

# TOWNSHIP OF MIDDLETOWN

## Planning Board

1 Kings Highway

Middletown, NJ 07748-2504

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*Chairman*



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Organized December 14, 1667  
"Pride in Middletown"

## TECHNICAL MEMORANDUM

**DATE:** December 19, 2025  
**BOARD:** Planning Board  
**APPLICATION:** Milano Builders  
Walada Avenue & Arlington Avenue  
Block 122, Lot 122; Block 158, Lot 1; Block 159, Lot 3  
Preliminary & Final Major Subdivision with Variances

## PROJECT DESCRIPTION

The subject property contains three (3) existing vacant, wooded lots located to the rear of existing single family homes along Walada Avenue in Port Monmouth. The applicant is proposing to subdivide the subject property into four (4) new single family residential lots. Access to the new lots will be from an existing unimproved right of way from Walada Avenue known as Barton Place (40 ft ROW). The applicant proposes to improve Barton Place with a 40 ft wide cul-de-sac (28 ft wide cartway). There is an unimproved right of way named Arlington Avenue the borders the subject property to the rear and south. The applicant proposes to vacate this ROW as part of this proposal.

The table below compares the lot requirements to the proposed conditions for the 4-lot subdivision. Variance relief is required for lot frontage for all new lots. Variance relief may be required for minimum circle diameter, minimum gross floor area and first floor area and number of stories. Testimony shall be provided and the zoning table on the cover sheet shall be revised.

**Zoning Table: 10-Lot Subdivision**

	R-7 Zone Standard	New Lot 1	New Lot 2	New Lot 3	New Lot 4
Min. Lot Area:	7,500 sf	13,909 sf	12,800 sf	18,136 sf	13,565 sf
Min. Lot Frontage	75 ft	39.27 ft *	64 ft*	39.27 ft*	66.45 ft*
Min. Buildable Lot Area	5,000 sf	13,909 sf	12,800 sf	18,136 sf	13,565 sf
Min. Circle Diameter	50 ft	Testimony to be provided			

## Many Neighborhoods. One Middletown!

Belford o Chapel Hill o Fairview o Harmony o Leonardo o Lincroft o Locust o Middletown Village  
Monmouth Hills o Navesink o New Monmouth o North Middletown o Nut Swamp o Oak Hill o Port Monmouth o River Plaza

	R-7 Zone Standard	New Lot 1	New Lot 2	New Lot 3	New Lot 4
Min. Building Setbacks:					
Front	20 ft	≥20 ft	≥20 ft	≥20 ft	≥20 ft
Side	10 ft	≥ 10 ft	>10 ft	>10 ft	>10 ft
Rear	20 ft	≥ 20 ft	>20 ft	>20 ft	>20 ft
Min. Gross Floor Area	900 sf	Testimony to be provided			
Min. First Floor Area	800 sf	Testimony to be provided			
Max. Building Coverage	35%	≤ 35%	≤ 35%	≤ 35%	≤ 35%
Max. Lot Coverage	40%	≤40%	≤40%	≤40%	≤40%
Max. Building Height	2 1/2 stories/35*	≤28 ft; Number of stories to be provided	≤28 ft; Number of stories to be provided	≤28 ft; Number of stories to be provided	≤28 ft; Number of stories to be provided

\* Variance relief shall be required.

The proposal requires a “Planning Variance” for the proposed improvement of Barton Place. As indicated by the Board Engineer, the applicant proposes a 28 ft. wide paved road with an approximately 18.5 ft. radius cul-de-sac within the Barton Place Right-of-Way. The proposed radius does not meet RSIS requirements for cul-de-sacs which require a minimum 40 ft. radius and an additional 8 ft. radius beyond the edge of the cartway to the proposed Right-of-Way (48 ft. radius R.O.W.). Additionally, the applicant is proposing pervious pavement within the new Barton Place roadway; and this is not an acceptable design for a municipal roadway as per the Township Engineer.

Additionally, existing off-site lots known as Block 159 Lot 4 and Block 158 Lot 5 are adjacent to the proposed cul-de-sac. These existing lots will become corner lots due to the proposed cul-de-sac, making them non-conforming in lot area and potentially street-side yard setbacks.

#### **PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USE**

The subject property contains three (3) existing vacant, wooded lots and totals 46,445 square feet in area, located to the rear of existing single family homes along Walada Avenue in Port Monmouth. The subject property is located within Flood Zone AE (BFE 13). No freshwater wetlands are on the subject property as per the submitted NJDEP LOI.

The unimproved right of way known as Barton Place will be improved for access from Walada Avenue to the proposed subdivision. The unimproved right of way named Arlington Avenue borders the subject property to the rear and south. The applicant proposes to vacate this ROW as part of this proposal.

