

# TOWNSHIP OF MIDDLETOWN

Planning Board  
One Kings Highway  
Middletown, NJ 07748-2504

DAVID MERCES  
Chairman



Organized December 14, 1667  
"Pride in Middletown"

AMY H. CITRANO, P.P., A.I.C.P.  
Director of Planning

ERIN URIARTE  
Planning Board Secretary

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## PLANNING BOARD MEETING MINUTES JANUARY 20, 2022

A Special Meeting of the Planning Board of the Township of Middletown was held in the main meeting room at Town Hall, One Kings Highway, Middletown, New Jersey, at 6:30 P.M. on December 1, 2021.

Chairman Mercés read a statement to advise the notice requirements provided for the Open Public Meetings Act have been satisfied. Pursuant to the Open Public Meetings Act and Laws of 1975, the public has been notified that the Planning Board will meet on January 20, 2022, in Town Hall.

The Middletown Planning Board notified the Two River Times, the Independent and the Star Ledger of the meeting on January 5, 2022. Notice of the meeting was filed with the Township Clerk and posted in Town Hall on January 5, 2022. All notification for this meeting was given pursuant to the Open Public Meetings Act at least 48 hours prior to this meeting.

Roll call was taken with the following members present: Chairman Mercés, Vice-Chairman Rathjen, Mr. Berson, Mr. Rentschler, Mr. Colangelo, Mr. Schweizer, Mr. AmecAngelo Mr. Eteson, Mr. Banasiak

Also present: James Gorman, Board Attorney; Robert Keady, PE, Board Engineer; Amy H. Citrano, Director of Planning; Morgan Astorino, Assistant Planner; Erin Uriarte, Board Secretary

A salute to the flag followed.

The Board Secretary read the agenda.

### APPROVAL OF MINUTES

MR. SCHWEIZER OFFERED A MOTION TO APPROVE THE MINUTES OF NOVEMBER 10, 2021, AND DECEMBER 1, 2021, SECONDED BY MR. RATHJEN. ALL PRESENT ELIGIBLE MEMBERS VOTED IN FAVOR BY VOICE VOTE.

### REORGANIZATION OF THE PLANNING BOARD –

**Nomination of Chairman** – Mr. Rathjen nominated David Mercés as Chairman of the Board, seconded by Mr. Schweizer. Seeing no further nominations, the following roll call was taken:

Ayes: Mercés, Rathjen, Berson, Rentschler, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak  
Nays: None

**Nomination of Vice-Chairman** – Mr. Mercés nominated Carl Rathjen as Vice-Chairman of the Board, seconded by Mr. Berson. Seeing no further nominations, the following roll call was taken:

Ayes: Mercés, Rathjen, Berson, Rentschler, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak  
Nays: None

### **Many Neighborhoods. One Middletown!**

Belford ◦ Chapel Hill ◦ Fairview ◦ Harmony ◦ Leonardo ◦ Lincroft ◦ Locust ◦ Middletown Village  
Monmouth Hills ◦ Navesink ◦ New Monmouth ◦ North Middletown ◦ Nut Swamp ◦ Oak Hill ◦ Port Monmouth ◦ River Plaza

**Appointment of Planning Board Attorney** – Mr. Mercus offered a motion to appoint James Gorman, Esq. as Planning Board Attorney, seconded by Mr. Rathjen.

Roll Call:

Ayes: Mercus, Rathjen, Berson, Rentschler, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

**Appointment of Planning Board Engineer** – Mr. Mercus offered a motion to appoint Rob Keady of T&M Associates, as Board Engineer, seconded by Mr. Schweizer.

Roll Call:

Ayes: Mercus, Rathjen, Berson, Rentschler, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

**Appointment of Board Secretary** – Mr. Mercus offered a motion to appoint Erin Uriarte as Board Secretary, seconded by Mr. Schweizer.

Roll Call:

Ayes: Mercus, Rathjen, Berson, Rentschler, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

#### **RESOLUTIONS**

**#2020-401, NRZ REALTY LLC, Block 828, Lot 9.02, Mary Ellen Way – Resolution Granting Major Subdivision Approval with Variances** – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Mercus, Rathjen, Rentschler, Colangelo, AmecAngelo, Eteson, Banasiak

Nays: None

**#2021-105, 79 Murphy Road LLC, Block 559, Lot 1, 79 Murphy Road, Resolution Granting Minor Subdivision Approval** – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. SCHWEIZER.

