

# TOWNSHIP OF MIDDLETOWN

## Zoning Board of Adjustment and Appeals

One Kings Highway  
Middletown, NJ 07748-2594

WILLIAM HIBELL  
*Chairman*



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### TECHNICAL MEMORANDUM

**DATE:** January 15, 2026  
**BOARD:** Zoning Board of Adjustment and Appeals  
**APPLICATION:** Paul Millman (#2025-028)  
108 Hartshorne Road (Block 786, Lot 7)  
R-110 Zone  
Lot Coverage Variance & "Planning" Variance for Building fronting upon a street not improved to Township standards

### PROJECT DESCRIPTION & VARIANCE SUMMARY

The applicant proposes the following additions and modifications to the existing two-story single family dwelling:

- Construct a 420 sf one-story addition to the northern elevation;
- Construct a 1,240 sf one-story addition to the eastern elevation;
- Construct a 273 sf entrance patio;
- Replace the existing 672 sf carport with a 494 sf carport; and
- Modify the existing driveway.

A "Planning" Variance is required for a building fronting upon a street not improved to Township standards.

A variance is required for lot coverage where 10% is permitted and 10.6% exists and is proposed.

	Existing (SF)	Proposed (SF)
Dwelling	3,181	4,859
Covered Porches	1,117	1,152
Sun Porch	1,200	1,200
Car Port	672	494
Uncovered entrance patio	-	102
Covered Courtyard Patio	-	171
Driveway	15,250	13,442
Accessory Dwelling	1,898	1,898
Accessory Covered Porch	648	648
Pool	892	892

### 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

Pool Patio	3,289	3,289
Concrete Patio	911	904
Brick Patio	444	444
Patio	309	309
Barn	856	856
Sheds	321	321
Equipment	84	84
Tennis Court	7,741	7,741
Walls	320	320
Bilco Doors	28	28
<b>Total</b>	<b>39,161/10.6%</b>	<b>39,154/10.6%</b>

The subject property contains the following pre-existing nonconforming conditions:

- Minimum lot frontage where 100' is required and 0' exists;
- Minimum accessory side yard setback where 40' is required and 30.8' exists (barn);
- Minimum pool equipment setback where 10' is required and 6' exists; and
- Minimum generator setback where 10' is required and 6.8' exists.

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

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The subject property is 8.47 acres (369,003 sf) in area and contains 0' of frontage along Hartshorne Road. The subject property contains a two-story single-family dwelling with a covered porch and a car port, inground pool with an associated patio, accessory two-story dwelling, detached garage, barn, tennis court, two (2) sheds, a stone walkway to Clay Pit Creek in the rear yard and a stone driveway.

The subject property contains an existing easement for ingress and egress across adjacent Lot 3 and a conservation easement (3.46 acres) dedicated to the Monmouth Conservation Foundation along the northern and western property lines. The property contains significant environmental features, including wetlands, wetlands buffer area, woodlands, as well as significant natural, scenic, aesthetic, open space, plant and wildlife habitat, agricultural, resource conservation and similar features. The presence of freshwater wetlands was verified by NJ DEP on September 2, 2011.

The subject property is assessed as a qualified farm by the NJ Division of Taxation.

The subject property is located within the R-110 Zone. The property is surrounded by Monmouth County Open Space to the north and west, Clay Pit Creek to the south and single family uses to the east.

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#### **PLANNING COMMENTS**

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1. Planning Variance – The applicant is seeking what is commonly referred to as a “Planning Variance.” 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. Lot Coverage – A variance is required for lot coverage where 10% is permitted, 10.6% exists and is proposed. See lot coverage calculations above.
3. Building Height and Floor Area Ratio – The applicant shall provide the building heights for the dwellings to ensure compliance with the maximum standards. In addition, the applicant shall provide the existing and proposed “residential gross floor area” as defined in Ch. 540-203 to determine if a “D4” variance for floor area ratio is required.

#### **Statutory Requirements for the granting of bulk variance relief**

Based on the Municipal Land Use Law standard for granting bulk variance relief, the applicant shall indicate to the Board whether a “hardship” variance or “flexible C” variance will be sought for the bulk variances indicated above, and provide testimony supporting the chosen approach.

Physical Characteristics - N.J.S.A. 40:55D-70.C(1) (a/k/a Hardship Variance) – Testimony should indicate if strict application of the bulk requirements would result in peculiar and exceptional difficulties, or exceptional and undue hardship, to the applicant.

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property;
- By reason of an extraordinary or exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Benefits Outweighing Detriments - N.J.S.A. 40:55D-70.C(2) (a/k/a Flexible C Variance) - The applicant may also establish, in the absence of proving “hardship,” whether the granting of a variance will further the purposes of the Municipal Land Use Law, and if the benefits of granting the variance will substantially outweigh any detriment.

Negative Criteria - Additionally, with any type of C variance, testimony should confirm that the proposed improvements requiring bulk variance relief will not create a substantial detriment to the public good or substantial impairment of the intent and purpose of the Master Plan and the Zoning Ordinance.

4. Accessory Dwelling and Agricultural Use – The subject property is farmland assessed under the New Jersey Division of Taxation. The applicant shall indicate in testimony whether the farm operation will continue. Accessory dwellings are permitted in the R-110 Zone for domestic employees and/or farm workers as per Ch. 540-905C(1). These units shall not be sold or rented to or occupied by any person other than the domestic employee or farm workers. The applicant shall indicate in testimony the use of the existing two-story accessory dwelling. A deed restriction shall be recorded limiting the use of the accessory dwelling to domestic employees and/or farm employees. This shall be made a condition of approval.
5. Tree Removal - The applicant shall indicate in testimony whether tree removal is required to accommodate the proposed additions. If the proposal is approved, the applicant must comply with Ch. 423 Tree Removal/Replacement Regulations.
6. Outside Agency Approvals - Prior to obtaining building permits, approvals or letters of no jurisdiction from the following Township Departments and Outside Agencies shall be required:

- NJDEP / CAFRA
- Freehold Soil Conservation District
- Township Engineer grading plan review and approval
- Health Department
- Township Floodplain Administrator
- Fire Advisory Review Board

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#### DOCUMENTS REVIEWED

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- Cover letter regarding easements for subject property, prepared by Rick Brodsky, Esq., dated December 8, 2025;
- Plot Plan, prepared by Insite Engineering, LLC, dated June 23, 2025, last revised August 27, 2025;
- Millman Residence Partial Renovation & Addition Architectural Plans, consisting of eight (8) sheets, prepared by Parnagian Architects, LLC, dated June 12, 2025;
- Location Survey, prepared by R and T Land Surveying, dated September 12, 2024;
- Project Narrative, undated;
- Verification that property taxes are current;
- Deed for subject property;
- Zoning Officer Denial; and
- Development Permit Application.

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

**Report Prepared by:**

*Amy H. Citrano*

Amy H. Citrano, PP, AICP

Director of Planning

*Patricia Dunkak*

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Sustainability Coordinator

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**LOCATION MAP**

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