

# TOWNSHIP OF MIDDLETOWN

Planning Board  
One Kings Highway  
Middletown, NJ 07748-2504

DAVID MERCES  
Chairman



Organized December 14, 1667  
"Pride in Middletown"

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

ERIN URIARTE  
Planning Board Secretary

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

## PLANNING BOARD MEETING MINUTES JANUARY 13, 2021

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 13, 2021.

The Board Attorney read a statement to advise 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 January 9, 2020.

To ensure the health and safety of our residents during the COVID-19 pandemic, Middletown Township Planning Board changed the format to a virtual meeting, via WebEx. The Middletown Planning Board notified the Independent, the Star Ledger and the Two River Times of the Meeting Change on December 15, 2020. All notification was given pursuant to the Open Public Meetings Act at least 48 hours prior to this meeting.

All members of the public will be muted upon joining the meeting and must remain muted until you are acknowledged during the public comment portion of the public hearing. Only the meeting organizer will "unmute/mute" a participant and/or attendee. After you are unmuted, you may also have to unmute yourself by clicking on the mute/unmute microphone icon on the bottom left of your Webex screen. If you wish to appear by video as well as audio, you must click on the video icon of your Webex screen. Please note video is required for sworn testimony/comments.

In order to participate in the public comment portion of the hearing, you must click on the "Raise Hand" icon in the Webex App. Dial-in users will be unmuted and given a chance to speak, you will hear a "beep" when you are unmuted, please state if you wish to speak. To participate in public comment, you must state your name and address for the record. Sworn testimony must be made by video. You will be unmuted or acknowledged by the meeting organizer when it is your turn to comment. The "Chat" feature should only be used to indicate your desire to participate in the public comment portion of the meeting or technical difficulties, and not for public comment.

Roll call was taken with the following members present via WebEx: Committeeman Settembrino, Mr. Rathjen, Mr. Berson, Ms. Etson, Mr. Mercas, Mr. Colangelo, Mr. Schwiezer, Mr. AmecAngelo, Mr. Rentschler

Also present: James Gorman, Board Attorney; Sanyogita Chavan Board Planner; Erin Uriarte, Board Secretary; Rob Harris, MIS; Thomas Incorvaia, Assistant Planner

A salute to the flag followed.

### 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

## **REORGANIZATION OF THE PLANNING BOARD**

**Nomination of Chairman** – Mr. Schweizer offered a motion to nominate David Merces as Chairman of the Board, seconded by Mr. Berson.

Roll Call:

Ayes: Settembrino, Rathjen, Berson, Eteson, Merces, Colangelo, Schwiezer, AmecAngelo, Rentschler  
Nays: None

Seeing no further nominations, Mr. Merces took his place as Chairman and noted that he has some big shoes to fill. He thanks Mr. Deus for over a decade of service to the Township.

**Nomination of Vice-Chairman** – Mr. Merces offered a motion to nominate Carl Rathjen as Vice-Chairman of the Board, seconded by Ms. Eteson.

Roll Call:

Ayes: Settembrino, Rathjen, Berson, Eteson, Merces, Colangelo, Schwiezer, AmecAngelo, Rentschler  
Nays: None

Seeing no further nominations, the nominations were closed. Mr. Rathjen thanked the Board.

**Executive Session** – Mr. Gorman explained there is no need for Executive Session at this time, however he would like to note that the appeal time has passed for Toll's Middletown Walk. He has received indication that the Developer will move forward without the roof decks.

## **PROFESSIONAL SERVICE APPOINTMENTS**

**Appointment of Planning Board Attorney** – Mr. Rathjen offered a motion to appoint James Gorman, Esq. as Planning Board Attorney, seconded by Mr. Berson.

Roll Call:

Ayes: Settembrino, Rathjen, Berson, Eteson, Merces, Colangelo, Schwiezer, AmecAngelo, Rentschler  
Nays: None

**Appointment of Planning Board Engineer** – Mr. Schwiezer offered a motion to appoint Rob Keady of T&M Associates as Planning Board Engineer.

Roll Call:

Ayes: Settembrino, Rathjen, Berson, Eteson, Merces, Colangelo, Schwiezer, AmecAngelo, Rentschler  
Nays: None

**Appointment of Planning Board Conflict Engineer** – Committeeman Settembrino offered a motion to appoint Robert Bucco of Najarian Associates as Conflict Engineer, seconded by Mr. Colangelo.

