

# TOWNSHIP OF MIDDLETOWN

Planning Board  
1 Kings Highway  
Middletown, NJ 07748-2504

DAVID MERCES  
Chairman



Organized December 14, 1667  
"Pride in Middletown"

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

ERIN URIARTE  
Planning Board Secretary

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

## TECHNICAL MEMORANDUM: SECOND REVIEW

**DATE:** July 24, 2023 (1<sup>st</sup> Review 10/24/22)  
**BOARD:** Planning Board  
**APPLICATION:** 66 Moore Street Corp  
Hillside Avenue  
Block 460, Lots 2, 3, 4, and 5  
Block 461, Lots 7, 8, 9, and 10  
Preliminary & Final Major Subdivision Plan with Variances

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### PROJECT DESCRIPTION

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The applicant has submitted revised plans. Of the changes, the most significant is the reduction of proposed residential lots from six (6) to four (4).

This memo has been updated from our first review to reflect the revised plans. New text is in **BOLD**, and comments that are no longer applicable have are ~~struck through~~.

The subject property contains eight (8) vacant and densely vegetated lots containing a total area of +/- 56,628 SF (approximately 1.3 acres) situated along the Hillside Avenue paper street. Four (4) lots, known as Block 460, Lots 2, 3, 4, and 5, total  $\pm 0.514$  acres and are on the southern side of Hillside Avenue; and the remaining four (4) lots, known as Block 461, Lots 7, 8, 9, and 10, total 0.8 acres and are on the northern side of Hillside Avenue.

The applicant proposes to subdivide the eight (8) existing lots into ~~six (6)~~ **four (4)** building lots for single-family homes. **Two (2)** new lots on the northern side of Hillside Avenue and **two (2)** new lots on the southern side of Hillside Avenue. The Hillside Avenue paper street is proposed to be cleared and improved to connect where Hillside Avenue terminates to the west and Monmouth Avenue to the east creating frontage and access for the proposed building lots. Hillside Avenue will have a 30' right-of-way and 24' cartway with concrete curb.

### 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

~~A 10' wide drainage easement is proposed at the rear of Proposed Lots 7.01 and 8.01; and a 10' wide easement along the shared lot lines of Proposed Lots 7.01 and 8.01. A 6' wide shade tree and utility easement is proposed along both sides of Hillside Avenue. No sidewalk is proposed.~~

The following easements are proposed:

- A 10' wide shade tree, utility and roadway easement is proposed along the street frontage of New Lots 10.01, 7.01, 2.01 and 5.01, and along the eastern property line of New Lot 5.01.
- Two (2) roadway easements are proposed at the northeastern corner of New Lot 5.01 totaling 168 sf; and the southeastern corner of New Lot 7.01 totaling 106 sf.
- As per 540-507, two (2) sight triangle easements are proposed on New Lots 7.01 and 5.01.
- A drainage easement is proposed that straddles the shared lot line of New Lots 10.01 and 7.01. The width and extent is unclear and shall be indicated on the site plan.

The table below calls out the variance relief required for the proposed 4-lot subdivision including minimum lot area, minimum lot frontage, ~~maximum building coverage, and maximum lot coverage.~~ It should be noted that the variance relief necessary improved due to the reduction of proposed lots from six (6) to four (4).

**Table: Variance Relief Required for the 4-Lot Subdivision**

|                                | R-10 Zone | New Lot 5.01                           | New Lot 7.01          |
|--------------------------------|-----------|----------------------------------------|-----------------------|
| Min. Lot area (Corner Lot)     | 12,500 sf | 12,367 sf                              | 12,393 sf             |
| Min. Lot frontage (Corner Lot) | 110 ft    | 100 ft<br>(unimproved<br>Monmouth Ave) | 100 ft (Monmouth Ave) |

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

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The subject property contains eight (8) vacant and densely vegetated lots containing a total area of +/- 56,628 SF (approximately 1.3 acres) situated along the Hillside Avenue paper street. Block 460, Lots 2, 3, 4, and 5 total ±0.514 acres and are on the southern side of Hillside Avenue; and Block 461, Lots 7, 8, 9, and 10 total 0.8 acres and are on the northern side of Hillside Avenue.

