

TOWNSHIP OF MIDDLETOWN

Planning Board
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Chairman



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Organized December 14, 1667
"Pride in Middletown"

PLANNING BOARD MEETING MINUTES APRIL 7, 2021

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 3, 2021.

The Board Attorney read a statement to advise 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.

To ensure the health and safety of our residents during the COVID-19 pandemic, Middletown Township Planning Board changed the format to a virtual meeting, via WebEx. The Middletown Planning Board notified the Independent, the Star Ledger and the Two River Times of the Meeting Change on December 15, 2020. All notification was given pursuant to the Open Public Meetings Act at least 48 hours prior to this meeting.

All members of the public will be muted upon joining the meeting and must remain muted until you are acknowledged during the public comment portion of the public hearing. Only the meeting organizer will "unmute/mute" a participant and/or attendee. After you are unmuted, you may also have to unmute yourself by clicking on the mute/unmute microphone icon on the bottom left of your Webex screen. If you wish to appear by video as well as audio, you must click on the video icon of your Webex screen. Please note video is required for sworn testimony/comments.

In order to participate in the public comment portion of the hearing, you must click on the "Raise Hand" icon in the Webex App. Dial-in users will be unmuted and given a chance to speak, you will hear a "beep" when you are unmuted, please state if you wish to speak. To participate in public comment, you must state your name and address for the record. Sworn testimony must be made by video. You will be unmuted or acknowledged by the meeting organizer when it is your turn to comment. The "Chat" feature should only be used to indicate your desire to participate in the public comment portion of the meeting or technical difficulties, and not for public comment.

Roll call was taken with the following members present via WebEx: Mr. Mercés, Mr. Rathjen, Committeeman Settembrino, Mr. Berson (logged in at 7:30pm), Mr. Rentschler, Mr. Schwiezer, Ms. Eteson, Mr. Banasiak

Also present via WebEx: James Gorman, Board Attorney; Robert Keady, PE, Board Engineer; Anthony Mercantante, Board Planner; Erin Uriarte, Board Secretary; Rob Harris, MIS

A salute to the flag followed.

Board Secretary read the agenda.

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 MINUTES

MARCH 3, 2021 – COMMITTEEMAN SETTEMBRINO OFFERED A MOTION TO APPROVE THE MINUTES OF MARCH 3, 2021, SECONDED BY MR. SCHWIEZER. ALL PRESENT, ELIGIBLE MEMBERS VOTED IN FAVOR BY VOICE VOTE.

RESOLUTIONS

None

ADMINISTRATIVE MATTERS

Payment of Vouchers – Mr. Rathjen advised that he has review the Payment of Vouchers, found them to be in order and offered a motion to approve the Payment of Vouchers for April 7, 2021. This motion was seconded by Mr. Schwiezer. All present members voted in favor by voice vote.

Chairman Merces advised he would like to call the minor subdivision first before getting into the bigger application.

NEW BUSINESS

#2020-105, Accurate Builders, Block 615, Lot 94, 1287 Highway 35, Application for Minor Subdivision Approval – After a few moments of technical difficulty, Allyson Kasetta, Esq., appeared on behalf of the applicant. Mr. Gorman noted that the notices are in order and the Board has jurisdiction to hear this matter.

Ms. Kasetta explained the applicant is seeking a two lot subdivision for an already developed piece of land, which was the subject of a recent Planning Board site plan approval. The subject property is the former Steak and Ale property which has since been developed as a daycare facility and an auto care center with a Dunkin Donuts and retail space. No new improvements are proposed, however the subdivision will trigger a variance for parking and driveway setback. A cross access and parking easement is being proposed to address the parking variances. The driveway setback is a technical variance and will not impact the way the site currently operates.

Josh Sewald was sworn in and accepted as an expert engineer and planner. He advised the plan was prepared under his direction and described the site location and existing development on the site. He explained a parking variance and driveway setback variance are required, however they will not create any development scenarios. Any change in use or change to the plan will come back to the Board for approval. After reviewing the variances, Mr. Sewald advised they are De Minimis in nature and can be granted without a detriment to the property or zone plan.

Committeeman Settembrino questioned the need for a subdivision. Mr. Sewald explained it is for ownership purposes.