Roll Call:

Ayes: Mercus, Rathjen, Berson, Rentschler, AmecAngelo, Eteson, Banasiak

Nays: None

**Resolution Adopting 2022/23 Meeting Dates and Designating the Official Newspapers of The Board** - MR. SCHWEIZER OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Mercus, Rathjen, Berson, Rentschler, AmecAngelo, Eteson, Banasiak

Nays: None

#### **ADMINISTRATIVE MATTERS**

**Payment of Vouchers** – Mr. Rathjen advised that he has review the Payment of Vouchers and found them to be in order. Mr. Schweizer offered a motion to approve the Payment of Vouchers for December 1, 2021. This motion was seconded by Mr. AmecAngelo. All present members voted in favor by voice vote.

**Extension of Approval - #2021-101, Tiger 623 Construction, 1 Green Oak Blvd, Minor Subdivision Approval granted June 2, 2021** – Mr. Gorman explained this is a routine request.

MR. SCHWEIZER OFFERED A MOTION TO APPROVE THE REQUEST FOR AN EXTENSION, SECONDED BY MR. RATHJEN.

Roll Call:

Ayes: Mercus, Rathjen, Berson, Rentschler, AmecAngelo, Eteson, Banasiak

Nays: None

**Extension of Approval - #2021-103, East Coast Construction/Warren Apel, 231 Bray Ave, Minor Subdivision Approval granted January 13, 2021** – Mr. Gorman explained this is a routine request.

MR. SCHWEIZER OFFERED A MOTION TO APPROVE THE REQUEST FOR AN EXTENSION, SECONDED BY MR. RATHJEN.

Roll Call:

Ayes: Mercus, Rathjen, Berson, Rentschler, AmecAngelo, Eteson, Banasiak

Nays: None

#### **NEW BUSINESS**

None

#### **OLD BUSINESS**

**#2021-102, Cedar Village Tax Lien LLC, Block 791, Lot 20, 150 Monmouth Avenue, Application for Minor Subdivision with Variances** – Mr. Gorman advised this is a continuation of a hearing that began on August 4, 2021. All present members are eligible to vote on the application, as Mr. AmecAngelo has certified he has listened to the recordings.

Richard Sciria, Esq. appeared on behalf of the applicant. He advised the applicant is seeking a minor subdivision, with the existing home to remain and the existing wood frame garage to be moved. They are proposing to create a flag lot situation. They previously had a design with 20 feet of frontage along Monmouth Avenue, however the plan has been revised to show a 25-foot width on the flagpole portion of the lot. This design change was made to comply with comments from the Fire Official.

Ronald Trinidad, of Stockton Associates, was sworn in and accepted as an expert Land Surveyor. He confirmed the frontage has been increased to a 25-foot width. The driveway will conform with the five-foot setback requirement. The lot line to the rear of the existing home was shortened and shifted to the north to provide for adequate turnaround for an emergency vehicle, however he is not sure a large truck could turnaround.

Mr. Schweizer reminded the applicant there were concerns with the grade change as it relates to drainage. Mr. Trinidad advised they will install some sort of drainage system during the grading plan review process. He assured the Board the property is not sloped towards the retaining wall in the back.

Mr. Keady advised he has not received any drainage calculations or mitigation plan and suggests that be a condition of any approval that may be granted.

Ms. Eteson indicated concern with the owner of the rear lot having to walk their garbage out to the curb at such a long distance.

Ken Sisk, PE was previously sworn in and accepted as an expert Engineer. A photo exhibit with the mounted minor subdivision plan was marked as Exhibit A-2. Mr. Sisk reviewed the changes made to the plan, noted that the impervious coverage has been reduced, which will reduce the run-off rates. A grading plan was marked as Exhibit A-3. Mr. Sisk noted the decrease and increase in impervious coverage is shown in red and green respectively.

Mr. Sisk advised that the applicant is seeking a waiver from providing the concrete aprons, as no sidewalks are currently proposed they would like to keep the bituminous apron that exists. In regard to the retaining wall in the rear of the property, it is at the highest, approximately one and a half feet high.

Mr. Rathjen questioned the sewer connection and was advised it will be an ejector pump.

Mr. Sisk stated that the driveway has been widened to 15 feet with 5 feet on either side, as required. Mr. Keady referred to the existing circular driveway and noted that it was supposed to be disconnected on the side closest to the new driveway, however the plan is not clear to that regard. Mr. Sisk referred to Exhibit A-2 to clarify that they will be installing a parking area to provide a turnaround and the section of the circular driveway closest to the new driveway will be removed. The newly paved parking areas will be added to the calculations for impervious surface. In regard to trees, Mr. Sisk advised the site is currently heavily vegetated; there are 25 existing trees and 10 additional would be required. They are proposing 9 trees to remain and one new tree on lot 10.01. For lot 10.02, they are proposing to keep the 16 existing, two to be removed with 14 to remain. The applicant is requesting a waiver from the tree requirement. All utilities will be underground for the new home and placement of such will be decided by the individual utility companies. The applicant will comply with all outstanding engineering comments.

