

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

ERIN URIARTE
Planning Board Secretary

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PLANNING BOARD MEETING MINUTES FEBRUARY 5, 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 February 5, 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 January 9, 2020.

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 (arrived at 6:35 pm), Mr. Colangelo, Mr. AmecAngelo, 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 January 27, 2020, seconded by Chairman Deus. All present, eligible members voted in favor by voice vote.

RESOLUTIONS

Resolution Appointing James Gorman, Esq., as Board Attorney – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Mr. Deus, Mr. Rathjen, Committeeman Settembrino, Mr. Berson, Mr. Colangelo, Mr. AmecAngelo, Mr. Rentschler, Mr. Schweizer

Nays: 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

Resolution Appointing Robert Keady of T&M Associates as Board Engineer – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Mr. Deus, Mr. Rathjen, Committeeman Settembrino, Mr. Berson, Mr. Colangelo, Mr. AmecAngelo, Mr. Rentschler, Mr. Schweizer

Nays: None

Resolution Appointing Bob Bucco of Najarian Associates as Conflict Engineer – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Mr. Deus, Mr. Rathjen, Committeeman Settembrino, Mr. Berson, Ms. Eteson, Mr. Colangelo, Mr. AmecAngelo, Mr. Rentschler, Mr. Schweizer

Nays: None

#2018-103, Golden Rule Property Solutions, Granting an Extension of Minor Subdivision Approval – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Mr. Deus, Mr. Rathjen, Committeeman Settembrino, Mr. Berson, Ms. Eteson, Mr. Rentschler, Mr. AmecAngelo, Mr. Schweizer

Nays: None

Resolution Authorizing Defense in Lifetime Fitness Litigation – Mr. Gorman advised that an objecting lawsuit had been filed at the last minute. He was not served yet, but was able to find it the filed suit online. He asked that the Board adopt the Resolution to allow him to defend them in the litigation.

MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Mr. Deus, Mr. Rathjen, Committeeman Settembrino, Mr. Berson, Ms. Eteson, Mr. Colangelo, Mr. AmecAngelo, Mr. Rentschler, Mr. Schweizer

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.

Mr. Deus added that there are committee appointments on the Agenda, however they will hold off on those for this evening.

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 FEBRUARY 5, 2020, SECONDED BY COMMITTEEMAN SETTEMBRINO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Board Secretary read the Agenda items for the evening's hearings, noting that application for *Christian Brothers Academy, #2019-201, Block 1063, Lot 67.01, 850 Newman Springs Road, Application for Major Site Plan and Conditional Use Approval* is being carried to April 1, 2020.

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 announced for the record, this application is being carried to April 1, 2020 at Town Hall at 6:30 pm with no further notice required.

#2019-205, Fred & Barbara Meisler, Block 962, Lot 14, 385 Highway 35, Application for Minor Site Plan/Change of Use Approval – Mr. Gorman advised the notices are in order and the Board has jurisdiction to hear this matter. Ms. Chavan explained that the applicant is seeking approval to convert the existing nonconforming residential home, with a plumbing business use, to commercial space. There are no improvements being proposed at this time. The parking variance required prevents them from an exemption from site plan approval. Based on the square footage, 13 parking spaces are required and the applicant is only proposing 5. There is a garage on site to store trucks and equipment. This is an undersized lot for the zone, however there are no changes to the property at this time. Ms. Chavan explained the testimony she would like to hear from the applicant.

Barbara and Fred Meisler were sworn in as the owners and applicants. Mrs. Meisler explained that her father-in-law was born in the house, was raised there and built his business there. He husband took over that business while his mother lived in the home. After she passed away, Mrs Meisler rented the home to offset the cost of taxes in order for her husband to be able to continue operating out the home as they had for so long. The Township issued a Certificate of Occupancy for the rental, however the home has been vacant for some time now. When they went to finally sell the property, they were told it is not commercial even though it is in a commercial zone; because it operated as a residence, they were told they had to apply for a change is use in order to market the property as commercial.