The subject property is located in the Residential (R-10) Zone and surrounded by residential uses in the R-10 Zone to the north and west. Navy Weapon Station Earle (NWSE) federal land is to the south and east.

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**PLANNING COMMENTS**

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1. **Bulk Variances** - The proposed 4-lot subdivision requires variance relief for minimum lot area, minimum lot frontage, ~~maximum building coverage and maximum lot coverage.~~ Specifically:
  - a. Proposed Lot 5.01 is a corner lot and requires variance relief for lot area where ~~8,062~~ **12,367 s.f.** is proposed, and 12,500 s.f. is the minimum required; lot frontage where ~~85~~ **100 ft.** is proposed and 110 ft. is the minimum required; ~~and lot coverage where 27% is proposed and 25% is the maximum permitted.~~

- b. Proposed Lot 7.01 is a corner lot and requires variance relief for lot area where ~~8,136~~ **12,393 s.f.** is proposed, and 12,500 s.f. is the minimum required; lot frontage where ~~80.39~~ **100 ft.** is proposed and 110 ft. is the minimum required; ~~and lot coverage where 27% is proposed and 25% is the maximum permitted.~~

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 the zoning ordinance.

## 2. Zoning Compliance

### a. “Planning Variance”

- Construction Along an Unimproved Roadway – The relevant section of Hillside Avenue where the 24’ 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 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:
  1. 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 Review Board review that the proposed road design is adequate for emergency vehicles; and
  2. 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.

- 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?
  - 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.
- b. Building Height – The applicant should confirm that all dwellings will conform to maximum height restrictions.
- c. Garages – Section 16-619.B.4 requires that attached garages shall be arranged to open to the side or rear of the lot. From the location of the proposed driveways, the proposed dwellings garages open to the front of the lot and are noncompliant with this ordinance requirement. The applicant shall revise the plans to include rear/side facing garages or request a waiver.

### 3. Environmental

- a. Wetlands - A letter from the NJDEP dated June 7, 2016 verifying no wetlands are present on Block 461, Lots 3, 4, 5, 7, 8, 9, and 10. The verification is good for five years, and has now expired. A new letter verifying the presences of (or no presence of) wetlands for the entire subject property is required and shall be made a condition of approval.
- b. Wooded Areas - As per 540-651, no more than 40% of the wooded areas shall be cleared or developed. As per the Tree Management Plan, 0.819 acres of the subject property (excluding the right-of-way) will be cleared or 63%. A design waiver will be required.
  - Areas of existing trees are proposed to remain on New Lots 10.01, 2.01 and 5.01. A tree save plan shall identify trees and shrubs as described below if they are on the site, or within the areas of trees to remain:
    1. Living deciduous trees having a trunk of 6” or greater (measured at 4’ above ground)
    2. All living coniferous trees having a trunk of 6” or greater (measured at 4’ above ground)
    3. All living dogwood or American holly trees having a truck of 1” or greater
    4. All native laurel shrubs having a root crown of 3” measured at the soil

### 4. Design and Layout

- a. Hillside Avenue is proposed to be cleared and improved with a 30’ right-of-way and 24’ cartway with concrete curb. The Township Engineer shall review and approve the proposed construction and design of the road that it meets Township standards.
- b. The proposed building footprints are 1,425 s.f for the new homes. 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.
- c. Architectural plans shall be submitted to the Board to determine compliance with 540-604B-C with special attention to color, finish and material to avoid the appearance of a large undifferentiated project.
- d. Section 540-612J of the ordinance requires that driveways shall have a width between 10-12 feet when they provide access to a one-car garage (or when there is no garage); or, a maximum width of twenty-four (24’) feet when they provide access to a two-car (or larger) garage. Testimony should be provided regarding compliance with this ordinance requirement.
- e. No sidewalk is proposed. Sidewalks shall be provided or a design waiver requested from Section 540-634A. A contribution in lieu of sidewalks may be granted by the Board.
- f. Shade Tree and Utility and Drainage Easement documents shall be submitted to the Board professionals for their review and compliance with 540-614.

