

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"

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

ERIN URIARTE
Planning Board Secretary

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

ZONING BOARD MEETING MINUTES JUNE 28, 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 June 28, 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 Zoning 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; Amy Sarrinikolaou, 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 Ms. Sarrinikolaou as the new Township Planner.

ADMINISTRATIVE MATTERS

Approval of Meeting Minutes – April 26, 2021– MR. HIBELL OFFERED A MOTION TO APPROVE THE APRIL 26, 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 JUNE 28, 2021, SECONDED BY MR. WREDE. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

RESOLUTIONS

#2020-003, General Plumbing Supply, Blocks 204 & 205, Lot 1, 170 Highway 36, Resolution Granting Major Site Plan and “D” Variance Approval – MR. HIBELL OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. TRUSCOTT.

Roll Call:

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

Nays: None

#2021-102, Michael & Kelli Earle, Block 1043, Lot 70, 546 Navesink River Road, Resolution Granting Bulk & D Variances – MRS. BOUW OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. HIBELL.

Roll Call:

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

Nays: None

OLD BUSINESS

None

NEW BUSINESS

#2021-004, Thomas Murphy, 50 South Blevins Ave, Block 998, Lot 74, Application for Bulk Variance – Mr. Vella advised the notices are in order and the Board has jurisdiction to hear this matter. A Plan of Outdoor Improvements for the Murphy Residence, 50 S. Blevins Ave, consisting of one sheet, prepared by EP Henry, dated January 26, 2021, was marked as Exhibit A-1. A Plan of Survey, consisting of one sheet, prepared by Seneca Survey Co., Inc., dated August 25, 2017, was marked as Exhibit A-2. The Planner’s memo dated June 11, 2021 was marked as Exhibit ZB-1.

Michael Herbert, Esq., appeared on behalf of the applicant and noted that this is a variance application for a pool installation project. He added that the home is surrounded by heavily wooded area and there are similar improvements in the area. The applicant is seeing a building coverage variance to permit 12.66% coverage where 10% is permitted and a lot coverage variance to permit 23.06% where 15% is permitted. Currently the building coverage is at 12% and the lot coverage is at 16%

Thomas Murphy was sworn in as the property owner.

Mr. Hinckley referred to the statement that many homes have these type of improvements and asked how many homes have similar lot coverages? Mr. Herbert advised that information is not available. Ms. Sarrinikolaou advised that she and Ms. Uriarte had researched the neighborhood and found no history of coverage variances being granted in the area.

Mr. Murphy advised that he purchased the home in 2017 and is not aware how the coverage had gone over prior to him purchasing it. Board members noted they did not see any property in the area with this much coverage.

Mr. Murphy advised he is proposing the pool, pavilion, bar and grill in order to upgrade his property for purposes of family entertainment. The improvements had been planned prior to COVID but the pandemic made it a more prevalent need. He noted that 24 pools exist within the Brasch Farms development.

Steven Lemoine was sworn and accepted as an expert Landscape Architect. Mr. Lemoine stated that the rear yard improvements include a paver walkway, with an outdoor pavilion with a bar area, a small grill island, a pool and a boulder wall. The run-off will be ameliorated by a drywell that has yet to be designed, which will allow any run-off to dissipate into the ground.

Christine Cofone was sworn in and accepted as an expert Planner. Ms. Cofone stated that because Mr. Murphy purchased this home with the existing coverage being higher than what is permitted, any improvements at all would trigger variance relief. She feels the purposes of the land use law are still being advanced and referred to case law that allows for a C-2 variance for a pool and tennis court where these type of improvements are the norm. An aerial image was marked as Exhibit A-3. Ms. Cofone referred to the aerial noting the wooded school property to the rear, the close proximity to the Garden State Parkway and the various pool improvements in the neighborhood. Ms. Cofone feels this proposal is in character with the existing neighborhood. Any negative criteria can be satisfied by imposing reasonable conditions such as a drywell to ensure no substantial detriment to the neighbors. There is sufficient space to construct these improvements. Given the unique features of the property and the unique location, she feels the Board can easily grant a C-2 variance.

Ms. Sarrinikolaou asked for clarification on the case law, specifically if there was any compromise among the applicant of the relief being requested or did the judge rule that the applicant can do what they want. Ms. Cofone stated that the case law granted a rear yard variance for the pool and the tennis courts. She is unsure if there was any compromised but as a Planner she knows there is always room for compromise. She feels the site can handle the requested coverage but she can appreciate that maybe there is a happy medium between what is required and what is requested.

A discussion was held regarding the nature of the improvements in the neighborhood. Board members indicated concern with granting the relief and setting precedence in the neighborhood. Board member comments indicated the relief being sought was too high and the applicant may want to reduce the pervious surface in order to reduce the coverage variances being requested.

Mr. Herbert requested that the application be adjourned to address Board member concerns.

Chairman Hinckley called for a vote on the request to be carried:

Roll Call on Request to Carry:

Ayes: Bouw, Zaccardo, Truscott, Hibell, Sheridan

Nays: Wrede, Hinckley

Mr. Vella announced this application will be carried to August 23, 2021 at 7:00 pm at Town Hall; said meeting will be held fully in-person at 1 Kings Highway, Middletown Township.

Mr. Herbert agreed to an extension of time in which the Board has to act.

#2021-005, Carole Yacus, 107 Murphy Road, Block 557, Lot 2, Application for Bulk Variance –

Mr. Vella advised that the notices are in order and the Board has jurisdiction to hear this matter. The Location Land Survey for Block 557, Lot 2, consisting of one sheet, prepared by Thomas Craig Finnegan P.L.S., dated March 25, 2021 was marked as Exhibit A-1. The Architectural plans for 107 Murphy Road, consisting of two sheets, dated March 28, 2021, including a revision dated of January 12, 2021 were marked as Exhibit A-2.

Carole and William Yacus were sworn in as the property owners. Chairman Hinckley advised the applicant they must present land use reasons why they are requesting a variance.

Mrs. Yacus explained that they have an irregularly shaped lot, which creates a hardship. The house was also build on a slant, which makes the addition encroach slightly into the setback area.

Mr. Truscott noted that only a small corner of the addition is actually within the setback. Mr. Wrede agreed and questions about the existing amenities and the lot coverage calculations. Ms. Sarrinikolaou explained that the lot coverage and patio regulations had changed a while back; the pool and the patio didn't not always count towards lot coverage. Mr. Vella confirmed.

Mrs. Bouw agreed that only the back corner of the addition encroaches into the setback area and because of the unique shape of the property, there really is nowhere else to go. She added that the addition is really only a small 10 foot strip, which would not be a huge detriment.

Chairman Hinckley opened the hearing to members of the public who wish to ask questions or make comments.

Mary Ann Cooper was sworn in and advised she lives next door to the property on the side that would abut the addition. She further advised she has no objection to the application.

Seeing no further members of the public wishing to speak, Mr. Wrede offered a motion to close the public hearing, seconded by Mr. Truscott. All present members voted in favor by voice vote.

Mr. Vella noted that any favorable action of the Board would include a condition that a grading plan review be done prior to permits being issued.

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

Roll Call:

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

Nays: None

EXECUTIVE SESSION – None

ADJOURNMENT

MR. TRUSCOTT OFFERED A MOTION TO ADJOURN THE MEETING AT 8:32 PM, SECONDED BY MRS. BOUW. ALL MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte, Board Secretary