

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

1 Kings Highway
Middletown, NJ 07748-2504

JAMES HINCKLEY
Chairman



Organized December 14, 1667
"Pride in Middletown"

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

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ZONING BOARD MEETING MINUTES APRIL 26, 2021

A Regular Meeting of the Zoning Board of the Township of Middletown was held in via Cisco WebEx Meetings at 7:00 P.M. on April 26, 2021.

Chairman Hinckley called the meeting to order and read the following notice:

This is a Regular Meeting of the Zoning Board of the Township of Middletown. Pursuant to the Open Public Meetings Act and Laws of 1975, the public was notified that the Zoning Board will meet virtually on March 22, 2021 via WebEx. The Middletown Zoning Board notified the Independent and the Star Ledger on January 25, 2021 and published in the Two River Times on February 4, 2021. Notice of the meeting was filed with the Township Clerk and posted in Town Hall on January 25, 2021.

To ensure the health and safety of our residents during the COVID-19 pandemic, Middletown Township Planning Board changed the format to virtual meetings. All notification for this meeting was given pursuant to the Open Public Meetings Act at least 48 hours prior to this meeting.

This meeting is being conducted remotely using the "WebEx" format. When members of the public join the meeting, your microphone will be muted to ensure a clear recording of tonight's meeting. Each individual will have control over their video element of the meeting.

During the public comment section of the meeting, individuals will need to virtually "raise" their hand to participate using the WebEx controls at the bottom of the screen to "raise" your hand. Do not offer comments or ask questions in the chat box, you will be given a time to speak on the record. The moderator will announce your designation and relay it to the board. Once the board acknowledges you, you will be unmuted. If you are a dial-in caller you will hear a beep when it is your turn to speak. Once the discussion has concluded, you will be placed back on mute and the board will proceed to the next public comment.

Roll call was taken with the following members present virtually: Mr. Hinckley, Mrs. Bouw, Mr. Wrede, Mr. Zaccardo, Mr. Truscott, Mr. Hibell, Mrs. Sheridan and Mr. Bruncati

Also present: Gregory Vella, Esq., Board Attorney; Anthony Mercantante, Acting Township Planner; Erin Uriarte, Board Secretary; and Rob Harris, Middletown MIS Department.

A salute to the flag followed.

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

Chairman Hinckley welcomed the Mr. Mercantante as Acting Planner and thanked him for stepping in.

ADMINISTRATIVE MATTERS

Approval of Meeting Minutes – March 22, 2021– MR. ZACCARDO OFFERED A MOTION TO APPROVE THE MARCH 22, 2021 MINUTES, SECONDED BY MR. TRUSCOTT. ALL ELIGIBLE MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Payment of Vouchers – MRS. BOUW OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR APRIL 26, 2021, SECONDED BY MR. WREDE. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

RESOLUTIONS

#2021-101, D’Alessandro, 500 Locust Point Road, Block 840, Lot 53, Resolution Granting Approval of Bulk Variance – MRS. BOUW OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. TRUSCOTT.

Roll Call:

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

Nays: None

OLD BUSINESS

#2020-003, General Plumbing Supply, Blocks 204 & 205, Lot 1, 170 Highway 36, Application for Major Site Plan and “D” Variance Approval – Mr. Vella noted this is a continuation of a previous hearing, however the applicant has re-noticed and the Board has jurisdiction. The applicant’s revised plans, dated March 11, 2021 have been marked as Exhibit A-3. The updated engineering letter from Hoder Associates, dated March 23, 2021 was marked as Exhibit ZB-3.

Bernard Shihar, Esq. appeared on behalf of the applicant and noted that the plans have been revised to address comments made during the previous hearings.

John Buletza remained under oath as the applicant’s engineer. Mr. Buletza explained that he had met with the Board professionals after the revisions were made and he believes all items have been addressed with the exception of two matters. The monument sign will be moved one foot closer to the property line and the 14 foot wall is non-compliant, therefore requiring a variance or waiver. The purpose of the 14 foot wall would be to enclose the outdoor storage area as well as the trash area and there will be landscaping to soften the impact.

Mr. Hoder advised that lighting has been revised to comply with the zero spillover requirement. The applicant also provided additional sidewalks and pavement markings to the ADA parking spaces, therefore he is satisfied with those changes but would ultimately defer to the Construction Official as a condition of approval. In regard to access from Highway 36, they revised the plans to include a longer island area away from the building. They have also modified some of the parking spaces resulting in a better, safer design.

Mr. Mercantante clarified that the only outdoor storage to take place will be within the 12 foot enclosure. He asked that a restriction be placed that the material cannot be taller than the enclosure. The applicant agreed.

A discussion was held regarding employee parking. There will be two designated employee spots, with the remainder of the staff parking in the main parking lot. At this time they have 6

employees and hope to expand to 8. There will be no fleet vehicle storage at this location, maybe just a single pick up truck here and there.

Chairman Hinckley opened the hearing to members of the public, however there were no indication of public input and the public hearing was closed.

Mr. Shihar summarized his application, noting this is currently an inadequate unsightly site to be cleaned up with adequate parking for its customers.

