

# TOWNSHIP OF MIDDLETOWN

Planning Board  
One Kings Highway  
Middletown, NJ 07748-2504

DAVID MERCES  
Chairman



Organized December 14, 1667  
"Pride in Middletown"

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## PLANNING BOARD MEETING MINUTES APRIL 5, 2023

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 April 5, 2023. Chairman Merces 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 Middletown Planning Board notified the Two River Times, and the Asbury Park Press on January 12, 2023. 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 Merces, Vice-Chairman Rathjen, Mr. Berson (arrived at 6:36pm), Mr. Rentschler, Mr. Schweizer, Mr. AmecAngelo, Mr. Banasiak

Also present: James Gorman, Board Attorney; Greg Gitto, PE, for Robert Keady, PE, Board Engineer; Amy H. Citrano, Director of Planning; Erin Uriarte, Board Secretary

A salute to the flag followed.

Ms. Uriarte read the agenda for the record.

### **APPROVAL OF MINUTES**

**March 22, 2023** – Mr. Schweizer offered a motion to approve the minutes, seconded by Mr. Rathjen. All present eligible members voted in favor by voice vote.

### **RESOLUTIONS**

None

### **ADMINISTRATIVE MATTERS**

None

### **OLD BUSINESS**

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

## **NEW BUSINESS**

**#2022-105, Stefano Sacco, 611 Monmouth Avenue, Block 29, Lot 8 , Seeking Minor Subdivision Approval with Variances** – Mr. Gorman advised the notices are in order and the Board has jurisdiction to hear this matter.

Jordan Gale, Esq., appeared on behalf of the applicant. Mr. Gale explained the applicant is seeking minor subdivision with variances related to the existing home for setback. The new lot will require variances for frontage and lot circle diameter.

For the record, Mr. Berson arrived at 6:36 pm.

Andrew Stockton, PE, PP was sworn in and accepted as an expert engineer and planner. Mr. Stockton explained that the applicant proposes to subdivide an existing 13,717 square feet lot into two new lots, Lots 8 and 9. Proposed Lot 8 contains 8,729 square feet and 87.5' of street frontage on Monmouth Avenue. The lot will contain an existing single-family home, shed and driveway Monmouth Avenue. Proposed Lot 9 will maintain 50' of frontage on Brainard Avenue and contains 4,988 square feet. No construction is proposed at this time. Relief is required from the following standards: Minimum lot area: 7,500 s.f. required, where 4,988 s.f. is proposed for Lot 9; Minimum lot frontage: 75 ft. is required, where 50 ft. is proposed for Lot 9. Minimum circle diameter: 50 ft. is required, where 30 ft. is proposed for Lot 9. Proposed Lot 8 contains existing non-conforming conditions for side yard setback of the dwelling where 10' is the required minimum and 7.6' exists; and side yard setback for the shed where 10' is the required minimum and 0.4' exists. Mr. Stockton added that it is technically two lots now, however they have sold as one lot and the applicant is simply looking to un-merge the lots. Mr. Gorman confirmed the property has always been conveyed as two lots. Discussion was held regarding the merging of the properties.

Mr. Stockton advised that the applicant is requesting minor subdivision approval, noting that the angled lot lines do affect the lot area calculations.

Mr. Settembrino asked several questions related to the new lot's deviations from ordinance standards and indicated a strong concern with creating a substantially smaller lot than what the zone allows.

A neighborhood lot pattern exhibit was marked as Exhibit A-1. Mr. Stockton explained which homes exist on currently undersized lots. He feels the proposal is not out of character with the neighborhood. The existing variances can be granted as a C1 variance as there is no detrimental impact on the zone plan. The new variances can be granted under the C2 criteria in that the benefit outweighs the detriment. Mr. Stockton feels the rear of the property in question creates a void in the streetscape along Brainard Avenue. Construction of a home on the new lot would provide for adequate population densities. The proposed plan would advance purposes E, G & J of the Municipal Land Use Law.

