

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

One Kings Highway
Middletown, NJ 07748-2504

JAMES HINCKLEY
Chairman



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

ERIN URIARTE
Secretary

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Tel: (732) 615-2102
Fax: (732) 615-2103

ZONING BOARD MEETING MINUTES FEBRUARY 27, 2023

A Regular Meeting of the Zoning Board of the Township of Middletown was held in the main meeting room at Town Hall, One Kings Highway, Middletown New Jersey at 7:00 PM on February 27, 2023. Chairman Hinckley called the meeting to order and read a statement of compliance with the Open Public Meetings Act. 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: Mr. Wrede, Mrs. Bouw, Mr. Hinckley, Mr. Truscott, Mr. Hibell, Mr. Bane, Mr. Barvels, Mr. Shanker

Absent: Mrs. Rogers, Mrs. Sheridan

Also present: Gregory Vella, Esq., Board Attorney; Amy H. Citrano, P.P., Township Planner; Morgan Astorino, Assistant Planner; Erin Uriarte, Board Secretary

A Salute to the Flag followed.

APPROVAL OF MINUTES

January 23, 2023 – MR. HIBELL OFFERED A MOTION TO APPROVE THE MINUTES OF JANUARY 23, 2023, SECONDED BY MR. TRUSCOTT.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Hibell, Bane

Nays: None

APPROVAL OF RESOLUTIONS

#2022-022, JLV Holdings, LLC, Block 488, Lot 1, 4.01 & 4.02, 550 Highway 36, Granting Minor Subdivision and Major Site Plan Approval – MRS. BOUW OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. TRUSCOTT.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane

Nays: None

ADMINISTRATIVE MATTERS

None

OLD BUSINESS – Mr. Vella announced that application **#2022-008, Ignazio Giuffre, Block 885, Lot 15, 2 Browns Dock Road, Application for Bulk Variances** is being carried to March 27, 2023, with no further notice required by the applicant.

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

#2022-010, Kaitlin & Everett Moore, Bock 417, Lot 3, 418 Glenmary Avenue, Application for Bulk Variances – Mr. Vella advised the notices are in order and the Board has jurisdiction. A Wetland Review, prepared by Envirotactics, dated December 22, 2022 was marked as Exhibit A-1. A Location Survey of subject property, consisting of one sheet, prepared by Richard E. Stockton, dated June 4, 2020 was marked as Exhibit A-2. A Marked-up survey indicating the dimensions of the proposal, revisions prepared by Maxine Giordano, AIA – LLC, revised October 20, 2020 was marked as Exhibit A-3. The Proposed Addition / Alteration Plans for The Moore Residence, consisting of 8 sheets, prepared by Maxine Giordano, AIA, LLC, dated December 21, 2020 was marked as Exhibit A-4. Mr. Vella explains this is a continuation of a previous application, being presented with new evidence.

Everett and Kaitlyn Moore were sworn in as the homeowners. Mr. Moore explained they hired an Environmental firm to confirm a wetlands buffer does encroach on their property, limiting the location of their home.

Mr. Wrede indicated concern with the information presented. Mr. Hoder suggested the applicant confirm a Certified Wetlands Scientist was involved in making the determination.

Mr. Truscott questioned DEP approval. Mr. Moore explained there is extensive cost associated with a DEP approval, he wants to obtain this approval before moving forward.

Board Members indicated concern with the existing setbacks. Mr. Moore explained they have tried everything to save the existing home foundation, it is not economically feasible for him to move the existing foundation; he would have to sell the property.

Mr. Truscott explained there are ways to mitigate the impact and suggested the bow window in the front be changed to a flat window, limit the projections into the setback and move the front door to the side of the home. Mr. Moore agreed.

Chairman Hinckley opened the hearing to members of the public.

Damien Smith, 419 Glenmary Avenue, stated that he lives directly across the street from this property and is in favor of the application. The property has laid vacant for so many years, it would be nice to see a family there.

