

# 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 MARCH 2, 2022

A Special 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 March 2, 2022.

Chairman Mercés 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 public has been notified that the Planning Board will meet on March 2, 2022, in Town Hall.

The Middletown Planning Board notified the Two River Times, the Independent and the Asbury Park Press. 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 Mercés, Vice-Chairman Rathjen, 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; Erin Uriarte, Board Secretary

A salute to the flag followed.

The Board Secretary read the agenda.

### APPROVAL OF MINUTES

MR. SCHWEIZER OFFERED A MOTION TO APPROVE THE MINUTES OF FEBRUARY 2, 2022, SECONDED BY MR. RATHJEN.

Roll Call:

Ayes: Mercés, Rathjen, Colangelo, Schweizer, Eteson, Banasiak

Nays: None

### RESOLUTIONS

**#2019-107, Majansky, 142 New Monmouth Road, Block 630, Lot 25, Resolution Denying Minor Subdivision** – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. SCHWEIZER.

Roll Call:

Ayes: Mercés, Rathjen, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

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

**#2018-203, Seth Beller Trust, Block 807, Lot 1.02, 1230 Highway 35, Resolution Granting Major Site Plan and Minor Subdivision Approval with Variances – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. SCHWEIZER.**

Roll Call:

Ayes: Mercedes, Rathjen, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

### **ADMINISTRATIVE MATTERS**

**Payment of Vouchers** – Mr. Rathjen advised that he has review the Payment of Vouchers and found them to be in order. Mr. Schweizer offered a motion to approve the Payment of Vouchers for March 2, 2022. This motion was seconded by Mr. Colangelo. All present members voted in favor by voice vote.

**Capital Review – Brookdale Community College Solar Project** – Mr. Gorman explained the Board's role for a Capital Review. This is a courtesy review for another public entity.

Robert Molnar, PE, advised that he is the project manager for the solar canopy project. They are proposing a five-megawatt system with a total of 39 canopies over parking lots 5, 6 and 6A within the Brookdale Campus. The area of disturbance is not to exceed one acre and will not add more than a quarter acre impervious surface. The canopies will not impact the existing drainage patterns. Lighting will be installed under the canopy and will be compliant with the regulations.

Mr. Rathjen indicated concern with snow sliding off the canopies and suggested a snow guard be installed.

Ms. Citrano advised she will prepare a memo to acknowledge the Capital Review has been done, incorporating Mr. Rathjen's comments.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

**#2021-200, Safari Energy, 480 Red Hill Road, Block 1045, Lot 1, Application for Site Plan Approval** – Mr. Gorman advised the notices are in order and the Board has jurisdiction to hear this matter.

Justin McCarthy, Esq., appeared on behalf of the applicant Safari Energy, who has been contracted by Memorial Sloan Kettering Cancer Center for the installation of solar canopies the in the parking area.

Jonathan Miller, P.E., was sworn in and accepted as an expert Engineer. Mr. Miller referred to the aerial exhibit on the front of the plans, noting that the property is located in the OR Zone and contains 40.24 acres. Surrounding uses were discussed, noting mostly roadways and wooded areas. The property is buffered by dense woods. Solar carports are proposed on the north and south parking lots and are permitted accessory uses in the zones. The design and materials were detailed by Mr. Miller, noting a 13.5-foot vehicle clearance. He added that the panels are about twenty degrees hotter than surface temperatures, therefore snow will not accumulate as it would on a rooftop. The applicant will be removing five light poles and lighting will be installed under the canopies. All lighting will be compliant with Ordinance standards. He sees no impact on the neighboring area as the site is buffered by heavy woods. The applicant will comply with all comments in the T&M Associates review letter and the Planning review letter. A note will be added to the plan to ensure ADA compliance. Ms. Citrano asked if

there will be any impact on conditions of previous Resolution's? Mr. Miller replied there will be no impact.

Mr. Rathjen indicated concern with lighting. Mr. Miller advised they will comply with the Ordinance, and it will not be any more lit than what currently exists.

Ms. Eteson indicated concern with drainage. Mr. Miller advised there is no impervious surface being added.

Mr. Rathjen questioned a maintenance agreement and was advised MSKCC has an agreement with the applicant for maintenance.

Mr. Colangelo asked if there could potentially be an impact on passing traffic. Mr. Miller advised they are created with a flat finish to minimize glare. The dense buffer also ensures there is no impact on motorists.

Mr. AmecAngelo asked if there are any Electric Vehicle stations proposed. Mr. Miller replied not at this time, but it can be done in the future.

Chairman Merces opened the hearing for members of the public, however none appeared.

MR. SCHWEIZER OFFERED A MOTION TO APPROVE THE APPLICATION WITH THE CONDITION REGARDING ADA COMPLIANCE, SECONDED BY MR. RATHJEN.

Roll Call:

Ayes: Merces, Rathjen, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

**#2021-107, TMA Kalian LLC, 59 Oakland Avenue, Block 698, Lot 12, Application for Minor Subdivision** – Mr. Gorman advised the notices are in order and the Board has jurisdiction to hear this matter.

Ronald Cucchiaro, Esq., appeared on behalf of the applicant. Mr. Cucchiaro advised they are seeking approval for a minor subdivision on a paper street known as Oakland Street. They are proposing to improve the paper street however relief is needed for development on an a road that is not built to Township standards. The minor subdivision is compliant as to all bulk zoning regulations.

