

# TOWNSHIP OF MIDDLETOWN

## Planning Board

3 Penelope Lane  
Middletown, NJ 07748-2504

JOHN DEUS  
Chairman



Organized December 14, 1667  
"Pride in Middletown"

SANYOGITA S. CHAVAN, P.P., A.I.C.P.  
Director of Planning

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## PLANNING BOARD MEETING MINUTES JANUARY 8, 2020

A Regular Meeting of the Planning Board of the Township of Middletown was held in the main meeting room at Town Hall, One Kings Highway, Middletown, New Jersey, at 6:30 P.M. on January 8, 2020.

The notice requirements provided for the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Independent, the Star Ledger and the Two River Times and by posting at the Middletown Township Municipal Building and filing with the Township Clerk on November 15, 2018.

All notification was given pursuant to the Open Public Meetings Act at least 48 hours prior to this meeting.

Roll call was taken with the following members present: Mr. Deus, Mr. Rathjen, Committeeman Settembrino, Mr. Berson, Ms. Eteson, Mr. Mercedes, Mr. Rentschler, Mr. Schweizer

Also present: James Gorman, Board Attorney; Robert Keady, Board Engineer; Sanyogita Chavan, Board Planner; Thomas Incorvaia, Assistant Planner; Erin Uriarte, Board Secretary

A salute to the flag followed.

### APPROVAL OF MINUTES

Mr. Rathjen offered a motion to approve the minutes of December 9, 2019, seconded by Mr. Mercedes. All present, eligible members voted in favor by voice vote.

### RESOLUTIONS

**Resolution Adopting the 2020 Rules & Regulations of the Planning Board** – Mr. Gorman summarized the changes that were made, as did Ms. Chavan.

MR. DEUS OFFERED A MOTION TO ADOPT THE RULES AND REGULATION OF THE PLANNING BOARD, SECONDED BY MR. RATHJEN. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

MR. DEUS OFFERED A MOTION TO ADOPT THE FOLLOWING RESOLUTION:

#### RESOLUTION DESIGNATING MEETING DATES AND OFFICIAL NEWSPAPERS

WHEREAS, the Open Public Meetings Act (NJSA 10:4-6 et seq) provides for the giving of the annual notice by public bodies of the time, date and location of the regular meetings of such public body to be held during the succeeding year; and

WHEREAS, the Open Public Meetings Act hereinafter referred to as The Act, authorizes a public body to make certain other determinations and take certain other actions in conformance therewith.

### **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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Middletown, as follows:

Regular meetings of this committee shall be held during the 2020 calendar year at 6:30 p.m. at the Middletown Township Municipal Building, Main Meeting Room, One Kings Highway, Middletown, New Jersey on the following dates:

January 8, 2020	June 3, 2020	November 4, 2020
February 5, 2020	July 1, 2020	December 2, 2020
March 4, 2020	August 5, 2020	January 13, 2021
April 1, 2020	September 2, 2020	
May 6, 2020	October 7, 2020	

At all regular and workshop meetings of the Middletown Planning Board formal action may be taken on any matter subject to compliance with the Open Public Meetings Act respecting issuance of the "48 hour notice" containing the agenda for such regular and workshop meetings to the extent known.

The following newspapers are hereby designated as the newspapers to receive any and all notice required or permitted to be given under The Act, shall including but not limited to Annual Notice and 48 hour notice.

- a. The Star Ledger, The Independent and The Two River Times, which are hereby designated and determined to be the official newspapers which have the greatest likelihood of informing the public within the area of jurisdiction of this Township of its meetings.

Copies of this Resolution and any revisions or modification thereof, certified to be true copies by the Secretary of this Board, be disseminated and distributed as required by The Act as follows:

- a. The Star Ledger, The Independent and The Two River Times, which are hereby designated and determined to be the official newspapers which have the greatest likelihood of informing the public within the area of jurisdiction of this Township of its meetings.
- b. Filed with the Department of Planning; and
- c. Mailed to such other person as may be entitled hereto under the terms of The Act and this resolution.

Take further notice that further resolutions may be adopted at these public meetings and/or workshop meetings providing for the Planning Board to meet in executive session specifying matters to be discussed requiring confidentiality and/or of a privileged nature as permitted by NJSA 10:4-12 and 13.

Take further notice that regular public and/or workshop meetings or executive sessions may be cancelled or adjourned. Rescheduled regular public and/or workshop meetings shall be duly advertised.

