

# GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

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*Please Reply To:*  
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SUITE 300  
RED BANK, NJ 07701  
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Client/Matter No. 12822-0005

May 27, 2021

## **HAND DELIVERY AND EMAIL**

Erin Uriarte, Planning Board Secretary  
Township of Middletown Planning Board  
Croydon Hall  
900 Leonardville Road  
Middletown, NJ 07748

**Re: De La Salle, Inc.  
Minor Site Plan Approval  
810 Newman Springs Road, Block 1063, Lot 66.01 (the "Property")  
Township of Middletown, Monmouth County, NJ**

Dear Ms. Uriarte:

This law firm represents De La Salle, Inc. (the "Applicant"). Applicant seeks variance minor site plan approval from the Middletown Planning Board ("Board") to construct a one story storage building on the above referenced Property ("Application").

In response to your letter dated May 25, 2021, attached please find the following:

1. Three (3) full size sets and twenty (20) 11 x 17 copies of the plans titled "Site Plan", Proposed Storage Garage, De La Salle Hall, prepared by Eric L. Wagner, AIA of Kellenyi Johnson Wagner dated January 20, 2021;
2. Twenty (20) copies of the Project Narrative;
3. Twenty (20) copies of the Zoning Denial;
4. Twenty (20) copies of the Development Permit Application.

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Erin Uriarte, Zoning Board Secretary

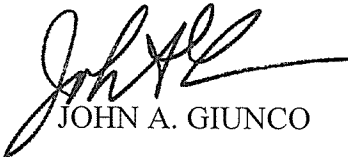
May 27, 2021

Page 2

By copy of this letter we are providing one full size copy of all documents to the Board Engineer, Robert Keady at T & M Associates via hand delivery.

Please review the enclosed and advise me or Denise Wegryniak when this will be placed on the agenda for hearing.

Very truly yours,



JOHN A. GIUNCO

JAG/dw

Encls.

cc: *Via Email w/ encl*  
Amy H. Sarrinikolaou, AICP  
Eric L. Wagner, AIA  
Kirsten Kim  
Evan P. Zimmerman, Esq.  
Denise M. Wegryniak  
Robert Keady, P.E.

# TOWNSHIP OF MIDDLETOWN

## Planning Board

One Kings Highway, Middletown, NJ 07748-2504

Physical Location: 900 Leonardville Road, Leonardo, NJ 07737

DAVID MERCES  
Chairman



Organized December 14, 1667  
"Pride in Middletown"

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

ERIN URIARTE  
Board Secretary

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

May 25, 2021

Mr. John Guinco, Esq.  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701

RE: Dela Salle Hall #2018-210  
Minor Site Plan - Block 1063, Lot 66.01

Dear Mr. Guinco:

Enclosed please find a copy of the letter from our Director of Planning, deeming the above referenced application Complete for engineering and planning review. However, prior to scheduling this matter on an Agenda, the following items must be submitted:

- **Three (3) Full Size Sets of all proposed plans along with twenty (20) 11" x 17" copies of all plans**
- **Two (2) Additional Copies of any Reports or Investigations**
- **20 Copies of the Project Narrative**
- **20 Copies of the Zoning Denial & Development Permit Application; and**
- **Electronic Version of all items**

**Due to COVID restrictions and mail delays, we are asking applicants to send one full size copy of all documents above to our Board Engineer directly: Robert Keady, T&M Associates, 11 Tindall Road, Middletown, NJ 07748**

Upon receipt of the above items, I will then arrange your virtual hearing date. If you have any questions or desire addition information please do not hesitate to contact me at the office of the Planning Board.

Sincerely,

Erin Uriarte, Secretary  
Department of Planning

### 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

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March 15, 2021

Client/Matter No. 12822/5

**VIA EMAIL: [schavan@middletownnj.org](mailto:schavan@middletownnj.org)**  
Sanyogita Chavan, PP, AICP, Director of Planning  
Township of Middletown Planning Board  
3 Penelope Lane  
Middletown, NJ 07748

**Re: DeLaSalle Hall / CBA Campus/Minor Site Plan**

Dear San:

Hope you are well and healthy. DeLaSalle Hall is a Christian Brothers' assisted living and nursing facility located on a ten-acre lot owned by DeLaSalle, Inc., that was previously part of the CBA campus.

DeLaSalle Hall operates as an assisted living facility for aged and retired Brothers, along with nursing and medical care facilities for the Brothers and other beneficiaries of the Christian Brothers.

## **Narrative of Application**

This is an application to permit the development of a 32 x 32 garage storage building, with two overhead doors, one man door, and three windows on the DeLaSalle campus with a concrete apron to make it accessible and usable to store equipment and supplies. The equipment and supplies are those that are used in the maintenance of the DeLaSalle building and campus.

The application is submitted herein and is supported by an architectural site plan that shows the location of the proposed shed, the proximity to the adjoining property lines, and its access to the driveway. There is also a location map that shows the proposed location. The total area of the site is 10 acres. The submitted site plan also shows elevation of each of the sides of the building and shows a floor plan layout of the proposed building.

