

# 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*

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

## PLANNING BOARD MEETING MINUTES MARCH 6, 2019

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 6, 2019.

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 November 15, 2018.

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: Chairman Deus, Mr. Rathjen, Mr. Colangelo, Mr. Wilton, Mr. Mercedes, Mr. Brey and Committeewoman Patricia Snell

Also present: James Gorman, Board Attorney, Robert Keady, Board Engineer, Sanyogita Chavan and Thomas Incorvaia, Board Planners

A salute to the flag followed.

Mr. Rathjen offered a motion to appoint Sanyogita Chavan as acting Board Secretary, seconded by Chairman Dues. All present members voted in favor by voice vote.

PUBLIC COMMENT – A gentlemen appeared and presented a book he wrote that he would like to donate to the Public Library. Mr. Gorman stated that any discussion pertaining to the Crematory application must be held until the hearing for that application.

Trisha Maguire, Fox Wood Run, asked for clarification on tonight's Agenda items and asked questions regarding the Crematory application and a possible injunction.

### **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

## SUB-COMMITTEE APPOINTMENTS

Chairman Deus noted the following appointments:

Appointment of Land Use Committee – Chairman Deus, Mr. Colangelo, Mr. Wilton, Committeewoman Snell

Appointment of Master Plan Committee – Chairman Deus, Mr. Rathjen, Mr. Wilton, Mr. Colangelo

Appointment of Affordable Housing Committee – Committeewoman Snell, Mr. Mercedes, Mr. Rathjen, Mr. Czaplicki

Appointment of Economic Development/Redevelopment Committee – Mr. Rathjen, Mr. Mercedes, Mr. Crupi, Committeewoman Snell

## ADMINISTRATIVE MATTERS

Payment of Vouchers – Mr. Rathjen advised that he reviewed all of the invoices in the amount of \$5,636.16.

MR. RATHJEN OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR MARCH 6, 2019, SECONDED BY MR. COLANGELO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Committeewoman Snell advised that she has asked Mr. Gorman to draft up a Resolution for an injunction for the Crematory application, which is pending. Mr. Gorman advised that the Zoning Board application was denied and the Board is now asking that the town only hear the application until the litigation regarding the Zoning Board application is resolved.

COMMITTEEWOMAN SNELL OFFERED A MOTION DIRECTING THE BOARD ATTORNEY TO FILE AN INJUNCTION, SECONDED BY MR. BREY. ALL PRESENT BOARD MEMBERS VOTED IN FAVOR BY VOICE VOTE.

## OLD BUSINESS

#2018-100 Archer Management; Block 615, Lot 81; 207 Harmony Road; located in the B-3 Zone. Applicant is seeking Minor Subdivision Approval – Mr. Gorman advised this application will not be heard and will be carried to April 3, 2019 at 6:30 pm.

# 2018-203 Seth Beller Trust; Block 807, Lot 1.02; 1230 Highway 35; Located in the B-3 Zone Applicant is seeking major site plan approval, minor subdivision approval and variance relief from the front yard setback. Applicant seeks to create two (2) building lots and construction of a 5,585 square foot convenience store with gas station.

Donna Jennings appeared on behalf and offered testimony in support of the application. She noted that the applicant was heard on February 6, 2019 and they are back this evening with the architect.

Richard Luke was sworn in and accepted as an expert architect. A revised canopy design was marked as Exhibit A-10. Mr. Luke referred to the originally proposed plan and noted the new alternative canopy which adds a more residential feel. Board members indicated they liked this design better.

Mr. Luke reviewed the proposed building design and materials, referring to the elevations to demonstrate. The dumpster enclosure will be block material and will be nine feet high so you do not see the dumpsters.

Chairman Deus opened the hearing to members of the public for questions of this witness.

Patrick Casey, 1 The Vista, asked questions regarding lighting. Ms. Jennings indicated they will comply with the Ordinance.

No further questions were received.

Kristen Ritz was presented as a representative of Wawa and was reminded she is still under oath. Ms. Ritz offered testimony regarding the various sizes of trucks that would utilize the site, expended vendors, deliveries and customer counts.

Mr. Liston asked Ms. Ritz several questions regarding tractor trailers, on site enforcement and delivery restrictions.

Jeff Kandrawy, 2 The Terrace, was sworn in and asked questions regarding lighting, traffic and refuse.

John McGrath, 7 The Terrace, asked questions regarding customer counts.

Ron Fay asked questions regarding the amount of fuel that would be sold in a certain amount of time.

Nancy Davis, 28 Winding Brook Way, asked questions regarding traffic.

No further questions from the public were received.