**MR. MERCES SECONDED THE MOTION AND ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.**

**#2019-204, Patricia Ouellette, Block 599, Lot 39, 40 Old Country Road, Granting Major Site Plan Approval with Variances – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. MERCES.**

Roll Call:

Ayes: Rathjen, Berson, Mercus, Rentschler

Nays: None

**#2018-207, Wickberg Marine Contracting, Block 281, Lots 7 & 8, 610 & 616 Main Street, Application for Major Site Plan Approval – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. BERSON.**

Roll Call:

Ayes: Rathjen, Berson, Mercus, Rentschler

Nays: None

### **PUBLIC COMMENT**

Mr. Deus opened the meeting to the public for anyone who wishes to comment on items not on the Agenda, however no one appeared.

## **REORGANIZATION OF THE PLANNING BOARD**

**Nomination of Chairman** – Mr. Rathjen offered a motion to nominate John Deus as Chairman, which was seconded by Mr. Mercus. All present members voted in favor by voice vote.

**Nomination of Vice-Chairman** – Chairman Deus offered a motion to nominate Carl Rathjen as Vice-Chairman, which was seconded by Mr. Mercus. All present members voted in favor by voice vote.

**Appointment of Board Attorney** – Chairman Deus offered a motion to appoint James Gorman, Esq. as Board Attorney, which was seconded by Mr. Rathjen. All present members voted in favor by voice vote.

**Appointment of Board Engineer** – Chairman Deus offered a motion to appoint Rob Keady of T&M Associates as Board Engineer, and Robert Bucco of Najarian Associates as Conflict Engineer, which was seconded by Mr. Rathjen. All present members voted in favor by voice vote.

**Appointment of Board Secretary** – Chairman Deus offered a motion to appoint Erin Uriarte as Board Secretary, which was seconded by Mr. Berson. All present members voted in favor by voice vote.

Chairman Deus noted that the Committee appointments will be held off until the next meeting.

Chairman Deus offered a motion to close the reorganization portion of the meeting and reconvene to the regular meeting, seconded by Mr. Mercus. All present members voted in favor by voice vote.

## **ADMINISTRATIVE MATTERS**

**Payment of Vouchers** – Mr. Rathjen indicated that he has reviewed the invoices and recommends their approval.

COMMITTEEWOMAN SNELL OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR DECEMBER 4, 2019, SECONDED BY MR. MERCUS. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Board Secretary read the Agenda items for the evening's hearings.

**Capital Review – Middletown Housing Authority – Daniel Towers** – Mr. Gorman explained the Board's role is simply advisory for this type of application, as it is a Township Agency. Michael Besjusiak, Project Architect, explained they are addressing deficiencies in the parking area and are working to beautify the property.

Teal Jeffers, Project Engineer, gave an overview of the site improvements, noting that the maintenance is required as part of their Federal Review Inspection. They will be milling and paving the parking area, replacing sidewalk and associated upgrades to the pedestrian walkways in order to enhance ADA compliance. There will be a 1,100 square foot increase in impervious coverage however a Freehold Soil Certification is on file.

Board members indicated concern with Stormwater Management and Emergency Access. Mr. Jeffers advised there is a negligible impact on the stormwater run-off from these proposed improvements. He also clarified that there be adequate room to maneuver Emergency vehicles, similar to how they would operate today. They plan to start in the spring and finish construction by the end of the year.

The Board indicated they have no objection or comments to the proposed improvements. Ms. Chavan advised she will prepare a memo on behalf of the Board.

**Request for Extension of Time** – Golden Rule Property Solutions – Mr. Gorman advised this is a standard extension granted to Minor Subdivisions to allow the applicant to complete the Resolution Compliance process beyond the 190 day approval period.

MR. RATHJEN OFFERED A MOTION TO GRANT THE EXTENSION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Deus, Rathjen, Berson, Eteson, Mercedes, Rentschler, Schweizer

Nays: None

Abstain: Settembrino

**OLD BUSINESS**

**#2019-201, Christian Brothers Academy, Block 1063, Lot 67.01, 850 Newman Springs Road, Application for Major Site Plan and Conditional Use Approval** – Mr. Gorman reminded the Board this is a continuation of a previous hearing, at which the Board took jurisdiction. Ms. Uriarte advised that there are six eligible members that can vote on the application.

