

TOWNSHIP OF MIDDLETOWN

Planning Board
One Kings Highway
Middletown, NJ 07748-2504

DAVID MERCES
Chairman



Organized December 14, 1667
"Pride in Middletown"

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PLANNING BOARD MEETING MINUTES JULY 6, 2022

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 July 6, 2022.

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 July 6, 2022, in Town Hall.

The Middletown Planning Board notified the Two River Times, the Independent and the Asbury Park Press on February 3, 2022. Notice of the meeting was filed with the Township Clerk and posted in Town Hall. 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. Settembrino, Mr. Berson, Mr. Rentschler, Mr. Colangelo, Mr. Schweizer, Mr. AmecAngelo, 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 APRIL 6, 2022, SECONDED BY MR. RATHJEN.

Roll Call:

Ayes: Mercés, Rathjen, Rentschler, Schweizer, AmecAngelo, Banasiak

Nays: None

RESOLUTIONS

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

ADMINISTRATIVE MATTERS

Payment of Vouchers – Mr. Rathjen advised that he has reviewed the Payment of Vouchers and offered a motion to approve the Payment of Vouchers for July 6, 2022. This motion was seconded by Mr. Schweizer. All present members voted in favor by voice vote.

OLD BUSINESS

#2022-200, Target, 2105 Route 35, Block 596, Lot 1.01, Seeking Amended Major Site Plan Approval with Variances – Mr. Gorman advised this application is being carried to August 3, 2022 at 6:30 pm in the Main Meeting Room at Town Hall, 1 Kings Highway, Middletown, NJ.

NEW BUSINESS

#2022-201, NJ Titans Ice Hockey Club, Inc., 214 Harmony Road, Block 607, Lots 5 & 6, Seeking Major Site Plan Approval – Mr. Gorman advised the notices are in order and the Board has jurisdiction to hear this matter.

Rick Brodsky, Esq., appeared on behalf of the applicants. He explained the application is for the old swim club property on Harmony Road, which is now home to the NJ Titans Ice Rink along with other facilities that accompany the use. There is a proposed outdoor ice rink, to be open seasonally to the public. They will be utilizing the existing cabanas from the original swim club use to be used for team meetings, day camps, etc. There are storage additions proposed to the existing indoor ice rink building along with physical therapy and training space. The old storage sheds will be replaced as well. The property's current utilization will not change from the three uses that currently exist: the swim club, the ice rink and a seasonal summer camp.

Committeeman Settembrino indicated concern with the lack of fully engineered plans for this site plan application. Mr. Brodsky advised the plans will be presented by the Architect who prepared the plans. He can come back at a later date with a civil engineer, if necessary.

Mr. Gorman advised the architect cannot testify as to steep slopes, grading, site triangles, rights-of-way or any other engineering issues. He indicated concern with who gathered the information on the architect's plan.

Mr. Rathjen questioned lot 4, the wooded parcel adjacent to the subject property, nothing that it is being used by the applicant. Mr. Brodsky advised that lot is not part of the application.

George Haviland was sworn in as the owner and operator of the site.

Committeeman Settembrino advised if a Certificate of Occupancy has been issued for the site work that has already been done. Mr. Haviland replied not for rink two. Mr. Settembrino indicated concern with the CO items not being addressed, yet the applicant is asking for more approvals. Mr. Brodsky explained they were encouraged by the Township to get before the Board.

Mr. Haviland explained he grew up in town and purchased the NJ Titans franchise in 1999, helping put a lot of kids through high school. In 2010 a member of the franchise won a Championship, and they were able to purchase the old swim club and build the ice rink. The facility opened in 2013, a second building was built in 2019 and they were then impacted by

COVID closures. This swim club is a public use, anyone can come to the pool club. The hockey use is growing as well, the outdoor rink is in high demand. The Lease Agreement with the contains restrictions regarding public use, which has continued.