Chairman Deus asked for clarification regarding driveway access. Mr. Meisler advised the driveway goes straight through the property and when the hill is too icy, many neighbors use his property as a cut-through. Mr. Deus asked the Planner what are the permitted uses for a B-3 zone. Ms. Chavan explain that this application is for a plumbing business and they must look at it as it exists today. Mr. Gorman explained that if the Board were to act favorably on this application, any new use would not be able to exceed the 13 space parking requirement.

A lengthy discussion was held regarding marketing the property as commercial, since that is what it is currently zoned in. If the Board were to grant any approval at this point, any new purchaser would likely have to come in for site plan approval. Mr. Gorman noted that if the whole house was a business it would be grandfathered into the zone, however because of the residential use, it raised a red flag.

Board members recommend the applicant look into selling the property as commercial and let the new buyer go through the site plan process or they could come back with a Land Use professional at a later date.

The application was carried to May 6, 2020 at Town Hall at 6:30 pm with no further notice required.

#2019-207, 1515 Route 35 Investors LLC, Block 606, Lot 1, 1515-1517 Route 35, Application for Amended Site Plan Approval with Variances – Mr. Gorman advised the notices are in order and the Board has jurisdiction to hear this matter.

Mark Aikins, Esq., appeared on behalf of the applicant. He reminded the Board that this property had recently undergone site plan approval to permit the construction of a Tractor Supply retail store. They are back to seek approval to allow for the shifting of the loading zone to allow for stairway access to the loading zone.

Chris Bednarski was sworn in and accepted as the project engineer. A colored rendering of the overall site plan was marked as Exhibit A-1. Mr. Bednarski advised that the loading dock had been approved at 12 feet. Due to a field change they were required to change it to a 16 foot loading dock. The original loading dock was too small to accommodate the equipment used and stairs were added. He noted that the building permit was approved at 16 feet.

Committeeman Settembrino asked for clarification regarding the field change and indicated concern with the applicant coming back to seek relief after the loading dock has already been built. Mr. Aikins advised no citations had been issued, the applicant noticed the inconsistency and is being proactive about seeking relief. Mr. Rathjen advised it is a nice store and four feet is not a big deal in his opinion. Mr. Deus advised his concern is that the Building Department is issuing permits that are inconsistent with what the Planning Board approved.

Mr. Bednarski continued by stating that the buffer has been reduced along the paper street, Magnolia Lane. The 18 foot drive aisle has been maintained by shifting it and moving some of the plantings along the building, in order to avoid a parking reduction.

Mr. Keady asked that the turning movements be reviewed to address inconsistencies and that the applicant agree to replace any damaged pavement. The applicant indicated agreement and will provide a Turning Movement Plan.

Mr. Schweizer indicated concern with the rental trailer that sits in the parking lot and was advised it had been removed.

Chairman Deus opened the hearing to members of the public, however none appeared.

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

Roll Call:

Ayes: Mr. Deus, Mr. Rathjen, Committeeman Settembrino, Mr. Berson, Ms. Eteson, Mr. Colangelo, Mr. AmecAngelo, Mr. Rentschler, Mr. Schweizer

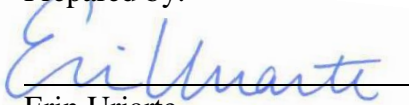
Nays: None

Mr. Gorman advised the Board they are still waiting for an answer on the Fairview Litigation. In regard to Seth Beller, he explained the prior denial and that the Court has given the applicant time to come back with a revised plan; the Planning Department is working on coordinating that review. Mr. Gorman suggested Board members read the transcripts of the previous hearing as a refresher and so that any new members can be eligible to vote. Ms. Uriarte will provide transcripts via email.

ADJOURNMENT

MR. RATHJEN OFFERED A MOTION TO ADJOURN THE MEETING AT 7:51 PM, SECONDED BY COMMITTEEMAN SETTEMBRINO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,
Board Secretary