Mr. Schweizer feels that the 15-foot driveway is not wide enough. He requests it be widened to 18 feet to accommodate emergency vehicles. Chairman Mercus agreed that change would be beneficial. He drives an emergency vehicle for the local EMS and confirms the need for a wider driveway access. Mr. Sisk advised that would trigger setback variances. Mr. Keady clarified it would be a waiver for driveway setback, not a variance. He suggested keeping the five-foot setback on the existing neighbor's side. Mr. Sisk agreed and advised they will still comply with the coverage limitations.

Veena Sawamt was sworn in and accepted as a Planner. She explained the lot location and the various documents used to conduct her review of the application. She explained the proposal, noting that a variance is required for lot frontage; where 100 feet is required, they are proposing 25.2 feet for a flag lot situation. The variances can be granted as a hardship as C-2 variances as the benefits outweigh any detriments. It also advances several purposes of the Municipal Land Use Law, in that it is encouraging appropriate use and appropriate population densities, while providing adequate air, light and open space. She feels the proposal is consistent with the Township Master Plan and the County Master Plan.

Mr. Rathjen suggested the new homes mailbox be at the curb with large numbers to make the property easily identifiable.

Ms. Citrano advised this is a proposal to maximize density. While Ms. Sawamt testified that they could subdivide into 4 lots, based on density, the configuration of the lot would not actually allow for a conforming 4-lot subdivision. This property is adjacent to a historic district and the comparison lots pointed out were more squared in shape. Ms. Citrano does not feel this proposal is consistent with the neighborhood, especially given there were no architectural plans submitted. The applicant agreed to submit architectural plans for review by the Planning Director as a condition of any approval.

Mr. Gorman advised that flag lots generally require a proof of conforming subdivision, but the flag lot is a better alternative to maximum development.

Ms. Sawamt stated that the alternative would be to demolish the existing, steady home and create skinny lots with two new homes and that would drastically change the street scape. Skinny lots would match the character of the neighborhood. Ms. Citrano pointed out the skinny lots are in the historic district and the subject property is not.

Mr. Keady advised he would like to see a turning plan as he does not believe a firetruck would be able to safely maneuver a turnaround.

Mr. Schweizer indicated concern with not having architectural plans. Mr. Rathjen agreed.

Mr. Colangelo indicated concern with setting a precedence in this area, that anyone can just squeeze a home in their backyard moving forward.

Mr. Scirica summarized the application noting that the applicant is willing to address conditions discussed, including the submission of architectural plans. He advised that flag lots have been granted by this Board and the applicant is doing his best to meet the concerns of the Board and its professionals.

Chairman Mercas opened the hearing to members of the public who wish to speak on this application, however none appeared.

Mr. Gorman summarized a waiver is being requested for the driveway setback, the installation of street trees, sidewalks and for the installation of a concrete apron. Mr. Keady confirmed he is okay with the bituminous apron in this circumstance.

A discussion was held regarding architectural control. The applicant will have to fully comply with the Ordinance, or they would have to go to the Zoning Board for a variance. Mr. Scirica advised it is the applicant's intention to fully comply.

Mr. Gorman summarized the following conditions that would apply to any approval the Board may grant: Fire Advisory Approval, Grading and Drainage Review, TOMSA approval, the paved parking area and existing driveway to be increased to fifteen feet, increasing the new driveway to 18 feet, submission of a turning plan for review by the Board Engineer and one tree to be provided and a waiver for shade and street trees.

MR. SCHWEIZER OFFERED A MOTION TO APPROVE THE APPLICATION, AS DISCUSSED, SECONDED BY MR. RATHJEN.

Roll Call:

Ayes: Rathjen, Berson, Rentschler, Colangelo, Schweizer, Eteson

Nays: Mercas, AmecAngelo, Banasiak

A discussion was held regarding a request from a prospective applicant to waive notice requirements for an upcoming minor site plan application. The Board agreed that Notice shall be required. Chairman Mercas advised the Board will not be conducting any Special Meetings at this time. The application will be scheduled for March 2, 2022.

#### **ADJOURNMENT**

MER. BERSON OFFERED A MOTION TO ADJOURN THE MEETING AT 8:23 PM, SECONDED BY MR. RATHJEN. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,  
Board Secretary