

TOWNSHIP OF MIDDLETOWN

Planning Board
One 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

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PLANNING BOARD MEETING MINUTES FEBRUARY 1, 2023

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 February 1, 2023. Chairman Merces read a statement to advise the notice requirements provided for the Open Public Meetings Act have been satisfied. Pursuant to the Open Public Meetings Act and Laws of 1975, the Middletown Planning Board notified the Two River Times, and the Asbury Park Press on January 12, 2023. Notice of the meeting was filed with the Township Clerk and posted in Town Hall. All notification for this meeting 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: Chairman Merces, Vice-Chairman Rathjen, Mr. Berson, Mr. Rentschler, Mr. Colangelo, Mr. Schweizer, Mr. AmecAngelo, Ms. Eteson, Mr. Banasiak

Also present: James Gorman, Board Attorney; Robert Keady, PE, Board Engineer; Amy H. Citrano, Director of Planning; Morgan Astorino, Assistant Planner

A salute to the flag followed.

Ms. Citrano read the agenda in the absence of the Board Secretary.

APPROVAL OF MINUTES

January 4, 2023 – Mr. Schweizer offered a motion to approve the minutes, seconded by Mr. Rathjen. All present eligible members voted in favor by voice vote.

RESOLUTIONS

#2022-201, NJ Titans Ice Hockey Club, Inc., 214 Harmony Road, Block 607, Lots 5 & 6, Granting Major Site Plan Approval with Variances – Mr. Schweizer offered a motion to approve the Resolution, seconded by Mr. Rathjen.

Roll Call:

Ayes: Merces, Rathjen, Berson, Rentschler, Schweizer, Banasiak

Nays: None

ADMINISTRATIVE MATTERS

None

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

OLD BUSINESS

#2022-104, Bontempo, 129 Magnolia Lane, Block 460, Lots 7, 8, 9 & 10, Whispering Woods Hearing – Michael Steib, Esq. appeared on behalf of the applicant, Gustavo Bontempo. They are requesting an approval for a Whispering Woods hearing along with requesting a waiver from section 540-641 regarding clearing. This matter had been approved as a minor subdivision last fall for a variance free application in which certain conditions were placed on the limit of clearing. The ordinance limiting clearing to 40% is intended to limit clear cutting of properties. After looking at the approval and the maps, the 40% clearing limitation does not allow for much a usable rear yard. The applicant is seeking a waiver from the design standards, which does not require a proof of burden similar to a variance request.

Charles Surmonte was sworn in and accepted as an expert engineer.

Mr. Gorman stated that there is an agreement in principle to remove the condition that requires the second house to have similar clearing to the lot with the first house. He and Mr. Steib have advised the judge that they are working on a settlement to remove that condition from the resolution. The Board will have to vote on that at the end of the presentation. The 40% clearing limit was not discussed at the previous hearing therefore no design waiver had been requested. The Board will also have to vote on the request for the design waiver to exceed the 40% clearing.

Mr. Surmonte explained that the subdivision itself hasn't changed. A lot clearing exhibit was marked as Exhibit A-1. Mr. Surmonte explained the new plan depicts the house on the southerly lot and they have detailed the net lot area associated with each lot. The shaded areas are areas of additional clearing. The northerly lot had 44% of the lot to construct the home and create the yard area. The shaded area of about 2200 square feet constitutes 9% of the lot area that they are asking to clear. The southerly lot has about 5,000 square feet cleared and based on their grading plan they will need about 57% of the net lot area to build the home. They are asking for an additional 3700 square feet beyond that to allow for a usable back yard for his client's family's enjoyment, for a total of 68% of the net lot area to be cleared. There would be about 40 feet from the cleared area of the southern lot to the rear lot line.

Chairman Merces asked for any questions from the public, based on the testimony given.

John Spinelli, 91 Burlington Avenue, asked to see the exhibit that was presented.

Seeing no further members of the public, Chairman Merces closed the public portion of the hearing.

MR. RATHJEN OFFERED A MOTION TO REMOVE CONDITON #8 OF RESOLUTION 2022-104, SECONDED BY MR. SCHWEIZER.

Roll Call:

Ayes: Merces, Rathjen, Berson, Rentschler, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

MR. RATHJEN OFFERED A MOTION TO GRANT DESIGN WAIVERS TO ALLOW FOR NET CLEARING OF BOTH LOTS, SECONDED BY MR. SCHWEIZER.

Roll Call:

Ayes: Merces, Rathjen, Berson, Rentschler, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

NEW BUSINESS

#2023-100, Tartara, 911 Navesink River Road, Block 840, Lots 69.02 & 69.03, Seeking Minor Subdivision Approval with Variances – Mr. Gorman advised that notices are in order and the Board has jurisdiction to hear this matter.

Rick Brodsky, Esq. appeared on behalf of the applicant. The applicant is seeking a lot-line adjustment to allow for additional land to be added to the currently vacant residential lot. The acquisition of additional property will allow for added frontage along Deep Hollow Drive, which will improve an existing non-conformity.

