

TOWNSHIP OF MIDDLETOWN

Planning Board

One Kings Highway
Middletown, NJ 07748-2504

DAVID MERCES
Chairman



Organized December 14, 1667
"Pride in Middletown"

SANYOGITA S. CHAVAN, P.P., A.I.C.P.
Director of Planning

ERIN URIARTE
Planning Board Secretary

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

PLANNING BOARD MEETING MINUTES MARCH 3, 2021

A Regular 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 March 3, 2021.

The Board Attorney read a statement to advise the notice requirements provided for the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Independent, the Star Ledger and the Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk on January 9, 2020.

To ensure the health and safety of our residents during the COVID-19 pandemic, Middletown Township Planning Board changed the format to a virtual meeting, via WebEx. The Middletown Planning Board notified the Independent, the Star Ledger and the Two River Times of the Meeting Change on December 15, 2020. All notification was given pursuant to the Open Public Meetings Act at least 48 hours prior to this meeting.

All members of the public will be muted upon joining the meeting and must remain muted until you are acknowledged during the public comment portion of the public hearing. Only the meeting organizer will "unmute/mute" a participant and/or attendee. After you are unmuted, you may also have to unmute yourself by clicking on the mute/unmute microphone icon on the bottom left of your Webex screen. If you wish to appear by video as well as audio, you must click on the video icon of your Webex screen. Please note video is required for sworn testimony/comments.

In order to participate in the public comment portion of the hearing, you must click on the "Raise Hand" icon in the Webex App. Dial-in users will be unmuted and given a chance to speak, you will hear a "beep" when you are unmuted, please state if you wish to speak. To participate in public comment, you must state your name and address for the record. Sworn testimony must be made by video. You will be unmuted or acknowledged by the meeting organizer when it is your turn to comment. The "Chat" feature should only be used to indicate your desire to participate in the public comment portion of the meeting or technical difficulties, and not for public comment.

Roll call was taken with the following members present via WebEx: Mr. Mercés, Mr. Rathjen, Mr. Berson, Mr. Colangelo, Mr. Schwiezer, Mr. AmecAngelo, Ms. Eteson, Mr. Banasiak

Also present via WebEx: James Gorman, Board Attorney; Robert Keady, PE, Board Engineer; Sanyogita Chavan Board Planner; Erin Uriarte, Board Secretary; John Adams, MIS

A salute to the flag followed.

The Board Secretary read the agenda.

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

APPROVAL OF MINUTES

FEBRUARY 3, 2021 – MR. SCHWIEZER OFFERED A MOTION TO APPROVE THE MINUTES OF FEBRUARY 3, 2021, SECONDED BY MR. AMECANGELO. ALL PRESENT, ELIGIBLE MEMBERS VOTED IN FAVOR BY VOICE VOTE.

RESOLUTIONS

#2020-101, King, 29 Broadway, Block 279, Lot 5, Resolution Granting Minor Subdivision Approval – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. MERCES.

Roll Call:

Ayes: Merces, Rathjen, Berson, Colangelo, Schwiezer, AmecAngelo, Eteson

Nays: None

ADMINISTRATIVE MATTERS

Payment of Vouchers – Mr. Rathjen advised that he has review the Payment of Vouchers, found them to be in order and offered a motion to approve the Payment of Vouchers for March 3, 2021. This motion was seconded by Mr. Schwiezer. All present members voted in favor by voice vote.

#2019-106, Cross Builders – Request to Extend Minor Subdivision Approval, granted July 1, 2020

Mr. Gorman explained that the Permit Extension Act allows for the Board to grant three one-year extensions to the 190 day expiration period of minor subdivisions. In this case he has a draft resolution prepared, should the Board decide to act favorably.

MR. SCHWIEZER OFFERED A MOTION TO ADOPT A RESOLUTION APPROVING THE ONE YEAR EXTENSION FOR CROSS BUILDERS, SECONDED BY MR. COLANGELO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

OLD BUSINESS

#2020-401, NRZ Realty, Block 828, Lot 9.02, Mary Ellen Way, Application for Major Subdivision Approval with Variances – This application is being carried to April 7, 2021 with no further notice required. The WebEx meeting link will be posted on the Agenda Page of the Township Website 48 hours in advance of the hearing.