John Giunco, Esq., appeared on behalf of the applicant. He summarized the last hearing, noting that the applicant has since made some adjustments that his professionals will discuss tonight.

Eric Wagner remained under oath and advised that changes were made to address concerns with the impact on the brook. The Round Barn had a pitched roof design and there had been concerns with the added roof surface adding to run off. The applicant is now proposing an A-symmetrical roof line design without raising the existing roof height. The pitches will drain towards the inside the “donut hole” of the Round Barn. In terms of framework and design, it will look the same as what exists today, but in better shape. A Round Barn Sections Exhibit was marked as Exhibit A-14.

Chairman Deus opened the hearing to public for questions for Mr. Wagner.

Leonard Ruggieri, 77 Lehigh Drive, asked for clarification of the roof line to remain and utility tie-in, which was provided by Mr. Wagner.

Don Labonte, 108 Lehigh Drive, asked questions regarding the existing foundation. Mr. Wagner explained that they will be using a new foundation that will extend approximately three feet beyond grade. Mr. Labonte asked for clarification on setbacks, which was provided. Mr. Labonte also indicated concerns with the stream being impacted by the foundation. Mr. Giunco clarified that while the exact existing foundation depth is unknown, because it has not yet been excavated, however it is approximately a two – three foot foundation that exists today.

Bill Heaney, Lehigh Drive, asked for clarification on setbacks, Mr. Wagner advised it will be built in the same place as it exists today. Mr. Heaney indicated concern with the proximity of the building to the stream. Mr. Heaney also indicated concern with the lighting being proposed. Ms. Chavan addressed the comments regarding lighting by reading from the Ordinance requirements.

Don Labonte, Lehigh Drive, asked for clarification between the center of the stream and the property line, which was addressed by Ms. Chavan.

James Kennedy remained under oath and testified regarding the Engineering changes that were made, noting that the major areas included Stormwater, landscaping and lighting, in order to address concerns from neighbors and the Board professionals. In regard to stormwater, the overall stormwater conditions in this area are getting worse, rainfall has been the worse in 2018 than any other year and across Monmouth County wells are significantly higher. In terms of the

stream the neighbors are speaking about, the Mosquito Commission has it scheduled to be desnagged and they did desnag a small portion of it recently, only to find furniture and debris as part of the cause. There is stagnant water in the banks of the stream. Mr. Kennedy went on to discuss updated codes and regulations over the years, noting that they are proposing to reconstruct a 1930's building in accordance with new codes.

Ms. Chavan noted that the clogged portion of the pipe is on the Homeowner's Association property and not on CBA's property. Mr. Kennedy explained that CBA had tried to clean out the pipe, but was shut down by the Construction Department due to neighborhood complaints of activity. If the pipe were cleaned out, water would flow properly through the pipe, rather than over the pipe and into the backyards. Monmouth County can help but there is significant work needed beyond what CBA can do, as only a small portion of the pipe is actually on CBA property. The pipe was not installed by CBA and was likely added upon the development of University Heights.

A discussion was held regarding stormwater design regulations. The applicant is proposing to decrease the peak flow run-off although it is not required. Across from the Maintenance Area, at the headwater area of the creek, they are proposing 50,000 cubic foot of stormwater storage to intercept and slow the existing run-off. This will reduce peak flow conditions for Green Tree development and a portion of CBA. At the lacrosse and soccer fields, they are directing water flow from 520 to the stream and will be using a permeable parking area. There will be two feet of stone storage bed beneath the soccer field with underdrains to intercept the flow and direct it to the basin. This will also address the flooding in the theater parking area. The rain garden will also be enhanced to provide capture of water. The turf and permeable parking is sufficiently designed however the enhanced rain garden will handle anything additional.

Committeeman Settembrino asked if the stormwater regulations require these additional improvements. Mr. Kennedy advised they are not required, the plan has been designed in excess of DEP requirements.

Mr. Kennedy continued to the track and field area, noting that a 1 acre detention basin is proposed to collect run-off from the bleacher, track area and building area, which will be approximately 28,000 cubic feet. Stone will also be added under the inner track to add water storage, all roadways will be permeable pavement, with stone underneath to mitigate run-off even further. They are also removing 22,152 square feet of asphalt near the Round Barn, Henderson Hall and Benilde Hall.

