

# 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"

Tel: (732) 615-2102

Fax: (732) 615-2103

### ZONING BOARD MEETING MINUTES APRIL 24, 2023

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 April 24, 2023. Chairman Hinckley called the meeting to order and read a statement of compliance with the Open Public Meetings Act. 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. Hinckley, Mr. Hibell, Mr. Bane, Mrs. Rogers, Mrs. Sheridan, Mr. Shanker

Absent: Mr. Truscott, Mr. Barvels

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

A Salute to the Flag followed.

#### **APPROVAL OF MINUTES**

**March 27, 2023** – MR. HIBELL OFFERED A MOTION TO APPROVE THE MINUTES OF FEBRUARY 27, 2023, SECONDED BY MRS. ROGERS.

Roll Call:

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

Nays: None

#### **APPROVAL OF RESOLUTIONS**

**#2022-008, Ignazio Giuffre, Block 885, Lot 15, 2 Browns Dock Road, Granting Bulk Variance Approval**

**#2022-023, Jim & Stacy Dixson, Block 1063, Lot 24, 23 Seagull Lane, Granting Bulk Variance Approval**

Mr. Vella advised that the Resolutions will be carried to the next meeting.

#### **ADMINISTRATIVE MATTERS**

None

#### **OLD BUSINESS** –

**#2022-014, Richard Crist, Block 1062, Lot 6, 15 Storm Road, Application for Bulk Variance** – Mr. Vella explained the applicant has submitted a letter indicating they are withdrawing the application.

**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

MR. WREDE OFFERED A MOTION TO ACKNOWLEDGE WITHDRAWAL, SECONDED BY MR. HIBELL. ALL PRESENT ELIGIBLE MEMBERS VOTED IN FAVOR BY VOICE VOTE.

### **NEW BUSINESS**

**#2023-011, Jeffrey Jansen, Block 1, Lot 7, 109 Seabreeze Avenue, Application for Bulk Variances** – Mr. Vella advised the Notices are in order and the Board has jurisdiction to hear this matter. Mr. Vella further noted the pre-marked exhibits.

Lous Granata, Esq., appeared on behalf of the applicant, Jeffrey Jansen.

Mr. Jansen was sworn in as the homeowner and applicant. He explained he is seeking approval to build a single-family home for his family. He has owned the property for about two years.

Mr. Hinckley asked Mr. Jansen about other flag lots in the neighborhood. Mr. Jansen advised the Planner will testify to that. Mr. Vella clarified that the flag lot exists, the applicant is not requesting to create a flag lot.

Mr. Jansen advised he has received DEP and CAFRA approval and will submit copies of both.

Robert T. Kee was sworn in and accepted as an expert Land Surveyor, Engineer and Planner. Mr. Kee presented revised architectural plans dated August 5, 2021 which were marked as Exhibit A-3. Ms. Citrano advised these plans were not submitted as part of this application. She would like to hear testimony from the Architect related to the building height. A discussion was held related to the untimely presentation of the revised plans.

Mr. Kee presented an aerial exhibit to point out other flag lots in the area.

Board members indicated concern with revised plans being presented without the Architect who prepared them to testify to them.

Mr. Vella advised this application is being carried to June 26, 2023 with no further notice required.

**#2022-016, Chris Howarth, Block 638, Lot 257, 51 Tindall Road, Application for Bulk Variance** – Mr. Vella advised the Notices are in order and the Board has jurisdiction to hear this matter. Mr. Vella further noted the pre-marked exhibits.

Christopher Howarth was sworn in as the homeowner and applicant. He explained he is seeking a variance for the privacy of his family and also for the privacy of the school children across the street from him. He would like to replace the existing non-conforming stockade fence with a white vinyl fence and feels this would add curb appeal to that area. He is on a corner lot and the side of the property to be fenced is entirely across from the High School parking lot.

Board members suggested ways to comply with the Ordinance.

Mr. Bane confirmed there is an existing six foot fence in this location.

Mr. Hinckley explained that when fences are built along the road it becomes like the soundwalls on the turnpike and it ends up feeling like slot-car racing.

Mr. Howarth explained that he understands the options to comply, but he would prefer the white vinyl fence for the safety of his children and pets, the help with noise from the school and for aesthetic reasons.

Board members indicated they would prefer compliance.

Mr. Howarth agreed to withdraw his application.

MR. HINCKLEY OFFERED A MOTION TO ACKNOWLEDGE THE WITHDRAWAL, SECONDED BY MR. HIBELL.

Roll Call:

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

Nays: None

Mr. Vella advised the Board that a decision has been issued regarding the Fairview Cemetery litigation – the Board decision has been upheld. The applicant’s attorney is set to review with his client to decide if they will appeal or continue with their Planning Board application. The Nelson litigation for South End Avenue has been withdrawn by the Nelsons. The Sirois litigation is still pending.

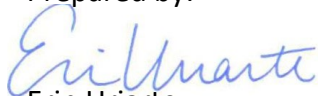
**EXECUTIVE SESSION**

None

**ADJOURNMENT**

MR. HIBELL OFFERED A MOTION TO ENTER BACK INTO REGULAR SESSION AND ADJOURN THE MEETING AT 7:52 PM, SECONDED BY MRS. ROGERS. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte

Board Secretary