

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

One Kings Highway
Middletown, NJ 07748-2504

JAMES HINCKLEY
Chairman



AMY H. CITRANO, P.P., A.I.C.P.
Director of Planning

ERIN URIARTE
Secretary

Organized December 14, 1667
"Pride in Middletown"

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ZONING BOARD MEETING MINUTES MARCH 28, 2022

A Regular Meeting of the Zoning Board of the Township of Middletown was held in the main meeting room at Town Hall, One Kings Highway, Middletown New Jersey at 7:00 PM on March 28, 2022.

Chairman Hinckley called the meeting to order and read a statement of compliance with the Open Public Meetings Act. The Middletown Zoning Board notified the Independent, the Asbury Park Press and the Two River Times on February 3, 2022. Notice of the meeting was filed with the Township Clerk and posted in Town Hall on February 3, 2022. 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: Mr. Wrede, Mrs. Bouw, Mr. Truscott (arrived at 8:55 pm), Mr. Hinckley, Mr. Hibell, Mr. Bane, Mrs. Rogers, Mrs. Sheridan, Mr. Barvels

Also present: Gregory Vella, Esq., Board Attorney; Amy H. Citrano, P.P., Township Planner; Morgan Astorino, Assistant Planner; Erin Uriarte, Board Secretary

Absent:

A Salute to the Flag followed.

Mr. Hinckley welcomed Mr. Barvels to the Board. He added that he will be giving the two applications each one and half hours to present their case and the Board will be wrapping up around 10 pm.

Mr. Vella announced for the public that the following applications would not be heard:

#2021-019, Michael Heal, Block 782, Lot 6, 11 Grand Tour, Application for Planning, Bulk & D Variances – This application is carried to April 25, 2022, at 7:00 pm at Town Hall. There will be no further notice required.

APPROVAL OF MINUTES

February 28, 2022 – MR. WREDE OFFERED A MOTION TO APPROVE THE MINUTES, SECONDED BY MRS. ROGERS.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Hibell, Bane, Rogers, Sheridan

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

APPROVAL OF RESOLUTIONS

Mr. Vella advised the Resolutions are not ready for this evening and will be carried to the next meeting.

ADMINISTRATIVE MATTERS

Payment of Vouchers – Mrs. Bouw reviewed the invoices received and recommends their approval. Mr. Wrede offered a motion to approve the Payment of Vouchers, seconded by Mr. Hibell. All present members voted in favor by voice vote.

OLD BUSINESS

#2021-016, Adam & Marisha Sirois, Block 770, Lot 4, 24 Witches Lane, Application for Planning & Bulk Variances – Mr. Vella advised that the notices are in order and the Board had previously accepted jurisdiction however no testimony has been presented. The following exhibits have been marked:

The Variance Plan, consisting of one sheet, prepared by Richard E. Stockton & Assoc., Inc., dated August 15, 2021 was marked as Exhibit A-1. The Alterations and Additions Plan, consisting of eight sheets, prepared by Studio ONE Architects, dated April 8, 2021 and last revised September 21, 2021 was marked as Exhibit A-2. The Location Survey, consisting of one sheet, prepared by Richard E. Stockton & Assoc., Inc., dated August 15, 2021 was marked as Exhibit A-3. The Critical Slopes Survey, consisting of one sheet, prepared by Richard E. Stockton & Assoc., Inc., dated August 31, 2021 was marked as Exhibit A-4. The Technical memo from the Planning Director was marked as Exhibit ZB-1. An addendum to the Planner's Technical memo was marked as Exhibit ZB-2.

John Anderson, Esq. appeared on behalf of the applicant and stated there are known objectors represented by G. Aaron James, Esq. Mr. Vella confirmed he has received a letter setting forth the objectors.

Mr. Anderson advised that this property is located on Witches Lanes and Bayview Terrace. The home was built in 1976, with variances and is a unique structure. The home is a modern style with a wedge-like shape and is propped up on pillars due to the steep slope and is accessed via a footbridge. The applicant is requesting to expand and improve the existing home, while maintaining the existing footprint. The design is driven by the extreme slopes; they are going up vertically rather than horizontally in order to minimize the impact on the slopes. A height variances is required for the three-story home where only two-and-a-half stories are permitted. They are proposing a height of 44.8 feet where 35 feet is permitted, which triggers a D-variance. He noted that the new home will appear to be two stories from the view on Witches Lane. A variance is also required for development on an unimproved roadway, as this is a historic neighborhood with no intent to pave the roadways. An open deck is proposed on the front and side of the structure. The proposal has been approved by the Monmouth Hills Association as well as the Landmarks Commission.

Mr. Anderson stated that due to the time constraints, he would like to do the direct testimony and cross-examination of his land surveyor and architect tonight as well as allow any supporters to speak and not have to come back. Mr. Hinckley advised he will let Mr. Anderson know how the Board will proceed.

The Zoning Officer denial letter was marked as Exhibit A-5. The intent to proceed checklist and narrative was marked as Exhibit A-6. The Monmouth Hills Approval was marked as Exhibit A-7. A second Monmouth Hills approval was marked as Exhibit A-8. The Landmarks Commission approval was marked as Exhibit A-9. Zoning Board minutes from 1976 were marked as Exhibits A-10 and A-11.

