

# 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 MARCH 4, 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 March 4, 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, Mr. Colangelo, Mr. Mercés

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 February 5, 2020, seconded by Mr. Mercés. All present, eligible members voted in favor by voice vote.

### RESOLUTIONS

**#2019-207, 1515 Route 35 Investors LLC, Block 606, Lot 1, 1515-1517 Route 35, Resolution Granting Amended Site Plan Approval – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.**

Roll Call:

Ayes: Deus, Rathjen, Settembrino, Berson, Eteson, Colangelo

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.

### ADMINISTRATIVE MATTERS

#### **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

**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 MARCH 4, 2020, SECONDED BY MR. MERCES. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

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

**OLD BUSINESS**

**#2019-107, Barbeiri & Adamo, 142 New Monmouth Road, Block 630, Lot 25, Application for Minor Subdivision** – Mr. Gorman noted that the notices are in order and the Board has jurisdiction to hear this matter. Kevin Asadi appeared on behalf of the applicant. Mr. Asadi explained that this is an oversized lot and they are proposing to subdivide into two lots, which are proposed to be a little shy on the required lot area. The applicant is proposing 87.50 foot wide lots where the ordinance requires 125 feet.

Patrick Ward was sworn in and accepted as an expert engineer. Mr. Ward described the existing property, noting that the existing home will remain on the eastern lot. In order to meet lot coverage, the applicant is proposing to remove a portion of the gravel driveway. This proposed change is not shown on the plan, however they will maintain the 5 foot setback requirement. The west side of the garage currently has a paver area, which will also be removed. A revised plan, dated March 3, 2020, was marked as Exhibit A-1. The applicant will comply with the 20% lot coverage requirement as well as the building height requirements. The applicant will comply with all comments in the Planning review letter, dated February 11, 2020. Committeeman Settembrino indicated concern with creating a variance for the existing accessory structure. A portion of an aerial photo was marked as Exhibit A-2.

In regard to the Engineering review letter, the applicant will agree with most comments. They are requesting a waiver for the existing gravel driveway, but noted the new driveway will be paved. They are requesting a waiver from providing trees throughout the site, they will provide 3 along the street. Testimony was provided regarding a conservation easement on the property to the rear, so there is heavy vegetation existing. The applicant is also proposing evergreen plantings along the property line to mitigate the newly create variance for the accessory structure. The applicant is firm on not moving the garage. A lengthy discussion was held regarding design alternatives.

Mr. Ward reviewed the variances that are required. The applicant is proposing a lot area of 21,744 square feet for each lot, which is 131 square feet shy of the minimum required lot area. Both Lot 25.01 and 25.02 will require variance relief. The applicant is proposing a frontage of 87.5 feet for each lot, where 125 feet is required. The applicant is proposing a circle diameter of 47.5 feet for each lot, where 77 feet is required. The existing garage will now have a side setback of only 10.5 feet where 20 feet is required. Mr. Ward feels that the variances should be granted because the large open space area is calling for a house, not granting the subdivision would be an underutilization of land. This design is a better planning alternative as there appears to be a void in the current streetscape. The applicant could build one massive home on this oversized lot but that would be out of character for the neighborhood. Instead they are proposing another modest sized home to complement the character of the neighborhood. The design provides for adequate space between homes and the density is appropriate for the zone. There are no detriments to the surrounding neighborhood as it will enhance the harmony of the neighborhood as well as raise property values.

Chairman Deus opened the hearing to members of the public who have questions or comments on this application. All members of the public were sworn in for the record.

John Kilduff advised that he lives at the property immediately adjacent to the west and stated that he likes the property as it exists with the open space. Until the property owner put up the fence, people always complemented him thinking it was his yard and he would like to see it remain as is. Granting the subdivision would negatively impact the enjoyment of his property. He added that he would consider buying a portion of the property but not all of it.

Roberta Kilduff echoed the comments of her husband, noting that “Green is Good.”

Lawrence Nash, 5 Chenowich Court, lives behind the property in question and stated that he objects to the application because of the impact to his property value. He added that the conservation easement is never thick enough to shield the view of the property.

At this time, Mr. Asadi requested that the Board take a brief recess. Upon reconvening, Mr. Asadi advised he would like to seek a continuation of the hearing in order to allow for his client to work out the issues with the neighbor.

Mr. Gorman announced this application is being carried to June 3, 2020 at Town Hall with no further notice to the public.

**#2019-106, Cross Builders, 400 Thompson Ave, Block 187, Lot 9, Application for Minor Subdivision** – Mr. Gorman noted that the notices are in order and the Board has jurisdiction to hear this matter. Paul Edinger, Esq. appeared on behalf of the applicant. He explained this was almost an as of right application for minor subdivision, however a variance for a 50 foot buffer requirement due to Thompson Avenue being an arterial roadway. They do comply with the Zone setback requirement.

Gary Schecher was sworn in as project manager for Cross Builders. An aerial photo with the property in question marked in Red was marked as Exhibit A-1. The property has 335 feet of frontage along Thompson Avenue. No Freshwater wetlands were shown however wetlands were found that were caused by unknown off site conditions. The site was originally an old horse farm that was left in disrepair over the years. The structures have recently been removed. Mr. Schecher advised that he was surprised about the variance as there are no other houses along this road that meet that requirement. He could move the houses back, but that would impact the wetlands that were found. Ms. Chavan explained the variance, noting that it is generally meant for major subdivisions, but because it is in the Ordinance, a technical variance is needed.

Ms. Eteson asked the applicant to redesign the plan and include an adjacent property. Mr. Schecher advised they do not own it, it is privately owned and already developed.

Mr. Schecher advised that he is requesting a waiver from the side-entry garage requirement however Board members indicated they prefer the side entry garage. Applicant will comply with the side entry garage requirement as well as all comments in the Planning review letter. The applicant will obtain DEP approval and obtain an LOI for the property as well. A tree save plan will be submitted and supplemental trees to be added as directed by the Board Engineer. An existing wood fence will be removed and all condenser units will be shielded. The applicant indicated they will comply with all comments in the Engineer’s review letter.

Committeeman Settembrino asked that a deed restriction be added for no future subdivision of the properties. The applicant agreed.

Chairman Deus opened the meeting to members of the public, all of which were sworn for the record.

Virginia Rigolini, 410 Thompson Ave, advised that the run-off comes from the area of Akar Car Services and the subject property has had problems for years. She welcomes the new development but is concerned with the wetlands areas. A discussion was held and the applicant agreed to seek approval to fill the wetlands adjacent to her property.

Mike Garry, 412 Thompson Ave., offered comments regarding the flooding on Verdun Place and stated that the rumor is that the old Keelen bus company across the highway had installed a damn up the creek that caused the run-off issues.

Seeing no further comments, Chairman Deus closed the public portion.

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

Roll Call:

Ayes: Deus, Rathjen, Settembrino, Berson, Eteson, Colangelo, Merces

Nays: None

**ADJOURNMENT**

CHAIRMAN DEUS OFFERED A MOTION TO ADJOURN THE MEETING AT 8:53 PM, SECONDED BY MR. MERCES. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



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Erin Uriarte,  
Board Secretary