

TOWNSHIP OF MIDDLETOWN

Planning Board

One Kings Highway, Middletown, NJ 07748-2594

Physical Address: 900 Leonardville Road (Croydon Hall), Leonardo, NJ 07737

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TECHNICAL MEMORANDUM

DATE: February 8, 2022
BOARD: Planning Board
APPLICATION: TMA Kalian LLC
59 Oakland Ave
Block 698, Lot 12
Minor Subdivision
Application #: 2021-107

PROJECT DESCRIPTION

The applicant proposes to subdivide an undeveloped, wooded 76,125 square feet lot into two (2) new, conforming lots, known as Lots 12.01 and 12.02 each to contain a new single-family home. The subject property maintains frontage on a paper street known as Oakland Avenue. The applicant proposes to extend Oakland Avenue as a 20' wide driveway to serve both lots.

Proposed lot 12.01 will contain 58,271 square feet of which 11,126 is buildable. The west end of the lot contains steep slopes, wetlands and wetlands transition areas and the east end contains the proposed new home.

Proposed lot 12.02 will contain 16,946 square feet of which 8,736 square feet is buildable.

A "Planning Variance" is required for both proposed lots to permit the construction of buildings that front upon a street not improved to Township standards. The applicant is proposing a 20' wide driveway and the Township requires all public roadways to be 28' wide with 6' concrete vertical curbs.

PROPERTY DESCRIPTION, ZONING AND SURROUNDING LAND USE

The subject property maintains frontage on a public right of way known as Oakland Avenue that has not been developed. The property is wooded and undeveloped. The western portion of the property contains steep slopes over 15%, wetlands and wetland transition areas. The property is located within the R-10 Single Family Residential Zone District and is surrounded by residential uses in the R-10 Zone. Undeveloped, wooded land is located across from the subject site on Oakland Avenue.

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

PLANNING COMMENTS

1. “Planning Variance”
 - a. Construction Along an Unimproved Roadway – The relevant section of Oakland Avenue where the 20’ wide paved driveway is proposed is currently an unimproved public right-of-way on the Official Township Map, and therefore a variance to construct a dwelling on both subject lots is required, because the proposed width and construction is not to Township standards. The Township standard is 28’ paved width with 6’ concrete vertical curbs.
 - b. “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:
 - i. 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 in the proposed road design terminating in a bulb is adequate for emergency vehicles; and
 - ii. 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.
 - c. Roadway Construction – The applicant should discuss why it is undesirable or impractical to construct a 28’ wide paved roadway at this time. Are there unique environmental features within the right of way worthy of preservation?
 - d. Roadway Maintenance – Approval shall be contingent upon the applicant accepting full responsibility to construct and maintain the driveway and utility infrastructure within the right-of-way as a deed restriction.
2. The plans shall show the utility connections on the plan.
3. Applicant shall indicate whether the homes will be served by sewer or septic. Outside approval by either TOMSA or Middletown Health Department will be required.
4. Applicant shall discuss proposed method of garbage removal.
5. Conservation Easement - As per 540-513D (Preservation of Natural Features including steep slopes, wetlands and wetland transition areas) a conservation easement shall be created for the portion of Lot 12.01 that will remain undeveloped. The easement document shall be drafted in accordance with 540-614B and submitted to the Board Attorney and professionals for their review. This shall be made a condition of approval.
6. Wooded Areas - As per 540-651 no more than 40% of wooded areas may be cleared. The applicant shall provide the calculation to determine compliance.
7. Lot Suitability - As per 540-624D(2) the applicant shall provide testimony as to the suitability of both lots to accommodate normal accessory residential uses such as pools, decks, and sheds.

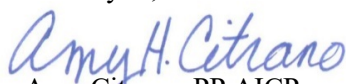
8. Architectural Plans - Architectural plans shall be provided prior to obtaining a building permit to review for compliance with building height and side-facing garage. All appurtenances, such as tanks, condenser units shall be fully screened.
9. Sidewalk – As per Section 540-634, sidewalks are required on both sides of the street and none are proposed. The Planning Board may grant a waiver from the installation of sidewalks and accept an in-lieu contribution.
10. Street Trees - As per Section 540-645C, seventeen (17) street trees (30’ on center) are required along the site’s street frontage. No street trees are proposed. The applicant shall provide the required amount of street trees or request a waiver. The applicant is proposing to keep woods along Oakland Avenue. The applicant shall provide testimony as to the condition of the wooded area that is proposed to remain. Based upon testimony, the Board may waive requirements for street trees in the heavily wooded locations as per 540-645B(3).
11. Grading plan approval is required prior to the issuance of a building permit for both lots.
12. Any further extension of Oakland Avenue would require Planning Board Approval, and this shall be made a condition of approval.
13. New lot numbering shall be subject to review and approval by the Tax Assessor.
14. Approving Agencies - Final approval or letter of no jurisdiction should be obtained from the following agencies and any other agencies having jurisdiction.
 - NJDEP
 - Freehold Soil Conservation District
 - Middletown Township Fire Advisory Review Board
 - Middletown Township Environmental Commission
 - Middletown Township Health Department
 - TOMSA

DOCUMENTS REVIEWED

- Minor Subdivision Plan, consisting of four (4) sheets, prepared by Thomas P. Santry, P.A., dated January 23, 2020, last revised September 7, 2021;
- Survey of Block 698, Lot 12, consisting of one (1) sheet, prepared by Thomas P. Santry, P.A., dated July 19, 2021;
- Disclosure of Ownership;
- Certification letter that property taxes are current;
- Deed;
- Zoning officer denial; and
- Application for Development Permit.

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

Thank you,


Amy Citrano, PP AICP
Planning Director

LOCATION MAP