Mr. Mercantante asked if the tenant leases will address parking spaces and suggested that could create an issue with the cross access easement. Mr. Sewald explained the tenant leases only address the portion of the building to be rented. Mr. Mercantante suggested a condition to address parking in future leases.

Mr. Schwiezer questioned the Certificate of Occupancy status. Mr. Sewald explained they have CO's however the Learning Experience will not be opening for a few months.

Mr. Gorman questioned who the applicant is and what relation do they have with the owner. Mr. Sewald explained that Accurate Builders is a subsidiary of Yerik Middletown LLC, who is the owner of the property. Mr. Gorman questioned how the subdivision and two potentially new property owners would affect the bonding and inspection fees that are likely still in place. Ms. Kasetta explained they expect that to be resolved prior to perfecting the subdivision. Mr. Keady advised it would not resolve the maintenance bond issue. Ms. Kasetta feels those numbers are already determined. Mr. Mercantante explained that the Maintenance Bond would have to transfer to any subsequent owner to avoid any

issues in the future. Mr. Sewald stated that the performance bond has not been released, but will be released shortly. If the Maintenance Bond needs to be transferred to another party, that is okay.

Mr. Rathjen expressed concern with granting any subdivision with these issues not being resolved.

Mr. Mercantante agreed it needs to be addressed for any future issues that could arise. Each property needs to be able to stand on its own, while recognizing that some of the infrastructure will be shared.

Mr. Sewald suggested a condition that the perfection of the subdivision can not take place until the Maintenance Bond is in place and each lot will have its own maintenance bond. A discussion was held regarding timing and future concerns. Mr. Sewald explained the entire development is complete, the performance bond should be released shortly and should not be an issue. He hopes the maintenance bond can be a condition of this approval. Mr. Gorman explained that they need to clarify which entity will be responsible for what.

Mr. Mercantante stated that sharing the subsurface drainage system makes this a unique situation. He is comfortable with the release of the performance bond. The maintenance bond needs to be worked out. He suggested a meeting to discuss the possible scenarios that could come up and how to address them. Perhaps a condo option for the new buyers could be an option.

Mr. Gorman agreed. If the application wants the Board to grant a subdivision, they have to give some level of comfort that future issues will be addressed properly. This site was approved as one site so there are many site design issues that will have to be worked out for the split of the maintenance bond, such as lighting, the drainage system, landscaping, etc. Board members agreed they would like to see this resolved before acting on the application.

Mr. Gorman announced this application is being carried to June 2, 2021 at 6:30 pm via Webex. No further notice will be given. The agenda will be posted with the meeting links on the township website at least 48 hours in advance.

OLD BUSINESS

#2020-401, NRZ Realty, Block 828, Lot 9.02, Mary Ellen Way, Application for Major Subdivision Approval with Variances – Chairman Mercas advised this application is being carried to June 2, 2021 at 6:30 pm via Webex. No further notice will be given. The agenda will be posted with the meeting links on the township website at least 48 hours in advance.

#2019-402, RJJ Group LLC, Block 638, Los 192 & 194, 451 Kings Highway East/630 East Road, Application for Major Subdivision Approval – Rick Brodsky, Esq. appeared on behalf of the applicant and explained this is a continuation of a previous hearing in which his client was requesting approval for 7 buildable lots. Based on Board member feedback, the applicant has revised the plan to remove the two lot portion along East Road. The proposed 10 acre parcel will remain undeveloped at this time. With the revision, the application boils down to a 5 lot subdivision with frontage along Kings Highway East. With that said, the requested variance relief is down to two variances.

Jim Kennedy remained under oath from the previous hearing as an expert engineer. Mr. Kennedy advised the two variances being requested are for lot frontage for the land locked wetlands portion and a lot circle variance for one of the lots off of Kings Highway East. As Mr. Brodsky had explained, they have removed the two lots that faced East Road. The variance being requested for lot circle diameter proves to be a better design option that creates a more usable yard area. Also, based on Board member feedback, they have created an exhibit to show the existing farmhouse in greater detail. A Colored Revised Subdivision Plan rendering was marked as Exhibit A-2. Mr. Kennedy explains this plan shows the removal of the two lots along East Road, which removed four variances from the plan. They are seeking a variance for the lot frontage of the wetlands lot, noting that a maintenance easement will provide access from the end of the cul-de-sac.