The subject property is located in the Residential (R-7) Zone and surrounded by residential uses in the R-7 Zone to the north, east, and west and by B-2 Zone to the south. Adjacent to the east of the subject property is Township owned open space on the ROSI.

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## PLANNING COMMENTS

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### 1. Zoning Compliance

a. Minimum Lot Frontage – A variance is required for minimum lot frontage for all four (4) new lots.

	Required	New Lot 1	New Lot 2	New Lot 3	New Lot 4
Min. Lot Frontage	75 ft	39.27 ft *	64 ft*	39.27 ft*	66.45 ft*

b. Minimum Circle Diameter – 50 ft is required. The applicant shall indicate in testimony the proposed minimum circle diameter and revise the cover sheet. A variance may be required.

c. Minimum Gross Floor Area – 900 sf is required. The applicant shall indicate in testimony the proposed minimum gross floor area and revise the cover sheet. A variance may be required.

d. Minimum First Floor Area – 800 sf is required. The applicant shall indicate in testimony the proposed minimum gross first floor area and revise the cover sheet. A variance may be required.

e. Number of Stories – 2 ½ stories are permitted. The applicant shall indicate in testimony the proposed number of stories and revise the cover sheet. A variance may be required.

f. Off-site lots (Block 159 Lot 4 and Block 158 Lot 5) – Require variances for lot area and street side yard setback as a result of the proposal.

g. “Planning” Variance – The applicant is seeking what is commonly referred to as a “Planning Variance.” 540-504A requires every principal building shall be built upon a lot with frontage *improved* to meet the Township requirements; and the Township Engineer will not accept the proposed pervious pavement design. The pervious pavement shall be replaced with a material acceptable to the Township Engineer and Board Engineer.

Barton Place is proposed to be improved less than RSIS requirements. The Planning Board may grant a variance to permit the construction of a building that fronts upon a street that has not been improved to Township standards - as long as the following conditions are satisfied:

- a. Adequate access for firefighting equipment, ambulances and other emergency vehicles is provided to ensure the protection of health and safety. We defer to the Fire Advisory Board review; and
- b. The future street layout shown on the official Township map is preserved.

Additionally, the applicant must demonstrate to the Board that the circumstances of the case do not require the residences to be related to a street, or that disallowing the construction of a residence on the subject lot will entail practical difficulty or unnecessary hardship.

### 2. Environmental

a. Wetlands – The applicant obtained a Letter of Interpretation (LOI) from the NJDEP dated December 22, 2022, valid through 2027, verifying there is no presence of wetlands on the subject property.

b. Flood Hazard Area – The subject property is located in Flood Zone AE (BFE 13). Township Floodplain Administrator review and approval for the design of the homes and building height shall be made a condition of approval.

- c. Wooded Areas - As per 540-651, no more than 40% of the wooded areas within the net tract area shall be cleared or developed. The applicant shall submit the percentage of clearance to ensure compliance with this standard or a design waiver shall be required.
  - Additionally, as per Ch. 423 Article VI a Tree Management Plan was submitted. The Tree Management Plan indicates a total of 212 required replacement trees. Five (5) street trees are proposed. Street trees shall not be counted to fulfill this requirement. The applicant shall indicate in testimony compliance with tree replacement requirements.

### 3. Design and Layout

- a. Proposed Street Vacation – The applicant proposes the vacation of a portion of the unimproved 40' right of way known as Arlington Avenue adjacent to the subject property. In 2023, residents along Gordon Court adjacent to the Arlington Avenue right of way, submitted a street vacation request. This request was circulated to Township Departments and applicable outside agencies and no objections were received. Township Committee approval is required for the applicant's request to vacate a portion of Arlington Avenue and shall be made a condition of approval.
- b. The proposed cul-de-sac will have a 40' right-of-way and 28' cartway with concrete curb and sidewalk. We defer to the Board Engineer and Fire Advisory Review Board whether the proposed construction and design of the road that it meets Township standards.
  - The applicant shall indicate in testimony whether the proposed cul-de-sac will be a public road. The road must be accepted by the Township Engineer.
- c. The proposed building footprints and lot coverage for each new building lot max out the standards for building and lot coverage in the R-7 Zone. As per Section 540-624D(2), the applicant shall provide testimony for all proposed lots about the availability of usable rear yard and the ability to put accessory structures such as swimming pool, sheds, etc.
- d. The applicant shall indicate in testimony and provide colored renderings of the proposed residential building designs for compliance with 540-604B-C with special attention to color, finish and material to avoid the appearance of a large undifferentiated project.
  - Any ground mounted generators or HVAC units proposed for the dwellings? If so, these units shall be screened as per 540-632.
  - Any signage proposed for the identification of the development?
- e. Sidewalk is proposed except for the frontage along off-site Block 159 Lot 4. The Planning Board can either grant a waiver and require a payment in lieu for that portion; or require sidewalk on both sides of the street.
- f. Stormwater management – The plans indicate two drywells per new lot in the rear yard. The plans also indicate 15 ft wide pervious driveways for each home lot and for the cul-de-sac. The applicant shall indicate in testimony maintenance responsibility of this proposed stormwater management system. We defer to the Board Engineer for additional comments related to stormwater management.
  - In agreement with the Environmental Commission's review, there is a concern about the use of pervious pavement for the driveways and cul-de-sac, mainly with the required maintenance