The zoning officer has determined that there are no applicable variances. However, because it is proposed on the site, a minor site plan has been required. This application is

May 27, 2021

Page 2

intended to satisfy those requirements and to seek permission to place the garage in the requested location with access to the DeLaSalle Hall driveway.

**Request for Waiver; Minor Site Plan – 16-406-A - Required Documents**

With regard to this submission, included with the application and architectural site plan is a checklist applicable to minor site plan as set forth in Section 16-406 of your ordinance. A copy of the Zoning Officer's letter dated November 18, 2020 is attached for your review. In that regard, we seek the following waivers from the checklist:

Checklist Item 5 – Please accept this letter as a written request citing the specific requirement by section number and stating the reason for each of the requested waivers.

Checklist Item 7 - We request that you accept the narrative description of the proposed, in this letter for the project as satisfactory.

**Minor Site Plan – 16-406-B – Plat Requirements**

Checklist Item 3F – Applicant requests waiver to provide required off-street parking spaces and calculations, since no modifications or amendments are being made to the site operation or occupancy. The application simply seeks to add a garage storage building for use as described hereinabove.

Checklist Item 4 – We request a waiver for mapping of critical areas, since this site is self-contained, has no critical areas and the development is proposed in an area immediately adjacent to the driveway that requires no tree removal or substantial grading.

Checklist Item 5 – We request a partial waiver and offer that the location plan shown on Eric Wagner's architectural site plan either satisfies or partially satisfies the key map requirements, but adequately shows the location of the site.

Checklist Item 8 – We request a waiver for spot elevations. The impact of the proposed 32 x 32 storage garage is minimal and will create no drainage impacts whatsoever.

Checklist Item 9 – Request a waiver from tops of banks and boundaries of floodways, since none are located on the site. Any such features that are near the DeLaSalle Hall are on the CBA campus.

Checklist Item 10 – Request waiver to demonstrate paving right-of-way and existing streets within 200 feet. First of all, the site is located on a separate lot and block that is surrounded on three side of the CBA campus, and on the south side by Route 520, a County highway, and nothing associated with the 32 x 32 proposed storage garage will impact traffic or streets.

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May 27, 2021

Page 3

Checklist Item 11 – Applicant seeks waiver for boundary, nature and extent of the wooded areas, since the disturbed area is so diminimus and in an already open area, further delineation of the site is an unnecessary cost and waste of energy.

Checklist Item 12A -12N – Applicant requests waivers from all of those requirements since there are no proposed amendments to the site, other than the apron to gain access to the proposed storage garage, and that is shown on the architectural site plan. All other requirements, such as existing facilities, sewer lines, utilities, structures on the site, location use finished grade level. All of the items from 12A through 12N require site specific details. The appropriate site specific details related to the proposed storage garage are shown on the plan. However, applicant requests waiver from all of the other criteria listed in Checklist Item 12A-12N since none of those will be impacted at all by this proposed development.

Checklist Item 13 – Applicant stands ready to provide other reasonable information that you or the Township Engineer may require during site plan review.

Checklist Item 14 – Applicant seeks waiver since the plan proposal does not propose any signs to be proposed or modified on the site or even on the CBA campus.

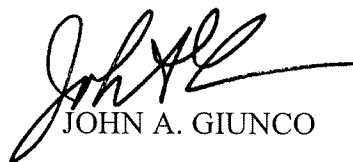
Checklist Item 15 – Applicants requests a temporary waiver which requires signature block for certification by Chairman and Secretary of the Board. We will, in the event of approval, provide the certification on a revised plan with any other revisions that may be required by Middletown and agreed to by DeLaSalle, Inc.

Thank you. Please advise of any questions. We would like to have this declared complete and get to a public hearing speedily. The service list is very short. I anticipate a relatively short meeting.

San, are there any procedures that we may use that can avoid a public hearing for this application? It certainly seems to be diminimus exercise vis a vis the ordinance and the application process.

Thank you for your consideration. I look forward to speaking with you.

Very truly yours,



JOHN A. GIUNCO

JAG/bmr

Enc.

cc: Kirsten Kim (kkim@delasallehall.org)

**GIORDANO, HALLERAN & CIESLA**

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ATTORNEYS AT LAW

May 27, 2021

Page 4

Eric Wagner (ewagner@kjlw.com)

Evan P. Zimmerman, Esq. (ezimmerman@ghclaw.com)

Justin McCarthy, Esq. (jmccarthy@ghclaw.com)

Denise Wegryniak (dwegryniak@ghclaw.com)