Mr. Gorman explained to the Board that if there were no subdivision, this application would have gone to the Zoning Board and this Board wouldn't have seen it.

Anthony Condouris, AIA, was sworn in and accepted as an expert Architect. Mr. Condouris explained the house is designed to match the character of the neighborhood. The floor plan allows for a courtyard area with a five car garage and a three car garage to house the family's cars. The applicant is proposing the garages to keep them protected from the elements and from theft, which is a big problem in the area. The property is severely sloped, so this was the most logical design.

James Kennedy, PE, PP, was sworn in and accepted an expert Engineer and Planner. A colored subdivision exhibit was marked as Exhibit A-2. Mr. Kennedy advised they are adding 75 feet of frontage to the residential lot and adding 16,689 square feet to the total lot area. Landmarks Commission has approved the plan, as presented, with a few conditions. A subdivision plan was marked as Exhibit A-3. Mr. Kennedy advised that the driveway must have a curve in order to meet the slope requirements in the RSIS. The parking court is a requirement of the 2016 subdivision conditions, which was a requirement of this Board in order to provide a turnaround. The driveway and the parking court alone exceed the lot coverage requirements by 8%. They have looked at alternative designs however they found this to be the most feasible. The Landmarks Commission required that the parking court not be visible from Navesink River Road. The intent is to provide a reasonable, safe development of the site. The steep slopes of the site creates a unique topographic feature and drives the need for a variance. A bio-retention basin is proposed on the site and he will work with T&M to comply with the comments in the engineering review. Referring to the exhibit, Mr. Kennedy explained the drainage pattern as it exists and as proposed. In regard to lot coverage, the applicant is seeking 18.8% coverage, 8% of which is the driveway and parking area. If the garages could be tucked under the home, they wouldn't have coverage issues, however that would require much more pavement to access the rear of the home. The proposed building coverage is 6.27% and the pool and patio area are about 4.5%. A Lot Coverage Exhibit was marked as Exhibit A-4. A variance is also required for the six foot retaining walls within a setback area, where three feet is permitted. These walls will be perpendicular to the roadway and will reduce the disturbance to the slope. A landscaping plan was marked as Exhibit A-5. The applicant will supplement the vegetation as needed to maintain the substantial landscaped buffer that exists. A photo of the view from the subject property was marked as Exhibit A-6. A stie triangle easement exhibit was

marked as Exhibit A-7. Mr. Kennedy reviewed several photos depicting the current conditions to the roadway and subject property.

Mr. Kennedy explained that they surveyed the existing trees and found some additional trees to be preserved and added to the tree save plan. He added that any development of the site will cross steep slopes and wooded areas. A discussion was held regarding net lot area. Ms. Citrano requested that the correct calculations be submitted to determine whether a waiver is required.

Mr. Kennedy added that the shaded areas are the steep slope areas. The flattest portion of the site is where the house is located and is the only place to build a house without disturbing the steep slopes, however in order to get the driveway and utilities to the home, they do need to disturb some of the slope areas. They are reducing the impact by proposing retaining walls. If they were to construct the garage under the home, it would have created additional relief needed for disturbing the critical slope area.

Mr. Keady asked if the applicant agrees to all comments in his review letter. Mr. Kennedy agreed.

Ms. Citrano questioned the retaining wall height within the setback area. Mr. Kennedy apologized that he did not calculate it. The retaining wall in the rear setback is associated with the infiltration system to minimize the visual impact and maximize the volume. The wall may be modified as they perfect the drainage system. Board members asked questions to clarify the design of the retaining wall. Mr. Kennedy advised the wall will also help to stabilize the slope and minimize the impact. Ms. Citrano mentioned a 50-foot buffer requirement along Navesink River Road from the original subdivision, she would like to be sure the added evergreens will be consistent with the buffer requirement. Mr. Kennedy advised that the buffer is essentially non-existent currently so the installation of additional plantings will help to meet that requirement. Ms. Citrano reminded the applicant of the outside agency approvals and noted that is all she has for this applicant.

Mr. Gorman asked about the septic system. Ms. Citrano advised that would be under the jurisdiction of the Health Department and suggested it be a condition of approval. Mr. Kennedy pointed out the septic system location on the exhibit and reviewed the requirements associated with it.

Chairman Merces opened the hearing to members of the public who wish to ask questions or make comments on the application. Seeing none, Mr. Merces closed the public portion.

Mr. Rathjen asked if there will be horses on the site. Mr. Kennedy replied that he is not sure the property is large enough to have horses.

MR. RATHJEN OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. SCHWEIZER.

Roll Call:

Ayes: Merces, Rathjen, Berson, Rentschler, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

ADJOURNMENT

MR. SCHWEIZER OFFERED A MOTION TO ADJOURN THE MEETING AT 8:15 PM, SECONDED BY MR. BANASIAK. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,
Board Secretary