Mr. Vella advised that any affirmative action would include the following conditions: no windows in the rear of the building, no outdoor paging system, no on-site manufacturing, removal of trailers on site, the sign to be moved one foot close to the building, Construction Official approval of the ADA parking space locations and markings and storage to be within the structure and not to exceed 14 feet.

MR. WREDE OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MRS. BOUW.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Zaccardo, Truscott, Hibell, Sheridan

Nays: None

NEW BUSINESS

#2021-102, Michael & Kelli Earle, Block 1043, Lot 70, 546 Navesink River Road, Application for Bulk & D Variances – Mr. Vella advised the notices are in order and the Board has jurisdiction to hear this matter. The Planner's memo dated March 26, 2021 was marked as Exhibit ZB-1. The Building Plan prepared by DW Smith, last revised January 2, 2019 was marked as Exhibit A-1. The Architectural Plans prepared by Michael James Monroe, last revised April 7, 2021 was marked as Exhibit ZB-2.

Rick Brodsky, Esq., appeared on behalf of the applicants, Michael and Kelli Earle. He noted that his clients are in the midst of a large renovation project and are seeking to convert the existing storage space to living space, in order to add an additional two bedrooms to the home. Due to all the life changes due to COVID, the older children will not be living at college, as previously anticipated. The homeowner's also anticipate an elderly parent moving in as well. The proposed conversion results in a Floor Area Ratio that exceeds what is permitted in this zone, however the lot is an undersized lot in the zone. There is an existing cottage on the property that was originally slated to be demolished, however as time went on they decided they would like to keep it as an ornamental function to the garden. Keeping the garden house does trigger a building coverage variance, so they are requesting that as well. Mr. Brodsky clarified that the FAR variance is driven by the living space conversion only, not the request to keep the garden house. He added that the property slopes away from Navesink River Road; the garden house will not be visible from the roadway.

Michael James Monroe was sworn in and accepted as an expert architect. Mr. Monroe testified that the applicant wishes to keep the small cottage as a decorative element of the garden area, to be used mainly for a potting setting. If the Board decides against the coverage variance, the applicant will install a fountain or a pergola in its place. No living space is proposed in the garden cottage. He explained that the applicant had obtained a building permit back in 2018 and a lot of the pavement was removed at that time. The 25.6% lot coverage will be

maintained throughout the project, however keeping the garden cottage triggers a building coverage variance.

Board members asked questions related to the size and serviceability of the garden cottage. Mr. Monroe clarified it will have water and electric and is 15 feet by 24 feet. He understands the concern with potential living space, but it due to the size he does not see that being an issue.

A discussion was held regarding a reduction in the proposed FAR. Mr. Monroe explained that encapsulating the original stone walls creates 430 square feet of space in the home that is unusable. He agreed the total FAR can be reduced to 11.5%.

Christine Cofone was sworn in and accepted as an expert Planner. Ms. Cofone explained the applicant is seeking a D variance for exceeding the Floor Area Ratio permitted for the Zone. The applicant is proposing 11.5% FAR. This is an adaptive reuse of an existing structure, which will essentially look exactly the same as it does today. The applicant is proposing to reuse storage space to address COVID related family living conditions. This 2 acre site can more than accommodate the 5 bedroom home with no detriment to the zone plan or adjacent neighbors. The proposal is consistent with the Master Plan, as it characterizes the R-110 Zone as primarily large estates. The site can handle the proposed FAR and the applicant has already removed some impervious surface in order to maintain lot coverage and keep the garden cottage. The topography of the site allows for the cottage to be tucked away and provides a vintage component of the original home. The extensive on site landscaping will mitigate any view of the structure. Ms. Cofone feels that the garden cottage is a charming structure that will compliment the garden area. She added that the second structure on the property is no out of character with the neighborhood, noting many homes having carriage homes and the adjacent neighbor having multiple mailboxes for the use of their carriage house. Ms. Cofone feels that the applicant has met the burden of proof to grant a D variance, which can be done with no detriment to the existing zone plan.

Chairman Hinckley opened the hearing to members of the public who wish to speak, however none appeared. Mr. Hinckley closed the public portion.

Mr. Vella noted the following conditions, should the Board decide to act favorably: existing wood shed to be removed, no living area within the cottage and the FAR request was reduced to 11.5%

Mr. Hibell asked if the tennis court will be removed. Mr. Brodsky advised yes, it is on the plan and on the permit that has been issued.

Chairman Hinckley stated that he feels this site can surely accommodate the design.

Mrs. Bouw stated that she has seen many properties in the area with accessory homes and she agrees with the testimony of Ms. Cofone.

MR. TRUSCOTT OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. WREDE.

Roll Call:

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

Nays: None

EXECUTIVE SESSION - Mr. Vella explained there is no need for an Executive Session as the Court has dismissed the Township in the Mason Litigation.

ADJOURNMENT

MRS. BOUW OFFERED A MOTION TO ADJOURN THE MEETING AT 9:50 PM, SECONDED BY MR. ZACCARDO. ALL MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte, Board Secretary