Docs #4949875-v1

Fee - Non-Refundable  
\$50.00

**TOWNSHIP OF MIDDLETOWN  
APPLICATION FOR DEVELOPMENT PERMIT**

DETAILED INSTRUCTIONS/INFORMATION IS ON THE REVERSE SIDE OF THE APPLICATION

PROPERTY INFORMATION: BLOCK 1063 LOT(S) 66.01 ZONE R220

PROPERTY ADDRESS: 810 Newman Spring Road, Lincroft

1. The undersigned applies to the Township of Middletown for an application for a development permit to commence the following activity. (Describe in detail the proposed development, include height, location proposed use, etc.). If the application is for an addition, describe the purpose (ex:bedroom). If the application involves a change of use of the property, a separate narrative is suggested. Applicant proposes to construct a pre-fabricated shed within the setbacks on the aforementioned property to replace the existing shed  
Current use of the property (ex. single family, if multiple uses, list all):

2. Is the property located on a corner lot or does more than one street abut the property? Yes \_\_\_ No X  
If yes, name of street(s)

3. Does the property contain any easements, right-of-way, or other restrictions? Yes \_\_\_ No X Explain

4. Is the property located in a historic zone? Yes \_\_\_ No X If Yes, approval from the Landmarks Commission must be submitted with this permit.

5. Is the property located in the 100 year floodplain? Yes \_\_\_ No \_\_\_ (If yes, a floodplain encroachment permit is required and NJ DEP Flood Hazard Permit)

6. Does this application involve any grading or fill being added or removed? Yes \_\_\_ No X If yes, Quantity

7. Is the property located on an unimproved or private road? Yes \_\_\_ No X

8. Has this proposed work received approval from the Planning Board or Board of Adjustment for a variance/site plan/subdivision? Yes \_\_\_ No \_\_\_ Date of Approval \_\_\_ If yes, attach a copy of the Board of Resolution of Approval.

9. Is the property situated within 50' of the following: ponds, streams, brooks, marshes, rivers, lakes, bogs, ditches, creeks, swamps, etc. or other low lying areas; or is the property located within 500' of the mean high water line or any area regulated by the Department of Environmental Protection? Yes \_\_\_ No \_\_\_ Explain  
If you answered yes, you must contact the New Jersey Department of Environmental Protection, to obtain clearance, prior to submitting for this permit. If you are unsure, you should contact this agency to clarify applicability. The phone number for the NJDEP is 609-292-0060. Violations of the Wetlands could result in fines imposed by the State of New Jersey.

**PROPERTY OWNER** Name De La Salle, Inc.  
Mailing Address 810 Newman Spring Road  
Lincroft, New Jersey 07738  
**APPLICANT (If different than owner)** Name Same as owner  
Mailing Address \_\_\_\_\_  
Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Applicant: Please read the following: I hereby certify that (circle one, ) I am the owner of the subject property; or 2) I have permission from the property owner to submit this Application for Development. Furthermore, I certify, to the best of my knowledge all information contained on this application is correct; and, the survey provided is accurate and shows all structures located on the site. In addition, I grant permission to the Township of Middletown and their Agents to come onto the subject property, for the purpose of conducting inspections, relating to this application.

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

\*\*\*\*\*  
**DISPOSITION BY ZONING OFFICER OR THE DIRECTOR OF PLANNING**

DEVELOPMENT PERMIT APPROVED - conditions: \_\_\_\_\_  
DEVELOPMENT PERMIT DENIED - \_\_\_\_\_

\_\_\_\_ Planning Board      \_\_\_\_\_ Board of Adjustment      \_\_\_\_\_ Grading  
\_\_\_\_ NJDEP                      \_\_\_\_\_ Other

DATE \_\_\_\_\_ ZONING OFFICER \_\_\_\_\_

This permit is issued for the purpose of property zoning only. Expiring one (1) year from date of approval.



# THE TOWNSHIP OF MIDDLETOWN

Township Hall, One King's Highway  
Middletown, NJ 07748-2594

DEPARTMENT OF  
INSPECTIONS  
Johnson-Gill Annex  
1 King's Highway 07748



Joseph Kachinsky  
Construction Official

Organized December 14, 1667  
"Pride in Middletown"

Tel: (732) 615-2108

Fax: (732) 671-2576

## DENIAL OF DEVELOPMENT PERMIT

TOWNSHIP OF MIDDLETOWN

OCT 23 2020

October 22, 2020

John Giunco, Esq.

PLANNING DEPARTMENT

RE: DP #20-10-88  
De LaSalle, Inc.  
Block 1063, Lot 67.01

TOWNSHIP OF MIDDLETOWN

OCT 21 2020

PLANNING DEPARTMENT

Please be advised that the above referenced Application for Development to permit the construction of a garage/storage shed has been reviewed for compliance with the Township of Middletown Zoning Ordinance. The property is located in the R-220 zone with the school as a conditional use.

The application notes that this is a replacement structure, however, the existing structure, including size, was not indicated.

The following approvals will be necessary:

#540-401C1 Minor site plan approval  
~~#540-903B~~ ~~Side setback: 75' is required, 61.8' is proposed~~

N/A  
MD  
11/18/20

To proceed with an application to the Planning Board, please contact the Erin Uriarte, at 732-615-2102. Should you have any questions, feel free to contact me at 732-615-2278.

Sincerely,

Marianne Dunn  
Zoning Officer

COPY

Cc: ✓ Planning Department