Mr. Rathjen asked questions related to the construction of the original home. The home was built in 1910 and the shed was in place when the Sacco family purchased the home three years ago.

Mr. Stockton testified that he has reviewed the professional review letters and will address all comments. The concrete pad shown on the plan will be removed and restored to lawn area. The property will continue to drain as it does today; half to Brainard and half to Monmouth. The applicant also agrees to plant street trees and additional trees as requested in the review letters.

The minor subdivision plan was marked as Exhibit A-2. Tax information for the neighboring properties was marked as Exhibit A-3.

Ms. Citrano questioned the flood zone requirements. Mr. Stockton advised the property exists in the AE zone and the base flood elevation would be 11.

Ms. Citrano asked if any buy/sell letters were sent to adjacent property owners in order to bring the lots closer to conformity. Mr. Gale explained a land sale was discussed years ago but fell through. Ms. Citrano advised that creating a desirable visual impact can be subjective.

Chairman Merces opened the hearing to members of the public who wish to ask questions or make comments; however none were received.

Board members offered comments indicating concern with creating an undersized lot, along with parking concerns for existing residents of Brainard Avenue.

Mr. Rathjen stated that he felt this would be a great property for a starter home and offered a motion to approved the application, however no second was offered.

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

Roll Call:

Ayes: Merces, Settembrino, Berson, Rentschler, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: Rathjen

At this time, the Board took a brief recess and reconvened at 7:41 pm.

**#2022-202, Charlies at Lincroft, 700 Newman Springs Road, Block 1062, Lot 14.03, Seeking Amended Site Plan Approval** – Mr. Gorman advised he has reviewed a PDF of the notices, they appear to be in order however Ms. Uriarte has not received the original notice packet.

Donna Jennings, Esq. appeared on behalf of the applicant and advised they will have to track the package with UPS.

Ms. Jennings advised this is an application for 700 Newman Springs Road, LLC who is the owner and applicant this evening. They are seeking amended site plan approval to allow for some parking lot modifications that have been done to the currently operating site.

Joseph Pandozzi was sworn in as the Senior Vice-President of the Hesse Companies, the parent company of 700 Newman Springs Road, LLC. He testified that the gate was added because the traffic that enters from Middletown-Lincroft Road would stack waiting to turn into the first parking aisle available and would block the circulation of traffic through the site. Installing the gate encourages motorists to navigate further into the site before attempting to turn. The gate opens for exit only.

Mr. Settembrino questioned whether a permit was obtained for the gate. Mr. Pandozzi indicated they did not obtain approval for the gate. The restaurant opened in June of 2022 with a parking lot area dedicated to that use. They ran into problems with the tenants of the strip mall and eventually entered into a consent order to open parking for everyone. All tenants agreed to the 20 spaces to be used for valet after 4:00 pm.

Mr. Settembrino asked if the dedicated spaces, for Charlies Restaurant, were part of the original site plan approval. Ms. Jennings advised they were not, and they are here seeking approval this evening. Mr. Pandozzi added that there is an agreement in place and the shopping center has been operating fine. Ms. Jennings advised that landlords can restrict any

spots they'd like to fit a tenants needs. The restaurant has about 35 employees on site at night and they have spaces for employees in the rear but cannot force them to actually park there.

Mr. Gorman advised of the shared parking ratio that is used for shopping centers of this nature. He added that once you start restricting parking, it affects that ratio. Board members indicated concern with restricted parking. Ms. Jennings clarified they are not restricting parking, they are adding the gate to help with traffic circulation. No signs are proposed.

Mr. Pandozzi advised they really just would like to keep the gate to help with the traffic flow. Mr. Settembrino asked if any other traffic calming devised had been considered. Mr. Pandozzi explained they installed speed bumps. Mr. Schweizer advised speed bumps are not permitted. Mr. Gorman added that it appears "Do Not Enter" signs were added without site plan approval and it is unclear if that is part of this request.