NEW BUSINESS

#2020-100, Lesko Management, Block 1027, Lot 2, 63 Carpenter Street, Application for Minor Subdivision with Variances – Mr. Gorman explained the notices are in order and the Board has jurisdiction to hear this matter.

John Anderson, Esq. introduced himself as the Attorney for the applicant. He advised this is an application for a minor subdivision of an oversized lot. The existing home is to remain and the new lot will have a new single family home built. He noted the newly proposed home will be fully conforming in setback, coverage and height and he feels the proposed lots are in character with the neighborhood. He feels the aesthetic improvements will help to improve the harmony of the neighborhood. A Minor Subdivision Plat for Property known as Lot 2 in Block 1027 prepared by Yorkanis & White, Inc., consisting of one sheet and dated January 17, 2020, last revised to June 3, 2020 was marked as Exhibit A-1. The Plot Plan prepared by S.O.M.E. Architects, consisting of 1 sheet(s) and dated April 2, 2020 was marked as Exhibit A-2. The Floor Plans prepared by S.O.M.E. Architects, consisting of 1 sheet(s) and dated April 2,, 2020 were marked as Exhibit A-3. The Architectural Elevations prepared by S.O.M.E. Architects, consisting of 1 sheet(s) and dated April 2, 2020 were marked as Exhibit A-4.

John Luts was sworn in and accepted as an expert Engineer. He referred to Exhibit A-1 and reviewed the proposed plan, noting that the proposed lot is deficient in lot circle diameter, however the applicant is still proposing a compliant home with a fully usable back yard. The proposed circle lot diameter is 28 feet for the new lot, where 50 feet is required. The applicant is seeking lot area variance for the new lot, which is proposed at 5,200 square feet, and the existing home lot, which is proposed at 7,300 square feet, both where 10,000 square feet is required. Both lots will required a lot frontage variance as well. Proposed lot 2.01 has 73 feet and proposed lot 2.02 has 52 feet, where 100 feet is required. A buildable

lot area variance is also required for proposed lot 2.02, which is designed with a buildable lot area of 5,200 square feet, where 7,000 sf is required. Proposed lot 2.01 will contain the existing home and required variance relief for building and lot coverage. The applicant proposed 29.1% Building Coverage, where 20% is permitted. They are requesting 55.6% Lot Coverage where only 25% is permitted.

Edward O'Neill was sworn in and accepted as an expert Planner and Architect. Mr. O'Neill discussed his review of the application, noting that he has been involved in Master Plan preparations in the Township. He referred to Exhibit A-8 and discussed the front elevation of the existing home. He described the existing home and surrounding conditions, noting that the property is in the River Plaza area, located in the R-10 zone and is adjacent to the River Plaza Fire House. No alterations are proposed for the existing home. He referred to the aerial exhibit to demonstrate the character of lot sizes within the neighborhood. The existing home will contain a number of pre-existing non-conformities, however none will be exacerbated by the proposed subdivision and construction. The variances for the existing home will be: frontage, lot size, building coverage and lot coverage. Said variance relief will be required due to the existing home now being on a smaller lot. There will be no new improvements proposed on the existing home lot. The 52' proposed frontage, while not in conformance with the 100 foot requirement, will allow for adequate setback. The proposed floor plans were discussed, noting the attached 1-car garage, 3 bedrooms and various living space amenities.

Mr. O'Neill feels the proposed home is a modest home which complies with the bulk requirements of the zone. He referred to Exhibit A-5, which is a study that encompasses 159 properties in the neighborhood. Out of the 159 homes, only 20 comply with lot frontage requirements; only 19 conform to lot size requirements. He added that he feels the R-10 designation is arbitrary because they didn't take into consideration the existing homes and lot sizes. 88% of the existing homes do not conform to the zone standards.

In regard to the Board Professional letters, Mr. O'Neill advised the application will comply with the outstanding comments. The applicant will remove the existing fence, the secondary shed, the miscellaneous fencing on site, as well as the wooden deck/pad. The traffic trip generation is not significantly increased by this proposal and they meet the RSIS parking requirements for a 3 bedroom home. Mr. O'Neill feels there are no detriments in granting the proposed variances and feels that the design meets the objectives of the Master Plan, in that it provides for appropriate population densities, a rhythm and pattern of the neighborhood will be improved and it will enhance real estate values in the area. This is a modest, middle class home being proposed and will fit in with the rural suburban community of Middletown.