A Supplemental Buffer Landscape Plan was marked as Exhibit A-15. Mr. Kennedy explained that the connected impervious areas increase run-off and that the Best Management Practices suggest disconnecting impervious areas to reduce run-off. With that said, the applicant is proposing to have the roadway moved away from the Tennis Courts to increase landscaping in that area, with 168 added plantings on site to increase the deciduous canopy and enhance the screening of the property. He discussed the inlets of the inner portion of the Round Barn and associated piping, gutters and collection system, all of which will tie in with the water storage and collection system to mitigate run-off. Again, this is beyond DEP or Township Ordinance requirements. The calculations are not entirely complete however they show positive impact on current conditions.

In regard to lighting, Mr. Kennedy introduced a flyer entitled "Neighbor's Will Love It," which was marked as Exhibit A-16. A MUSCO Study on Ocean City High School was marked as Exhibit A-17. A TLC Maintenance Guide for LED by MUSCO was marked as Exhibit A-18. Mr. Kennedy explained the various exhibits, showing evolution of light fixtures throughout the

years. Track lighting is less of an impact than that of football fields. The Ordinance cited by the objecting residents does not apply to this type of facility, which Ms. Chavan confirmed. Mr. Kennedy continued that CBA will agree to lights being turned off by 10 pm and there will be no meets at this site, as it is a practice facility for a nationally recognized team.

Board members indicated concern with the proximity of the track to the neighbors and asked questions regarding clarification on the lighting styles. It was noted that the orientation of the fields were to address sun glare.

In regard to landscaping, Mr. Kennedy advised shade trees and shrubs were added throughout the site, they are still requesting a waiver for evergreen shrubs along the foundation, due to security requirements for the school. Supplemental landscaping will be added at the neighbor's request within the buffer area.

Board Member asked for clarification as to the proximity of the stream to the Round Barn as well as the DEP restrictions on it. Mr. Kennedy explained that the building sits 16.7 from the stream at its closest point. The building pre-exists DEP requirements but it meets the criteria for a rebuild.

Mr. Kennedy advised that the applicant intends to comply with the comments in the Board review letters. It is his professional opinion that granting these waivers and variances would be reasonable relief in order to achieve a better planning and engineering alternative. He added that a technical variance is also required for a shed along a commonly owned property line and that no adverse impact on the zone plan would occur in granting the variance. To address a lighting objection that was brought up a prior meeting, the light in the photo that was marked into evidence was investigated and found to be a light on the back of Henderson Hall. This lite was added at the request of Middletown and State Police for safety reasons. In order to mitigate the impact on the neighbor, CBA will request with Middletown Police, to allow for the light to be moved to the opposite side of the parking lot and if that cannot be done, they will install additional plantings as a vegetative screen. In regard to sidewalks, the original approval was that CBA will construct their portion of the sidewalk when other sidewalks are built along Route 520.

Mr. Schweizer left for an emergency at 9:53 pm.

Chairman Deus opened the hearing to members of the public for questions based on Mr. Kennedy's testimony.

Bernie Zyskowski, Lehigh Drive, asked questions regarding the basin size, location and design, which was addressed by Mr. Kennedy. Mr. Zyskowski indicated concern with mosquitos and was advised the water will be released within 72 hours.

Andrew Pika, 98 Lehigh Drive, asked questions related to lighting and run-off, which were addressed by Mr. Kennedy.

Don Labonte, Lehigh Drive, asked for clarification on the drainage of the Round Barn, which was addressed by Mr. Kennedy.

Mark Aikins, Esq., Attorney for the next Application, asked that his application be carried to a subsequent meeting.

**#2019-207, 1515 Route 35 Investors LLC, Block 606, Lot 1, 1515-1517 Route 35, Application for Amended Site Plan Approval with Variances** – Chairman Deus announced this application will be carried to February 5, 2020 with no further notice required.

At this time the Board took a brief recess and reconvened at 10:43 pm.

Mr. Giunco advised he has nothing further to present. He would like to reserve his rebuttal for the next hearing.

Chairman Deus advised that the Board Engineer will have to review the drainage calculations and prepare a report for February 5<sup>th</sup> meeting. The public comment portion will also hold off until the next meeting.

Chairman Deus announced this hearing is being carried to February 5, 2020 at 6:30 pm here at Town Hall with no further notice required.

**ADJOURNMENT**

MR. RATHJEN OFFERED A MOTION TO ADJOURN THE MEETING AT 10:50 PM, SECONDED BY COMMITTEEMAN SETTEMBRINO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,  
Board Secretary