Seeing no further comments, Mrs. Bouw offered a motion to close the public portion, seconded by Mr. Hibell. All present members voted in favor by voice vote.

Mr. Vella advised the Board of the following conditions to be imposed, should they act favorably: a letter from Envirotactics confirming a Wetlands Scientist involvement or a DEP LOI in the absence of a Wetlands Scientist; the plans will be revised to remove the bay window and move the door to the side; a grading plan review will be required by the Township Engineer.

MR. BANE OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. HINCKLEY.

Roll Call:

Ayes: Bouw, Hinckley, Truscott, Bane, Barvels, Shanker

Nays: Wrede, Hibell

#2022-014, Richard Crist, Block 1062, Lot 6, 15 Storm Road, Application for Bulk Variance – Mr. Vella advised that the notices are in order and the Board has jurisdiction to hear this matter. The following exhibits were marked: Pool House Architectural Plans, prepared by JDR Consultants, consisting of (1) one sheet, dated August 17, 2021 were marked as Exhibit A-1. A Plot Plan for Block 1062, Lot 6, prepared by FP&L Associates, Inc., consisting of (1) one sheet, dated February 23, 2022 was marked as Exhibit A-2. A Survey Plat for Block 1062, Lot 6, prepared by FP&L Associates, Inc., consisting of (1) one sheet, dated December 27, 2021 was marked as Exhibit A-3.

Robert Schillberg, Esq. appeared on behalf of the applicant, noting this is an application for a 900 square foot cabana with a wood burning fireplace and full kitchen.

Richard Crist was sworn in as the applicant. He advised he has been the owner of the property since 2008. He has a large family and is the center of all family activities. He is finding the current 196 square foot cabana is just not enough space for family functions. In bad weather they are forced to use the home to gather and it is hard to keep grandkids away from the elderly members of the family. Mr. Hinckley reminded the applicant that the Board needs to hear land use reasons to grant variances.

Mr. Crist explained the existing improvements and indicated his neighbor has a large cabana. Ms. Citrano explained the neighbor's cabana was constructed prior to the cabana standards being adopted in 2020. A maximum of 250 square feet is permitted by Ordinance.

Board members indicated concerns with the excessive size of the cabana and the full kitchen, with a basement, leads Board members to believe there is a possibility of living space. Mr. Truscott advised he's done work in other towns finds the 250 square foot restriction to be commonplace.

Mr. Schillberg advised he does not feel the application will be approved and asked for an adjournment to address the concerns of the Board.

Mr. Vella advised the Board has made no determination; however they will carry to April 24, 2023 at 7:00 pm in the Main Meeting Room of Town Hall, 1 Kings Highway, Middletown.

NEW BUSINESS

#2023-019, HazaBell of Northeast, Block 605, Lots 62 & 63, 1580 Route 35, Application for Site Plan with Conditional Use Variance – Mr. Vella advised that the notices are in order and the Board has jurisdiction to hear this matter. The following exhibits were marked:

- A-1 Survey by Gallas Surveying Group dated 1.28.22 (1 sheet)
- A-2 Preliminary and Final Site Plan by Stonefield Engineering & Design dated 7.22.22, revised through 11.11.22 (21 sheets: C-1 through C-21)
- A-3 Preliminary and Final Site Plan by Stonefield Engineering & Design dated 7.22.22, revised through 2.10.23 (2 sheets: C-4 and C-5)
- A-4 Stormwater Management Statement by Stonefield Engineering & Design dated 11.11.22
- A-5 Architectural Plans by Zelta Design dated 2.17.23 (3 sheets: A1.0 through A3.0)
- A-6 Traffic Impact Statement by Dolan & Dean Consulting Engineers, LLC dated 7.26.22
- A-7 Aerial Exhibit by Stonefield Engineering & Design dated 2.24.23 (1 sheet)

