

TOWNSHIP OF MIDDLETOWN

Planning Board

One Kings Highway, Middletown, NJ 07748-2594

DAVID MERCES
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TECHNICAL MEMORANDUM

DATE: July 25, 2022
BOARD: Planning Board
APPLICATION: 9 Dakota LLC
9 Dakota Ave (Block 176, Lot 1)
R-5 Zone
Minor Subdivision with Variances
Application #: 2022-101

PROJECT DESCRIPTION

The applicant proposes to subdivide an existing 9,135 square feet lot, known as Block 176, Lot 1, into two (2) new lots, Lots 1.01 and 1.02.

Proposed Lot 1.01 is a corner lot with 50.06' of street frontage on Thompson Avenue and approximately 94' along Dakota Avenue. The lot is proposed to contain a 2-story single family dwelling with front porch oriented towards Thompson Avenue, and a driveway from Dakota Avenue.

Proposed Lot 1.02 will maintain 50' of frontage on Dakota Avenue and proposed to contain a 2-story single family dwelling with a front porch, rear deck, and driveway from Dakota Avenue.

The subject property contained a one-story dwelling (recently demolished), detached garage, and driveway on Dakota Avenue. All existing improvements will be removed to accommodate the proposal. Relief is required from the following standards:

- 540-401A Minor Subdivision approval.
- 540-917A(1)(b) Minimum lot area (corner lot): 6,000 s.f. required, where 4,686.7 s.f. is proposed for Proposed Lot 1.01.
- 540-917A(1)(a) Minimum lot area (interior lot): 5,000 s.f. required, where 4,449.2 s.f. is proposed for Proposed Lot 1.02.
- 540-917A(3)(a) Minimum lot frontage: 60 ft. is required, where 50.06 ft. is proposed for Proposed Lot 1.01.
- 540-624K Minimum circle diameter: 32 ft. is required, where 28.1 ft. is proposed for Proposed Lot 1.02.

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

PROJECT DESCRIPTION, ZONING AND SURROUNDING LAND USE

The subject property maintains frontage on Dakota Avenue and Thompson Avenue, and contained a one-story single-family dwelling (recently demolished), one-story detached garage, and asphalt driveway from Dakota Avenue. The property is currently located within the R-5 Residential Single Family Zone District, and Flood Zone AE (EL 11). The property is surrounded by residential uses in the R-5 Zone.

PLANNING COMMENTS

1. Bulk Variances

- a. Proposed Lot 1.01 is a corner lot and requires variance relief for lot area where 4,686.7 s.f. is proposed and 6,000 s.f. is the minimum required; and lot frontage where 50' is proposed and 60' is the minimum required.
- b. Proposed Lot 1.02 requires variance relief for lot area where 4,449.2 s.f. is proposed and 5,000 s.f. is the minimum required; lot frontage where 50' is proposed and 60' is the minimum required; and circle diameter where 28.1' is proposed and 32' is the minimum required.

In making a case for variance relief pursuant to NJSA 40:55D-70(c), the applicant should provide testimony that there are specific physical characteristics such as lot shape or narrowness that cause difficulty with complying with the ordinance requirement. Testimony should be provided that the purposes of the Municipal Land Use Law would be advanced by the deviation from the zoning ordinance requirement, that the variance can be granted without substantial impact to the public good, and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

2. Driveway setback – As per 540-612E no driveway shall be located within 5' of a side property line for single family dwellings. The driveway proposed on Lot 1.01 is less than 5' from the side property line and a design waiver is required. Testimony shall be provided in order for the Board to consider relief from this standard.
3. Sight Triangle Easement– We defer to the Board Engineer whether a sight triangle easement will be required as per 540-614C at the intersection of Thompson and Dakota Avenues.
4. Architectural Design - No garage space is proposed for either dwelling.
 - a. The Front elevation only was submitted for the dwelling fronting Thompson. Elevations for Lot 1.01 shall be submitted for all sides of the proposed dwelling.
5. Sidewalk – Section 540-634A requires sidewalk construction along existing street frontages. There is no sidewalk proposed. If the Board chooses to waive sidewalk installation, then a contribution in lieu to the Township Sidewalk Trust Fund would be required.
6. Street Trees – As per Section 540-645C, four (4) street trees (30' on center) are required along Dakota Avenue, and one street tree on Thompson Avenue. No street trees are proposed. The required amount of street trees shall be provided, or applicant must provide testimony for relief from this standard.
7. Flood Zone - The subject property is located within Flood Zone AE (EL 11). Foundations are to be flood vented in accordance with federal/state regulations.
8. Grading plan approval will be required for both lots prior to issuance of a building permit.

9. New lot numbering shall be subject to review and approval by the Tax Assessor.
10. Road Opening – A street excavation permit will be required from the Department of Public Works for both driveway cuts on Dakota Avenue and Thompson Avenue.
11. Approving Agencies – Final approval or letter of no jurisdiction should be obtained from the following agencies and any other agencies having jurisdiction:
 - Monmouth County Planning Board
 - Freehold Soil Conservation District
 - NJDEP Flood Hazard Area
 - TOMSA
 - Middletown Township Fire Advisory Board

DOCUMENTS REVIEWED

- Minor Subdivision Plan, consisting of one sheet, prepared by Charles Surmonte P.E. and P.L.S., dated February 3, 2022, last revised May 28, 2022;
- Front Elevation and Floor Plan for Thompson Avenue, consisting of three (3) sheets, prepared by Icon Legacy, dated March 10, 2022;
- Elevation Drawings and Floor Plan for 9 Dakota Avenue, consisting of four (4) sheets, prepared by Gary Allen, dated March 4, 2022;
- Denial of Development Permit, dated November 15, 2021;
- Location Survey, prepared by Charles Surmonte P.E. and P.L.S., dated October 6, 2021;
- Disclosure of Ownership;
- Certification letter that property taxes are current; 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.

Report Prepared by:

Amy H. Citrano, PP AICP
Planning Director

LOCATION MAP