Thomas Santry was sworn in and accepted as an expert Land Surveyor. He described the property in question, noting that it is currently heavily wooded. The applicant is proposing a 200-foot access road with a cul-de-sac. A hydrant is existing at the corner of Oakland Street, about 120 feet away. Both homes will be fully sprinklered. There are wetlands on the property, and they have obtained a wetlands delineation from DEP. The 50-foot buffer is shown on the plans with a heavy black line. The applicant is also seeking a waiver to allow front facing garages.

Chairman Merces opened the hearing for any members of the public who wish to ask questions of Mr. Santry.

Howard Brey, 28 Oakland Street, asked questions related to the wetlands buffer and drainage. Mr. Keady explained that the grading plan review would address drainage and that typically happens as part of the Resolution Compliance review.

John O'Shaughnessy, 126 Chestnut Street, asked questions related to drainage and the proposed roadway. Mr. Cucchiaro advised the applicant intends to comply with all stormwater management regulations.

Nick Gallucio, 130 Chestnut Street, asked questions related to traffic.

Mike Berger, 132 Chestnut Street, asked questions related to the soil tests that were done and the status of an Environmental Impact Report. Mr. Santry explained the soil borings that were done and added that an EIR was not required. Ms. Citrano confirmed an EIR is only required for parcels under ten acres.

Seeing no further questions for Mr. Santry, the next witness was called.

Andrew Janiw, P.P., was sworn in and accepted as an expert Planner. Mr. Janiw explained his role in reviewing the application and the materials of which he reviewed. He noted there are some front facing homes along Oakland Avenue and the side facing garages are generally more on the corner lots. The applicant is requesting a waiver to permit front facing garages and he feels this is line with the character of the neighborhood. The newly proposed homes will meet all bulk requirements however a variance is required for development on an unimproved roadway. In regard to a memo issued from the Fire Official this afternoon, the applicant will take a look at his comments with their engineer. The applicant will comply with comments of the Township Engineer's memo dated February 23, 2022 office as well. The roadway will be built to RSIS standards and the Planning Variance would dissolve. The applicant is requesting a waiver of sidewalks and will provide a contribution in lieu of sidewalks. They are also seeking a waiver for street trees, as the site is heavily wooded and the roadway does not extend the full length of the property, therefore 17 trees on that small portion of roadway is excessive.

Mr. Janiw advised the applicant will comply with the Technical Review Memo of the Township Panner and will comply with both the Township Engineer's memo and the engineering letter issued by Hoder Associates.

Chairman Merces opened the hearing for any members of the public who wish to ask questions of Mr. Janiw.

Howard Brey asked questions related to the potential for other vacant lots to develop using the proposed roadway and indicated concerns with drainage.

Doug Martin, 110 Brook Avenue, asked questions related to the plan, indicating concern with a builder profiting from the disturbance of the area. The applicant yelled out from the audience he is trying to build a home for his son.

Mike Berger asked questions related to the DEP application process.

Mr. Cucchiario advised he is confident the cul-de-sac design will work.

Chairman Merces opened the hearing to members of the public who wish to make comments.

Howard Brey, 28 Oakland Avenue, was sworn in and offered comments indicating he objects to the plan. He feels the 20-foot access drive is not adequate for emergency services and will not be wide enough with cars parked on both sides. This is a quiet area where builders come in and squeeze houses in and the existing residents are left with the problems they create. The property was on the market for 15 years for a reason.

Christopher Camburn, 11 Briarwood Avenue, was sworn in and offered comments indicating the plan looks like a tight squeeze and is not consistent with the neighborhood. He is also concerned with parking.

Dan Morreale, 107 Brook Avenue, was sworn in and advised of existing flooding issues. The area is very wet; he is concerned with drainage.

Mr. AmecAngelo questioned the potential for developing the lots across the proposed cul-de-sac. Mr. Cucchiario advised his client does not own those lots and has not intention

Doug Martin, 110 Brook Avenue, was sworn in and advised he lives adjacent to the property. He agreed with Mr. Brey regarding emergency access. He also has concerns with drainage, as his sump pump runs constantly; one time the sump pump died for a few hours and he had three inches of water.

Martha Martin, 110 Brook Avenue, was sworn in and indicated she is strongly objected to the application and agrees with all previous comments stated.

Mike Berger was sworn in and indicated concern with parking, emergency access and flooding.

Sarah Sambucini, 139 Chestnut Place, was sworn in and indicated concern with water flow.

Mr. Keady confirmed the applicant will comply with all comments in Mr. Hoder's letter. Mr. Cucchiaro replied yes, they will comply, subject to the changes discussed this evening.

Mr. Cucchiaro summarized the application, advising that both lots conform with no bulk variances required. The road will comply with all RSIS standards, and they agree to submit a drainage plan, as required, as part of resolution compliance. The applicant intends to comply with all stormwater regulations. The applicant is seeking design waivers from providing the total required number of street trees and to allow for front facing garages on the proposed homes. The applicant is willing to provide revised plans prior to the Resolution being adopted.

MR. SCHWEIZER OFFERED A MOTION TO DENY THE APPLICATION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Mercas, Rathjen, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

#### **ADJOURNMENT**

MR. SCHWEIZER OFFERED A MOTION TO ADJOURN THE MEETING AT 9:10 PM, SECONDED BY MR. AMECANGELO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:

  
Erin Uriarte,  
Board Secretary