- A-8 Site Plan Rendering Exhibit by Stonefield Engineering & Design dated 2.24.23 (1 sheet)
- A-9 Site Photo Exhibit by Stonefield Engineering & Design dated 2.27.23 (2 sheets)
- A-10 Vehicle Circulation Exhibit by Stonefield Engineering & Design dated 2.24.23 (4 sheets)
- A-11 Planning Exhibits by John McDonough Associates dated 2.15.23 (5 sheets)
- ZB-1 Board Planner's report dated 2.15.23
- ZB-2 Board Engineer's report dated 2.15.23

Jennifer Krimko, Esq. appeared on behalf of the applicant, HazaBell of Northeast, who is the contract Lessee. They are seeking to re-purpose an existing drive-thru bank to a drive thru fast food restaurant. Cross access easements are proposed due to the DOT requiring removal of the 2nd access point. The property is owned by two entities with some common ownership to the Pancake House lot, so no formal agreement was ever needed until now.

Robert Delia was sworn in as Project Manager for HazaBell. Mr. Delia discussed the Taco Bell operation, noting that a private hauler is contracted and scheduled around peak hours. They receive deliveries two times a week from one hauler. Their company has found a need for larger drive-thru stacks due to COVID and a decrease in table seats. They receive significant business from Uber Eats and Door Dash. No fresh food prep is done on site, all food is cooked off-site and is either microwaved or boiled in a bag. He noted that the south side of the highway is important because it is "going home food." 25 seats would be enough to meet the Taco Bell needs – they are proposing 34 indoor seats and 10 outdoor seats.

Afton Savitz was sworn in and accepted as an expert Engineer. Ms. Savitz gave testimony related to site location and current conditions. The applicant is proposing to demolish the existing bank building and construct a one-story fast-food restaurant. She noted a waiver is required for the driveway width. The drainage patters will remain and be improved. New utilities are proposed for the new building. She reviewed the various relief being requested as part of the application, noting that the building complied with the GFA and height requirements, access to the property was changed due to DOT requirements and they are seeking relief related to the driveway stacking where they are providing 7+1 where 6+1 is required. They are providing a total of 44 seats plus a max of 6 employees, therefore Ms. Savitz feels only 25 parking spaces are required and they are providing 34 with two ADA spaces. The applicant is also seeking relief for the signage proposed. The applicant is proposing three building façade signs including on the front building façade totaling 19.14 square feet in area; on the southern building façade totaling 19.14 square feet in area; and on the northern building façade totaling 9.94 square feet in area. The subject property contains two existing freestanding signs, which will remain.

Board members asked for clarification on access and circulation. Mr. Vella asked if there is a formal agreement in place for the connection with the Shoprite property. Mr. Krimko replied that she is unsure, but the site works just fine without it.

Ms. Savitz discussed run-off, noting that she will comply with Mr. Hoder's report. Lighting does exceed requirements along the property line with Shoprite. Landscaping was also discussed, there will be 292 plantings added to the site. Landscape waivers were reviewed in detail, along with sprinkler head information and trash enclosure materials. Mr. Hoder had requested an increase in the size of the trash enclosure, but based on the operations of Taco Bell, they feel the proposed location and size are acceptable. A vehicle circulation exhibit shows the 2nd access point removed to show the site can handle a variety of vehicle sizes.

Chairman Hinckley advised that due to the worsening weather conditions, they are going to move to adjourn the meeting.

Mr. Vella advised this application is being carried to March 27, 2023 for calendar purposes only – a new date will be announced at that meeting while they work out the new date and possibly a Special Meeting date. This application will not be heard at the March 27th meeting, however the new date will be announced or interested members of the public may contact the Board Secretary the next day to find out the new date.

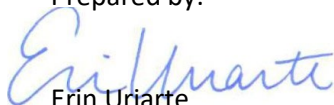
EXECUTIVE SESSION

None

ADJOURNMENT

MR. HIBELL OFFERED A MOTION TO ENTER BACK INTO REGULAR SESSION AND ADJOURN THE MEETING AT 9:36 PM, SECONDED BY MRS. BOUW. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte
Board Secretary