting and landscaping, the Applicant is proposing evergreen planting along the perimeter of the site to create a buffer to any adjacent properties. Six new building-mounted lights are proposed as well as two freestanding lights. There are various waivers associated with

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lighting. Mr. Wilder indicated that the lights will be on a timer, 30 minutes before opening, and one hour after closing.

Mr. Wilder testified that the Applicant would comply with any outstanding comments set forth in both T&M and Avakian review letters.

Discussion ensued regarding site landscaping and buffering. Mr. Neff indicated that some of the existing vegetation is deciduous and suggested that the Applicant plant additional evergreens as a buffer to the rear property line. The Applicant agreed to do so and will provide the Board Professionals with an updated landscape plan. Ms. Beahm added that some of the existing landscaping and vegetation appears to be invasive and requested that any invasive plants be removed from the property.

Mr. Wilder indicated that the Applicant is seeking four variances this evening. Borough Ordinance states that parking spaces and drive aisles for lots servicing more than 6 spaces shall be setback at least 25 feet from the property line, whereas 3.7 feet currently exists. A variance is also required for the minimum rear yard setback, 40 feet required, whereas 35 feet is proposed. The Applicant is seeking a variance for the freestanding signs, as one ground sign is permitted, and three are proposed. A variance is also required for the minimum setback of the ground sign. Ms. Beahm stated that she feels as though the sign on Clover Street is unnecessary and asked the Applicant to consider removing the sign. The Applicant agreed to eliminate the proposed sign.

Mr. Wilder testified that the Applicant is seeking these variances under the C2 criteria, noting that this application would advance the Municipal Land Use Law, while also the benefits outweigh any detriments. He also stated that this application meets several goals that were outlined in the Borough's 2017 Master Plan Reexamination Report.

Mr. Natter inquired about electrical vehicle parking on site, and the Applicant confirmed that they will be installing one Make Ready Electric Vehicle parking space.

Chairman Lodato asked Mr. Neff for his opinion on both existing and proposed sidewalks on site. Mr. Neff noted that there are existing sidewalks, therefore, the Applicant is not required to contribute to the sidewalk fund.

Ms. Beahm requested that the loading space be striped to indicate "No Parking."

Mr. Anderson thanked the Board for their time and consideration, and respectfully requests that the Board act favorably on the application.

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

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Bill Reagan, 62 Peach Street- Mr. Reagan voiced his concerns regarding the parking on site. He explained that he has seen patrons of the establishment parking on Clover Street. Because parking is permitted on both sides of the street, he is concerned that emergency vehicles will be unable to travel on Clover Street. He suggests that a traffic study be conducted in this area. Mr. Neff suggested that Mr. Reagan present this issue and concern to the Borough Council. Councilman Nesci confirmed that he will follow up on this issue.

Hearing no further questions or comments, Chairman Lodato asked for a motion to close the Public Discussion.

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

Mr. Clayton voiced his concerns about the proposed parking spaces, noting that he recently dined at Apple Street Kitchen and the parking lot was already full.

Ms. Paone inquired about the proposed sign and what it will say. Mr. Wilder stated that it will display the name of the restaurant "Apple Street Kitchen." He also indicated that the size of the sign will comply with the Borough's Ordinance.

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

Mr. Neff stated that there is some concern about the parking, however, they are complying with the Borough Ordinance. He agrees that the site needs to be cleaned up and therefore takes no exception to what is being proposed. Further, if the Applicant receives approval for the outdoor seating, any picnic tables that are currently existing in the front of the building must be removed, noting any additional seating will require another variance.

Ms. Beahm reiterated that she would like to see the architectural plans revised for accuracy.

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

Councilman Nesci offered a motion to approve PB2023-07 with the conditions set forth by Attorney Kalwinsky. The motion was seconded by Ms. Natter.

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Roll Call:

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

NAYS: None

ABSENT: Mr. Wallace, Mr. Holobowski

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. Clayton offered a motion to close the public discussion, the motion was seconded by Ms. Paone. All present voted in favor.

EXECUTIVE SESSION-None

ADJOURMENT:

Mr. Clayton offered a motion to adjourn at 8:11 P.M., the motion was seconded by Ms. Paone. All present voted in favor.

Respectfully submitted,



Trish Zibrin
Planning Board Secretary

APPROVED AT A MEETING HELD ON: March 27, 2024