so as not to lose the ability to percolate stormwater. The applicant shall indicate in testimony the ongoing maintenance plan for the proposed stormwater management system, specifically the pervious pavement.

- A 15' wide drainage easement is proposed along New Lots 1 and 2. As per 540-614A, an easement document shall be filed as a condition of approval.
- g. Utilities –TOMSA approval review will be required for sewer connection. We defer to the Board Engineer for additional utility comments.

#### **4. Landscaping & Lighting**

- a. As per Section 540-622B(6), seven (7) street trees are required and only five (5) street trees are proposed along the new lots. Existing trees may be used towards this requirement. Testimony shall be provided how the applicant will conform with this requirement.
- b. Section 540-645E(2) requires that street trees shall have a minimum caliper of three (3") inches measured one (1') foot from the butt. The Landscape Plan notes the caliper between 2.5" to 3". The plans shall be revised to comply with this ordinance requirement.
- c. Section 540-622B(6) the applicant shall provide percentage of additional trees (not including street trees and trees to remain) required not less than 10 per acre and species breakdown.
- d. Each new lot is proposed to contain a portion of the existing wooded area. The applicant shall indicate in testimony whether this wooded area is to remain and if a conservation easement may be considered to maintain the wooded area on each new lot.
- e. Street lighting is proposed including five (5) street lights at 16' height, along the cul-de-sac road. The lights shall be consistent with JCPL design standards.
- f. We defer to the Board Engineer for additional landscaping and lighting comments.

#### **5. Miscellaneous**

- a. All utilities shall be installed underground in conformance with RSIS standards.
- b. Proposed block and lot numbers shall be approved by the Middletown Township Tax Assessor.
- c. Street naming shall be approved by the Middletown Township Committee.
- d. Affordable Housing Trust Fund – A contribution will be required to the Township Affordable Housing Trust Fund at time of issuance of certificates of occupancy, pursuant to Section 16-531.C.19.
- e. Encroachments - It appears that improvements from off-site Block 159 Lot 4 encroach into the unimproved right of way Barton Place. Also, it appears there is a fence encroachment on New Lot 4 from off-site Lots Block 159 Lots 2, 3 and 4. The applicant shall address in testimony how these encroachments are to be removed.

## 6. Approving Agencies

Final approval or letter of no jurisdiction should be obtained from the following agencies and any other agencies having jurisdiction.

- Freehold Soil Conservation District
- TOMSA
- Middletown Floodplain Administrator
- Middletown Township Fire Advisory Board

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## DOCUMENTS REVIEWED

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- Completeness submission letter, prepared by Crest Engineering Associates, Inc. dated September 29, 2025;
- Preliminary & Final Major Subdivision Plans, consisting of thirteen (13) sheets, prepared by Crest Engineering Associates, Inc., dated May 30, 2023, last revised September 29, 2025;
- Boundary and Topographic Survey, consisting of two (2) sheets, prepared by DPK Consulting, LLC, dated December 11, 2021, last revised September 22, 2025;
- NJDEP Land Use Permitting Report;
- Final Plat of Major Subdivision for Walada Enterprises, LLC, prepared by Crest Engineering Associates Inc., dated April 23, 2025;
- Tree Management Plan, prepared by Crest Engineering Associates Inc., dated March 10, 2025;
- Authorization for Freshwater Wetlands Letter of Interpretation- Extension for Walada Enterprises, LLC from the New Jersey Department of Environmental Protection, dated December 22, 2022;
- Soil Report, prepared by Air, Land & Sea Environmental Management Services, Inc., dated July 19, 2022;
- Written request for waivers;
- Project narrative, undated;
- Disclosure of Ownership;
- Certificate of Title letter, dated June 12, 2025;
- Affidavit of Ownership;
- W-9 Form;
- Verification that property taxes are current;
- Zoning Officer Denial; and
- Application for Development Permit.

We reserve the right to make additional comments based upon the submission of additional documents or testimony presented to the Board.

### Report Prepared by:

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**LOCATION MAP**

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