Ms. Jennings advised that the applicant is withdrawing all requests for signage. Ms. Citrano stated that all the spaces stamped with the Charlie's logo imply restriction and could be considered signage. Mr. Settembrino stated that the logo could be considered artwork. Mr. Pandozzi clarified the logos would remain however all parking restrictions will be removed.

Mr. Banasiak indicated concern with work being done without permits being obtained.

Mr. Gitto clarified with the applicant that the gate will not open as someone tries to make a left into the parking aisle. He indicated concern with motorists attempting to slip in when they see the gate is open. The parking lot was designed to operate with a 2-way access aisle and it does not with the improvements that are currently in place.

A discussion was held regarding the operation of the gate. Board members indicated concern with the change of the traffic flow from what was approved.

Chairman Merces opened the hearing to members of the public who would like to ask questions based on the testimony presented by Mr. Pandozzi, however none were received.

Andrew Comi, PE, was sworn in and accepted as an expert engineer. Mr. Comi discussed the traffic circulation, noting that the one-way restriction is only in a small portion of the drive aisle in order to restrict left turns into the drive aisle. The new design is an improvement to safety on site.

Mr. Rathjen indicated he would like to see more of a permanent solution such as curbing rather than the gate, which could hit cars or pedestrians. Gates are used for military facilities and paid parking lots, not shopping centers.

Chairman Merces opened the hearing to members of the public who would like to ask questions based on the testimony presented by Mr. Comi, however none were received.

Scott Kennel was sworn in and accepted as an expert traffic consultant. He advised that the gate will enhance the site access. The drive aisle still functions as a two-way drive aisle and motorists can easily access the rest of the site. The design optimizes traffic operations on the site.

Board members indicated concern with changes being made that differ from the approved site plan. Mr. Kennell advised it is not uncommon to make modifications in the field to reflect real life conditions. Mr. Settembrino advised curb modifications would be a permanent fix to the traffic flow issues being expressed.

Ms. Citrano and Mr. Gitto advised they have nothing further to discuss.

Chairman Mercus opened the hearing to members of the public who would like to ask questions based on the testimony presented by Mr. Kennell.

Melanie Elmiger, Lincroft resident, was sworn in and advised there are several signs that indicate "Charlies at Lincroft Entrance and Exit Only" and asked if they are approved on the site plan. They are not. Ms. Elmiger asked several questions related to the valet operations and removal of the restricting signs. Ms. Jennings advised she was unaware of the signs in the right-of-way.

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

Melanie Elmiger offered comments indicating she is not in favor of restricted parking. She further indicated concerns with safety and that of customers for the other tenants having to compete for parking. A gate implies restriction, the signs are confusing, and she feels this will set precedence.

Seeing no further comments, Chairman Mercus closed the public portion of the hearing.

MR. SCHWEIZER OFFERED A MOTION TO APPROVE THE APPLICATION FOR A GATE ONLY, WITH A CONDITION ADDED RELATED TO SIREN ACTIVATION OF THE GATE. MR. BERSON SECONDED THE MOTION.

Roll Call:

Ayes: Berson, Schweizer, AmecAngelo, Eteson

Nays: Mercus, Rathjen, Rentschler, Banasiak, Settembrino

Mr. Gorman advised the application is denied and the Resolution will be adopted at the next meeting.

Mr. Gorman further advised the Board that a decision was made regarding the Fairview Cemetery lawsuit. The Judge upheld the Zoning Board's decision. There was a pending application before the Planning Board that was waiting for a decision; if the applicant decides to move forward, Mr. Gorman will have to recuse himself as he has family plots at the cemetery.

**ADJOURNMENT**

MR. SCHWEIZER OFFERED A MOTION TO ADJOURN THE MEETING AT 8:58 PM, SECONDED BY MR. BANASIAK. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,  
Board Secretary