Roll Call:

Ayes: Settembrino, Rathjen, Berson, Eteson, Merces, Colangelo, Schwiezer, AmecAngelo, Rentschler  
Nays: None

**Appointment of Board Secretary** – Ms. Eteson offered a motion to appoint Erin Uriarte as Board Secretary, seconded by Mr. Colangelo.

Roll Call:

Ayes: Settembrino, Rathjen, Berson, Eteson, Merces, Colangelo, Schwiezer, AmecAngelo, Rentschler  
Nays: None

The Board Secretary read the agenda.

## **APPROVAL OF MINUTES**

**December 2, 2020** – MR. RATHJEN OFFERED A MOTION TO APPROVE THE MINUTES OF DECEMBER 2, 2020, SECONDED BY MR. SCHWIEZER. ALL PRESENT, ELIGIBLE MEMBERS VOTED IN FAVOR BY VOICE VOTE.

## **RESOLUTIONS**

**#2020-102, Jones/Apel, Block 915, Lot 20, Resolution Approving Minor Subdivision** – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Rathjen, Berson, Eteson, Colangelo, AmecAngelo, Rentschler

Nays: None

**#2020-103, East Coast Construction, Block 112, Lot 10.01, Resolution Approving Minor Subdivision** – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MS. ETESON.

Roll Call:

Ayes: Rathjen, Berson, Eteson, Colangelo, AmecAngelo, Rentschler

Nays: None

**#2019-201, Christian Brothers Academy, Block 1063, Lot 67.01, Resolution Granting Preliminary And Final Major Site Plan Approval With Variances** – MR. COLANGELO OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. RATHJEN.

Roll Call:

Ayes: Rathjen, Berson, Eteson, Colangelo, Schweizer, AmecAngelo, Rentschler

Nays: None

**Resolution Adopting 2021-22 Meeting Dates** - MR. SCHWIEZER OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. BERSON.

Roll Call:

Ayes: Settembrino, Rathjen, Berson, Eteson, Mercedes, Colangelo, Schweizer, AmecAngelo, Rentschler

Nays: None

**Resolution Establishing Remote Meeting Procedures & Approval of Planning Board Rules & Regulations** – Mr. Schweizer asked how long virtual meetings are anticipated. Committeeman Settembrino explained that as long as the COVID pandemic is an issue. Another issue is the availability of parking at the Town Hall complex due to the construction of the new town hall.

COMMITTEEMAN SETTEMBRINO OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. SCHWIEZER.

Roll Call:

Ayes: Settembrino, Rathjen, Berson, Eteson, Mercedes, Colangelo, Schweizer, AmecAngelo, Rentschler

Nays: None

## **ADMINISTRATIVE MATTERS**

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

MR. RATHJEN OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR JANUARY 13, 2021, SECONDED BY MR. MERCES. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

**Capital Review – Rive Plaza Hose Co.** – Mr. Gorman explained that when a public body spends any public funds, a Capital Review is required before the Planning Board. This is for review only, recommendations can be made; however no “approval” is necessary.

James Blarr, Architect appeared on behalf of the Fire Company, both as the architect for the project and as a volunteer firefighter with River Plaza. He explained that the Fire Company is looking to add a covered porch to the main entrance and the apparatus room. The original steps, landings and railings have been in place for the last 60 years and the weather has taken its toll over the years. The project proposes to replace the old steps and landing as well as extending the current roof line to provide protective cover.

The Board indicated they have no recommendations. Ms. Chavan advised she will issue a memo to reflect a Capital Review was held so that they can proceed with the permitting process.

**OLD BUSINESS**

None

Committeeman Settembrino advised he will be recusing himself from the next matter due to a conflict.

**NEW BUSINESS**

**#2020-401, NRZ Realty, Block 828, Lot 9.02, Mary Ellen Way, Application for Major Subdivision Approval with Variances** – Mr. Gorman advised that the notices are in order and the Board has jurisdiction to hear this matter.

Rick Brodsky appeared on behalf of the applicant. He advised this is an application for a three lot subdivision, with an existing home to remain and a proposed private roadway which will essentially be a continuation and widening of the current existing access driveway. There are some unusual variances required due to the proposed private access road and the wetlands on the property.

Brent Papi was sworn in as Engineer for the project. Alex Shissias was sworn in a project Architect and Christine Cofone was sworn in as the project's Planner.