Ms. Chavan questioned what research had been done behind the opinion that the R-10 Zone is arbitrary. Mr. O'Neill stated that the Master Plan calls for one thing and the Zoning in that area requires something totally different. They are not consistent and something must be fixed. Ms. Chavan explained that it had originally been R-15 and the 1993 Master Plan investigation determined the appropriate zoning to be R-10. She read from the 1993 Master Plan, noting that it mentions densely developed districts as burdensome. The R-10 zoning is more reflective of what was envisioned for that area and the Board must go by the Zoning and not by patterns in the neighborhood. She further expressed concerns with lot coverage on proposed lot 2.01 and stated that she feels it is a detriment.

A discussion was held regarding the change in zoning from R-15 to R-10. Mr. O'Neill advised this neighborhood is an enclave within a zone and should be treated as such. Ms. Chavan expressed concerns with lot coverage essentially doubling if the subdivision is granted. She noted that there are several other larger properties in that area that were left off of Mr. O'Neill's exhibit and she is concerned granting this subdivision will set a precedence. A discussion of lot sizes in the area was held.

At this time Mr. Gorman noted that Mr. Rathjen had technical difficulties and had left the meeting for a quick moment. Mr. Anderson indicated he had no concern with Mr. Rathjen continuing and voting on

the application. Mr. Gorman further advised he would like to err on the side of caution and have the Board Planner sworn as there has been some testimony given.

Sanyogita Chavan was sworn for the record as the Board Planner.

Mr. Keady asked if the applicant will comply with the comments in his review letter. Mr. Anderson advised yes, although the fences on the perimeter may not be under this applicant's ownership and if they encroach by a few inches, and in an effort to be a good neighbor, the property owner does not intend to have those minor encroachments resolved.

Ms. Chavan asked if the applicant is aware and agreeable to the landscaping and grading review process that is done in Middletown during the permitted process. Mr. Anderson replied yes, they intend to promote groundwater recharge on site. Ms. Chavan advised the applicant is seeking a waiver for side entry garages and asked that decorative doors be provided. The applicant agreed to provide fenestration.

Mr. Banasiak advised that he is focused on the lot size and the proposed lots are grossly inadequate, which is troubling to him.

Board members asked for clarification on some exhibits, which was given by Mr. O'Neill.

Mr. Berson questioned if the development patterns should adjust and evolve with the patterns of our community needs, such as car sizes, etc.? Mr. O'Neill advised that car sizes do not generally drive zoning requirements.

Mr. Rathjen noted that the zoning for these lots is similar to the neighborhoods of Belford and Leonardo. He expressed concern with setting a precedence in this case.

Chairman Mercas opened the hearing to members of the public who wish to speak or ask questions, however there were none.

Mr. Schwiezer asked for clarification on the setbacks for the new house and advised the lot coverage for the existing home's lot is concerning to him as well.

Mr. Colangelo stated that the neighborhood has quite a bit of cars parked on the road; he would be concerned with another curb cut taking away more parking spots.

Mr. Anderson requested a short recess to consult with his client. Upon reconvening at 8:23 pm, the Board asked Mr. Anderson to continue.

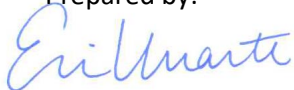
Mr. Anderson requested the Board carry this hearing to another meeting in order for the applicant to look at ways to address Board member concerns. Mr. Gorman advised that this application is being carried to May 5, 2021 at 6:30 pm; any significant changes to the plan will require a re-notice, however if they are small changes no notice will be required. The Agenda will be posted on the Township Website 48 hours in advance of the meeting and will contain a link to the WebEx event for that meeting.

Mr. Anderson advised he grants and extension of time in which the Board has to act through May 5, 2021.

ADJOURNMENT

MR. AMECANGELO OFFERED A MOTION TO ADJOURN THE MEETING AT 8:37 PM, SECONDED BY MR. COLANGELO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,
Board Secretary