Mr. Settembrino questioned if the organization has been a non-profit the entire time of operating. Mr. Haviland confirmed it has been. He is here looking to clean up the site by adding indoor storage and to seek approval for the sheds left on the property from a prior tenant so that they can be used for storage as well. Mr. Haviland had hired a general contractor to run the site for a few years and that person is no longer with the organization; he would like to fix any mistakes made by that contractor. The NJ Titan Board has appointed Mr. Haviland to be the on-site manager, running the day-to-day operations of the site. The overflow drain from the snow-melt-pit will be fixed and they are currently waiting on a permit to be issued.

Mr. Settembrino advised the drainage will need to be shown on the site plans. Mr. Haviland explained he has started the process to obtain a Letter of Interpretation from the DEP. Mr. Settembrino explained these are issues that need to be addressed by a civil engineer.

Chairman Mercas questioned an item in T&M's review letter related to noise complaints. Mr. Haviland explained a sound engineer came out a few weeks ago and they are purchasing a sound attenuating device to be installed. Mr. Settembrino advised they will need professional testimony or documents for the Board professionals to review. He indicated further concern with listening to a new proposal until all existing problems are solved. Mr. Brodsky advised a silencer is being installed.

Committeeman Settembrino advised the applicant to get a Certificate of Occupancy and mitigate the existing issues before moving forward. The Engineering and Planning reports both refer to outstanding violations, he would like to see those addressed by the proper professionals before discussing the newly requested improvements.

After a brief discussion, Chairman Mercas allowed for the public to make comments only regarding any issues they may be experiencing with the organization so that the applicant can take it all into consideration before coming back to the Board.

Patricia Oulette was sworn in and expressed concern with the physical therapy use conflicting with that of her tenant on the same road. She asked that a deed restriction be placed to restrict the use to members of the hockey club only.

Susan Curmi, Old Country Road, was sworn in and indicated concern with the deer population in the area being displaced.

Darlene Gallagher, 26 Johnson Lane, was sworn in and stated that the timeline discussed by Mr. Haviland was inaccurate. The sound issue was raised back in 2020 and she would like to see the noise mitigated.

Mary Higgins, 80 Old Country Road, was sworn in and indicated concern with the tree removal on Lot 4. She is further concerned that the displaced wetlands will end up on her property, which is adjacent to Lot 4.

Brian Simon, 71 Field Avenue, was sworn in and echoed the comments of Ms. Ouellette regarding the physical therapy use.

Glen Ras, 175 Old Country Road, was sworn in and indicated concern with on-street parking along Old Country Road. The road cannot handle the traffic and the parking increase it has seen. He is also concerned with the noise pollution and lighting for large events at night. He added that there is no public access to the site.

James Derugeriis, 226 Harmony Road, was sworn in and advised he is “the neighbor” Mr. Haviland referred to during testimony. He indicated concern with the lack of lighting shown on the plan for Rink 3, the lack of public access, parking, noise, the use of the cabanas and reduction of the swim club component over the years. He requested proper screening of the equipment north of Rink 1. He added that the snow pit is not shown on the plans. He would like a grading review done of the retaining wall and would like the clearing of Lot 4 to be addressed. He reiterated concern with traffic and parking, emergency vehicle access and asked that a traffic study be done to address the added bus traffic. He indicated safety concerns with exit only doors being propped open and patrons parking in “employee only” areas.

Joan Musso, 22 Harmony Road, was sworn in and indicated concern with the noise from the rink coolant machines and traffic. She added that she will block cars from travelling on the roadway by standing in the middle of the road. There are too many busses coming down the road; they need speed bumps or kids will die.

Seeing no further comments, Chairman Mercas advised this hearing will be carried to September 7, 2022 at 6:30 pm in the Main Meeting Room at Town Hall, 1 Kings Highway, Middletown, NJ.

ADJOURNMENT

MR. RATHJEN OFFERED A MOTION TO ADJOURN THE MEETING AT 7:45 PM, SECONDED BY MR. SCHWEIZER. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,
Board Secretary