Adam Sirois was sworn in as the property owner. He advised this will be their primary residence, although it was originally purchased as a summer and weekend home. Due to the pandemic, they ended up spending more time at the property and have decided to live here full-time. The home was built for an artist who lived alone and is not suitable for a family. They would like to have all three bedrooms on the same floor, along with a guest room and a home office. The natural fauna will be preserved and they are proposing dark natural materials to blend in with the forest. The topography of the site drives the need to expand vertically. He added that the existing homes in the area are all placed somewhat caddy-corner so expanding horizontally would affect the neighbors' views. Regarding the Monmouth Hills approval, the first one was received via email due to the pandemic however once the objecting attorney raised concerns with an emailed approval, they went back in December 2021 to receive a more formal approval.

Mr. Anderson read the names of the objectors and Mr. Sirois advised he believes some of them live down the hill from his home.

Mr. Wrede added that he has visited the site a few times and it is a unique site. This is a case where the Board will have to bend so that something can be done on the site. He further indicated concerns with future subdivision of the property. Mr. Anderson advised it is an undersized lot.

Ron Trinidad was sworn in and accepted as a Licensed Land Surveyor from Stockton Associates. A location and topography plan Exhibit was marked as Exhibit A-12. Mr. Trinidad advised the property is approximately 22,000 square feet and is undersized for the zone. Referring to Exhibit A-1, he pointed out the highest and lowest elevation locations, noting a 50+ elevation change on the property, which is extreme. He referred to the critical slope plan to show what areas are considered over a 25% slope. A colorized critical slope plan was marked as Exhibit A-13. A survey dated January 3, 2022 measuring distances to neighboring structures was marked as Exhibit A-14. There is approximately 260 feet, home-to-home, from the subject property to 30 Bay View Terrace, with a roadway included in that area.

Ms. Citrano questioned the elevation at all four corners of the home. Mr. Trinidad advised the southeast corner is at 192.6, the southwest corner is 189.9, the northwest corner is 180.6 and the northeast corner is 180.5. The average of the four corners will be measured to the peak.

Anthony D'Angelo was sworn in and accepted as the project architect. Robert Feinstein was also sworn in as the training architect who took some of the photos being presented.

Mr. D'Angelo advised that he has reviewed the Ordinances and visited the site. A series of six photos was marked as Exhibit A-15. He explained that the photos show the existing condition of the lot. They were taken in the winter, which is evident by the bare trees. He noted that access to the home is on the second floor via a footbridge. He reviewed both the existing and proposed floor plans, noting a stair tower addition that will connect all the floors. The second floor will be an open kitchen, living and dining area with the outdoor deck being enclosed for

the new kitchen. The first floor will contain a two guest rooms and a media area. The third floor will contain the Master Bedroom, 2 bedrooms and a full bath with a playroom area. The total bedroom count will be 5 bedrooms and 3½ bathrooms. He noted that the home will appear to be a two-story home from Witches Lane.

Mr. Vella asked several questions related to the height of the structure. Mr. D'Angelo advised the height was calculated using the average of the four corners' elevation. The structure itself will be 34 feet, without the pilings.

Mr. Wrede questioned a horizontal expansion. Mr. D'Angelo advised his clients wanted to minimize impact on the trees and the slopes. They also have no usable yard so they wanted to bring the outdoor enjoyment in to the home through deck space and glass wall material design. The amount of disturbance will include the area for the stair tower, which is approximately 136 square feet. The retaining wall that supports the footbridge will remain in place and will be structurally reinforced, subject to the Township Engineer's review and approval.

Mrs. Bouw indicated concerns with construction equipment. Mr. D'Angelo advised they will access the property via Witches Lane and the property owner will relocate during construction.

Mr. Hinckley advised they do not have time to open the hearing to the public, therefore the architect and land-surveyor must come back for cross-examination.

Mr. Vella announced this application is being carried to May 23, 2022 at 7:00 pm; there will be no further notice.

At this time, the Board took a 10-minute break and reconvened at 8:56 pm. Mr. Truscott arrived during the break.

#2021-013, Almost Home Market, Inc., Block 1049, Lot 1, 276 Sunnyside Road, Application for Pre-Existing Non-Conforming Use – Jeffrey Rosen, Esq. appeared on behalf of the applicant, Almost Home Market.

Mr. Vella explained this is an application for a pre-existing non-conforming use and he believes there is an objecting attorney present.

Robert Simon, Esq., appeared on behalf of an objecting neighbor, Mr. & Mrs. Wentzel. Mr. Simon believes the notice may be deficient as the applicant may not have noticed the neighboring town. A discussion was held. Mr. Rosen indicated he has concern with putting the cart before the horse, so to speak.

Mr. Vella confirmed the adjoining municipality must be noticed and list must be obtained from Holmdel Township. He added that the statute doesn't require notice for this type of application, however Case Law does require notice. He added that the Middletown Township Assessor's office went above and beyond by including the list of Holmdel property owners to the Certified List, however the Clerk of Holmdel was not noticed. He advised the application could move forward and the vote can be held until the notice issue is clarified.

Mr. Rosen advised the Board he would like to request to be carried in order to avoid an appeal in the future.

Mr. Vella announced this application is being carried to May 23, 2022 at 7:00 PM; notice will be required.

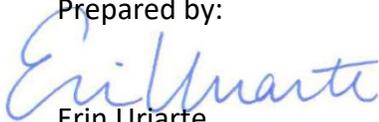
NEW BUSINESS – None

EXECUTIVE SESSION – None

ADJOURNMENT

MRS. BOUW OFFERED A MOTION TO ADJOURN THE MEETING AT 9:13 PM, SECONDED BY MR. TRUSCOTT. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte
Board Secretary