The alternate farmhouse concept plan was marked as Exhibit A-3. Mr. Kennedy explained this is just the existing home superimposed on the subdivision plan as some Board members asked to see it more clearly. The applicant is willing to keep the home if the Board is willing to grant the setback variance associated with it, however they would like the option to build new if the applicant decides to do so. Keeping the home will trigger a rear yard setback variance, which the applicant will request however would still like to retain the option to keep or demolish.

Mr. Kennedy agreed to the comments in Mr. Keady's engineering review letter noting that any comments relating to the East Road portion of the subdivision would have to be removed.

Mr. Mercantante advised that the remained acreage is currently farmed and asked if that is planned to continue. He also expressed concern with emergency service access as well as farmer access; the new owners on the cul-de-sac will not want to see that type of activity. Mr. Kennedy explained there are three potential access points while noting the existing gravel access, however he will look into an easement. Mr. Brodsky advised the farming operation will continue. A discussion was held regarding access to the wetlands/farm use. Mr. Brodsky proposed a condition for no development of the undevelopable lot. Mr. Mercantante replied that a farm building or associated structure could be done, therefore they need to ensure a safe means of access.

Ms. Eteson referred to the Navy review letter in the Board member packets and asked what impact it would have on the project. Mr. Kennedy replied that they will agree to the comments, noting that the portion relating to the two lots off of East Road would no longer apply. Mr. Kennedy added that the Navy has requested a stop bar on Kings Highway East at Normandy Road, however that is Township jurisdiction. Ms. Eteson referred to the driveways on the existing home lot and asked if both will remain. Mr. Kennedy advised that he was not sure which the Board would prefer, so he left both and the Board can make the removal a condition of approval. Mr. Kennedy reiterated the application is for a new home on the lot, however based on Board member feedback, the exhibit was prepared. If the Board wishes to grant the option to keep the home, any Resolution of Approval would have to incorporate that variance. A discussion regarding the existing home ensued. Mr. Rathjen, Ms. Eteson and Mr. Banasiak all agreed they would like to see the home remain. After a brief discussion, it was decided that the removal of the driveway on Kings Highway East would make the most sense.

Chairman Mercas opened the hearing to members of the public who wish to ask questions based on the testimony given.

Thomas Valenti, 71 Walnut Avenue, was sworn in for the record. Mr. Valenti noted that he is the President of the Historic Society however he is speaking on his own behalf. He offered comments on the history of the home, noting that it was home to many prominent Middletown families. Mr. Valenti feels it would be a travesty to lose this historic home and he is requesting a condition be made for no demolition of the home.

Mr. Brodsky advised that the applicant would appreciate any option to keep the home, however it is not on any Historic Registries, therefore there is no mandatory obligation to save the home.

Mary Kiernan, 40 The Trail and Secretary of the Landmarks Commission, stated that she is here representing the Landmarks Commission and they do have information to show that the home is on the Landmarks Commission Inventory. She has a letter from the Monmouth County Parks System from January 29, 2021 stating that it is a Historic home.

No further members of the public indicated they would like to speak.

Mr. Brodsky acknowledged the need for full plans and reviews to be done. Mr. Mercantante added that he would like to get clarification on the historic status of the existing home.

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

Mr. Valenti indicated he had not further comments.

Mary Kiernan, 40 The Trail, Secretary of the Landmarks Commission, stated that the home is on the Landmarks Commission Historic inventory, it is an individual site, not within a district. She noted other States that have old homes outside of new developments; she feels this would add character and compliment the new homes.

Mr. Gorman announced this application is being carried to June 2, 2021 at 6:30 pm via Webex. No further notice is required; the meeting link will be posted on the Agenda on the Township Website 48 hours in advance of the meeting.

ADJOURNMENT

MR. SCHWIEZER OFFERED A MOTION TO ADJOURN THE MEETING AT 8:37 PM, SECONDED BY MR. BERSON. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,
Board Secretary