Mr. Papi was accepted as an expert Engineer. He described the current property, noting the existing home, driveway and wetlands. The property is owned by the applicant who has been renovating the existing home but does not plan on any changes to the existing home. The property is surrounded by single family homes to the southeast, Township and Board of Education property to the north east and wetlands to the west.

A Site Exhibit dated January 11, 2021 was marked as Exhibit A-1. A Slope Exhibit was marked as Exhibit A-2.

Due to the added impervious surface, the applicant will comply will all State and Local Stormwater Management regulations by installing several mitigation systems. The applicant was conservative in their stormwater calculations so not only do they meet the regulations, they expect the systems to perform better than what the calculations show. He noted they will comply with all comments in the T&M Associates review letter. Mr. Keady advised that he has no issues, the drainage details can be worked out during the grading plan review process.

Mr. Papi advised that they will comply with the Planning review letter as well, noting they will provide street lighting as well as soil and permeability tests. He added that the test rates were high.

A discussion was held regarding the planting of trees; Mr. Papi advised they are required to plant 40 trees. They are installing 20 in areas deemed more stable for plantings and are asking for a waiver from planting 20 trees. This was a heavily wooded property, which previously contained a Christmas tree farm so they are not lacking in trees. In terms of lighting, the applicant is proposing decorative pole lights with dusk to dawn sensors.

Mr. Rathjen asked about the improvements to the existing home and the lot it will be on. Mr. Papi advised that they will maintain the same access driveway, however it will be widen. The wetlands on site caused a restraint in the design of the driveway location. The roadway meets the RSIS cartway width requirements however they do request a waiver for sidewalks and curbing. They would like to keep the residential nature that currently exists in the neighborhood. No changes are proposed for the existing home other than renovations.

Mr. Schwiezer indicated concerns with drainage issues in that area. Mr. Papi reviewed the stormwater management systems proposed. They are in the process of also receiving DEP approval, however there has been a delay due to COVID.

Mr. Papi noted the waivers being requested: a waiver from providing sidewalks/curbs, however they will be widening the roadway to 20 feet; a waiver from providing a concrete apron for the access drive; a waiver for tree plantings and a waiver for the reinforced concrete pipe that was discussed with the engineer.

Mr. Rathjen indicated concern with Emergency Access. Mr. Papi explained that it has been designed to RSIS standards and the plan has received approval John Drucker, the Fire Official. The cul-de-sac was actually added at the request of Mr. Drucker. Mr. Schwiezer advised that an emergency access vehicle would have to k-turn or back out, there is not enough room to turn around in the cul-de-sac. He also added concerns with drainage of the property and relying on Homeowner's Association. A discussion was held regarding same. The Board indicated concern with HOA's becoming defunct and the Stormwater Systems failing, they see that in a lot of areas and want to be sure this isn't something that will happen in the future moving forward.

Mr. Brodsky stated that the intent of the plan is to have the critical areas on the Homeowner's property making it an incentive to that landowner to maintain the wetlands. Mr. Gorman echoed the Board's concerns with enforcement and maintenance over time. Mr. Brodsky suggested a Developer's Agreement.

At this time, Chairman Mercas opened the hearing to members of the public for questions based on Mr. Papi's presentation.

Edward Betz appeared virtually and was sworn in for the record. Mr. Betz indicated concern with the existing flooding on this property and in the neighborhood, as well as concerns with emergency access. Mr. Papi explained the DEP oversight and conformance with State and Local regulations. Board members explained that if this application receives approval, it is only the first step for the applicant; there are several outside agencies, as well as the Township's own permitting review process, that will ensure this development will not add to the flooding problems. It could even help the existing conditions.

Mr. Brodsky asked that the rest of the hearing be carried to allow the applicant to address the concerns raised by the Board thus far. Chairman Mercas and Ms. Uriarte discussed the upcoming Agenda schedule.

Mr. Gorman announced for members of the public, this application is being carried to March 3, 2021 at 6:30 pm. The WebEx link will be posted on the Planning Board Agenda ahead of the meeting, there will no further notice required.

**ADJOURNMENT**

MR. AMECANGELO OFFERED A MOTION TO ADJOURN THE MEETING AT 8:58 PM, SECONDED BY MR. BERSON. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:

  
Erin Uriarte,  
Board Secretary