## 5. Landscaping & Street Trees

- a. ~~As per Section 540-622B(6), ten additional trees shall be planted throughout the subdivision. None are proposed.~~
- b. Section 540-645 requires street trees 30 feet on center. The subject property maintains 225' of frontage on Hillside Avenue, and 100' of frontage on Monmouth Avenue. Fourteen (14) trees shall be planted along Hillside Avenue evenly distributed, and three (3) along Monmouth Avenue. Fifteen (15) street trees are proposed along Hillside and Monmouth Avenues. The plans are in compliance with this requirement for street trees.
- c. ~~Section 540-645E(2) requires that street trees shall have a minimum caliper of three (3") inches measured one (1') foot from the butt. Sheet 5 of 9 notes the caliper between 2.5" to 3". The plans shall be revised to comply with this ordinance requirement.~~

## 6. Miscellaneous

- a. Grading plan approval is required prior to the issuance of a building permit. Trees that will be saved shall be shown on the grading plan. This shall be made a condition of approval.
- b. Some encroachments are indicated on the Boundary and Topographic Survey and shall be rectified by the applicant. This shall be made a condition of approval.
- c. Appurtenances such as condenser units and other equipment shall be fully screened from view.
- d. All utilities shall be installed underground in conformance with RSIS standards.
- e. Proposed block and lot numbers shall be approved by the Middletown Township Tax Assessor.
- f. 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.

## 7. 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
- TOMSA
- Middletown Township Fire Advisory Board
- Middletown Environmental Commission

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## DOCUMENTS REVIEWED

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- **Project narrative, prepared by Morgan Engineering and Surveying, dated June 13, 2023;**

- Preliminary and Final Major Subdivision Plan for Block 460, Lots 2, 3, 4, & 5; and Block 461, Lots 7, 8, 9 & 10, consisting of nine (9) sheets, prepared by Morgan Engineering and Surveying, dated February 27, 2020, last revised **May 2, 2023**;
- Boundary and Topographic Survey for Block 460, Lots 2, 3, 4, & 5; and Block 461, Lots 3, 4, 5, 7, 8, 9 & 10, consisting of one (1) sheet, prepared by Morgan Engineering and Surveying, **dated October 18, 2019, last revised March 11, 2021**;
- Final Plat for Block 460, Lots 2, 3, 4, & 5; and Block 461, Lots 7, 8, 9 & 10, consisting of one (1) sheet, prepared by Morgan Engineering and Surveying, dated February 27, 2020, **last revised May 2, 2023**;
- Stormwater Management Report, prepared by Morgan Engineering and Surveying, dated December 8, 2021, **last revised March 21, 2023**;
- Stormwater Operation and Maintenance Report, prepared by Morgan Engineering and Surveying, dated December 8, 2021, **last revised March 21, 2023**;
- **Metes and Bounds Description, prepared by Morgan Engineering and Surveying, dated March 20, 2023**;
- Tree Management Plan for Block 460, Lots 2, 3, 4, & 5; and Block 461, Lots 7, 8, 9 & 10, consisting of one (1) sheet, prepared by Morgan Engineering and Surveying, dated February 27, 2020, last revised March 28, 2022;
- Architectural Plans, entitled “Proposed Single Family Homes 6-Lot Subdivision Hillside Avenue,” consisting of five (5) sheets, prepared by Buckman Architectural Group, P.A.;
- Letter of Interpretation: Presence/Absence determination;
- Justification for waivers prepared by Morgan Engineering and Surveying;
- Disclosure of Ownership; and
- Certificate of Title.

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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Amy H. Citrano, PP, AICP  
Director of Planning

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**LOCATION MAP**

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