Gary Dean was sworn in and accepted as an expert Traffic Engineer. Mr. Dean reviewed the findings of his August 27, 2018 Traffic Impact Statement. In regard to site design, the applicant is proposing the entrance drive be 50 feet from the street curb and major access aisles, which requires a waiver from Township Ordinances but it has become the NJDOT standard. He feels that all design waivers can be granted without affecting the safe maneuverability of the site. A variance is required for the parking stalls in a front yard associated with the air pumps. A variance is required for no parking within 20 feet of the outer walls of any nonresidential structure, the applicant is proposing twelve feet at the convenience mart. There is a design waiver required with respect to the ordinance that permits one pavement utilized at any site, and the applicant is proposing two, bituminous and the concrete by the pumps. The reason for that is to preserve the structural integrity of bituminous concrete, which is if it is ever exposed to petroleum products basically rots. By having concrete around the areas that are most sensitive to that type of concern, it is better environmentally. He added that all the findings were submitted to and accepted by the NJDOT. In regard to Mr. Keady's review letter the applicant will comply. Mr. Keady asked some follow up questions regarding the traffic counts Mr. Dean referred to A-3 to demonstrate site circulation. Board members asked questions for clarification purposes and indicated concerns with stacking of vehicles blocking intersections.

#2018-205 700 Newman Springs Road, LLC; Block 1062, Lots 14.02 & 15; 700 Newman Springs Road; Located in the B-1 Zone District; Applicant is Seeking Preliminary and Final Major Site Plan Approval To Reconstruct The Lincroft Tavern – Mr. Gorman announced that the notices were in order however this application will not be heard this evening and will be carried to April 3, 2019 with no further notice required.

#2018-203 Seth Beller Trust – continued – Mr. Dean agreed to add signage for tanker truckers to exit on Route 35 only. He added that he will comply with the striping comments in Mr. Keady's letter.

Board Members asked several questions regarding site circulation

Mr. Liston asked several cross examination questions of Mr. Dean.

Chairman Deus opened the hearing to members of the public for questions of the traffic testimony.

Mr. Kandravy asked several questions for clarification on the areas that the counts were done, mitigation of sun glare and the effects of queued vehicles.

John McGrath of the Trail asked questions regarding noise and traffic.

Lars Blanchard asked questions regarding the traffic counts.

At this time the Board took a short recess. Upon reconvening, public questions continued.

Ron Fay questioned the projected traffic counts and site circulation.

Mr. Liston asked questions regarding the traffic counts for the proposed use versus the previously abandoned use.

Mr. Kandravy asked if a traffic study would be done for the neighborhoods in the area.

Eric Dunn, 5 The Trail, indicated concern with the impact on the neighborhoods.

Paul Phillips was sworn in and accepted as an expert Planner. Mr. Phillips described the subject site and surrounding uses. He reviewed the proposed improvements as well as the waivers and variances being requested and feels that the benefits of granting the relief would outweigh any detriments. A discussion was held regarding signage.

Mr. Liston asked several questions upon cross examination.

Chairman Deus opened the hearing to members of the public for questions of this witness.

Mr. Kandravy asked questions regarding signage.

Lars Blanchard asked questions about signage and indicated concern with their visibility.

Mr. Liston indicated concern with presenting a witness at such a late hour.

Bahman Izadmehr was sworn in and accepted as an expert Traffic Engineer. Mr. Izadmehr reviewed the applicant's traffic study and listened to the testimony. He indicated he would have broadened the review of the study and expressed some concerns with the signalized intersections. Upon questioning from Mr. Gorman, Mr. Izadmehr indicated he reviewed the traffic conditions before the prior hearing and again after the meeting however he did not conduct any counts. Board members asked several questions for clarification purposes. Ms. Jennings proceeded to cross exam Mr. Izadmehr noting that he testified that Mr. Dean followed the proper procedures. Mr. Izadmehr confirmed that was his testimony.

Chairman Deus opened the hearing to members of the public for questions of Mr. Izadmehr.

Mr. Kandravy asked questions regarding seasonal summer traffic.

Ms. Jennings advised she has no further witnesses to present.

Chairman Deus opened the hearing to members of the public for comments on this application.

Lars Blanchard offered comments regarding the impact on the quality of life for surrounding neighborhoods should this be approved. A possibility of a fence was discussed however Ms. Jennings advised the applicant would not be agreeable to that.

Mr. Kandravy asked procedural questions for residents who couldn't attend. He indicated concerns with lighting and traffic affecting the neighbors.

Patrick Casey indicated concern with noise levels.

Eric Dunn offered comments indicating concern with the impact this will have on his neighborhood.

No further comments from the public were received.

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

Roll Call:

Ayes: Chairman Deus, Mr. Rathjen, Mr. Colangelo, Mr. Wilton, Mr. Mercés, Mr. Brey, Committeewoman Snell

Nays: None

Abstain: None

Chairman Deus advised that the application is denied.

Mr. Gorman asked that the transcripts be provided to the Board. Ms. Jennings advised she will think about it.

#### ADJOURNMENT

CHAIRMAN DEUS OFFERED A MOTION TO ADJOURN THE MEETING AT 11:15 PM, SECONDED BY MR. MERCES. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:

---

Erin Uriarte,  
Board Secretary