

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 25, 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 April 25, 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, 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: Mrs. Bouw, Mr. Truscott

A Salute to the Flag followed.

APPROVAL OF MINUTES

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

Roll Call:

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

Nays: None

APPROVAL OF RESOLUTIONS

#2021-015, Kenneth & Lauren Aravich, Block 962, Lot 14, 385 Highway 35, Resolution Denying Use Variance and Minor Site Plan Approval – Mr. Vella noted some typographical errors that had been corrected.

MR. WREDE OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. HINCKLEY.

Roll Call:

Ayes: Wrede, Hinckley, Hibell, Bane, Rogers

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

#2021-108, Edward Trujillo, Block 561, Lot 2, 9 Raphael Place, Resolution Granting Bulk Variance Approval – MR. WREDE OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. HINCKLEY.

Roll Call:

Ayes: Wrede, Hinckley, Hibell, Bane, Rogers

Nays: None

Adoption of the 2021 Annual Zoning Board Report – Mr. Wrede indicated concern with fences along a roadway and suggested they be at least 50% open. A discussion was held, and Board member indicated they did not agree. Mr. Wrede indicated further concern with the inspection process after an approval is given. Mr. Hinckley advised that the Board should not be involved with enforcement and suggested the Board require an as-built after construction.

MR. HIBELL OFFERED A MOTION TO ADOPTED THE ANNUAL REPORT, SECONDED BY MR. BANE. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

ADMINISTRATIVE MATTERS

Payment of Vouchers – Mr. Hibell offered a motion to approve the Payment of Vouchers, seconded by Mrs. Rogers. All present members voted in favor by voice vote.

OLD BUSINESS

Mrs. Rogers and Mrs. Sheridan recused themselves from the next application.

#2021-019, Michael Heal, Block 782, Lot 6, 11 Grand Tour, Application for Planning, Bulk & D Variances – Mr. Vella noted that the notices are in order, this application was carried from a previous date, however no testimony has been given.

An Alterations and Additions Plan, consisting of three sheets, prepared by Jeremiah J. Regan, A.I.A., dated October 22, 2021 was marked as Exhibit A-1. A Boundary and Topographic Survey, consisting of one sheet, prepared by Morgan Engineering and Surveying, dated July 18, 2021 was marked as Exhibit A-2. The Technical Memo of the Planning Director, dated March 17, 2022, was marked as Exhibit ZB-1.

Michael Steib, Esq. appeared on behalf of the homeowner, who is seeking a variance to permit a Floor Area Ratio that exceeds the Ordinance standards. He noted the property is located in the R-110 zone, but was built when the zone was R-45. The lot is undersized in nature with approximately 233 feet of frontage. The existing home appears to be one story from the roadway; the walk out basement is not visible from the roadway. The goal is to improve the functionality of the home to accommodate the owner's large family. They are proposing a 2-story addition, which will include bedroom and bathroom space for guests along with a two-car garage that will be accessible from the top floor to better access the home. The existing deck will be enclosed and requires a rear yard setback. There is some neighbor concern with the view of the home and the applicant has agreed to install screening via evergreens or hollies.

Michael Heal, 11 Grand Tour, was sworn in as the property owner. He advised he purchased the home in September 2021. He has lived in the area for over twenty years and purchased this home to retire in. They have a large family, which is why he hired an architect to make the home more functional. The current garage has a steep sloped driveway to the lower level, with

the kitchen on the top level, it made simple things like bringing in groceries rather inconvenient. The laundry room is currently on the bottom floor and in looking ahead they would like everything to be on one level. The addition will also include a new Master Bedroom. The existing deck will be enclosed to enjoy year-round. They will use the currently existing garage to for storage and yard equipment.

Jeremiah Regan was sworn in and accepted as an expert Architect. A handout of photos was marked as Exhibit A-3. Mr. Regan noted the property is heavily wooded on three-sides and the front is well landscaped. The home was built 50-60 years ago and this renovation will give a well-needed updated. He discussed the current floor plan, the proposed floor plan and elevations of the property, noting the home will continue to appear to be a ranch-style home from the roadway.

Barbara Ehlen was sworn in and accepted as an expert Planner. Ms. Ehlen reviewed the scope of her research as part of this project, noting it was previously zoned R-45. The property is now zoned R-110. The ordinance has a provision which allows for a different zone standard on undersized lots but that provision does not affect the FAR standards. The R-45 zone does not have FAR standards but it would allow for a 7,400 square foot home. The applicant is proposing approximately 5,000 square feet. Several homes in this area have a lower level, taking advantage of topographic changes. Rather than demolish the building completely, the applicant is investing in the character of the current home, which is an enhancement of the neighborhood. The plan respects air, light and open space by not exacerbating any of the existing setbacks. There are many other lots in the area with various shapes and similar sizes. The design improves the overall functionality of the home. A packet containing an aerial photo and a Zoning Map, dated September 14, 1960 was marked as Exhibit A-4.

Chairman Hinckley opened the hearing to members of the public.

James Gavridy, 4 Indian Terrace, was sworn in and offered comments indicating he is in favor of the application.

Alice Russo, 6 Grand Tour, was sworn in and stated she is the daughter of Marie Russo, who lives across the street. She offered comments indicating they are in favor of the application and their concerns have been addressed by the applicant.

Mr. Wrede offered a motion to close the public portion, seconded by Mr. Hibell. All present members voted in favor by voice vote.

Mr. Vella noted that any favorable action would include the following conditions: a grading plan review by the Township Engineer, approval from the Fire Advisory Board, Freehold Soil Conservation district, a road opening permit, and Health Department approval for the septic system.

MR. HIBELL OFFERED A MOTION TO APPROVE THE APPLICATION, WITH THE CONDITIONS NOTED, SECONDED BY MR. WREDE.

Roll Call:

Ayes: WREDE, HINCKLEY, HIBELL, BANE, BARVELS

Nays: None

At this time the Board took a brief recess and reconvened at 8:28 pm. Mrs. Rogers and Ms. Sheridan took their seats on the dais.

#2022-001, John Pratt, Block 1128, Lot 77, 99 Harvey Avenue, Application for Bulk Variances –
Mr. Vella advised the notices are in order and the Board has jurisdiction to hear this matter.

An Addition and Renovation Plan for 99 Harvey Avenue, consisting of one sheet, prepared by William Lohman, L.A., dated May 14, 2021 was marked as Exhibit A-1. A Zoning Chart, prepared by William Lohman, L.A., dated March 1, 2022 was marked as Exhibit A-2. The Survey of property, prepared by Charles Surmonte P.E. & P.L.S., dated August 8, 2013 was marked as Exhibit A-3. The Technical Memo from the Planning Director was marked as Exhibit ZB-1.

John Pratt was sworn in as the property owner. Mr. Pratt explained his is a life-long resident of Middletown, he purchased his home almost 9 years ago and the family has grown since then. He is proposing an addition to the kitchen in order to create a larger, more functional kitchen. The proposed addition is similar to what other homes in the area have done. He is seeking a variance for a setback of 37.2 feet where 40 feet is required. He explained the current layout of the home, noting that it is a split-level home, and you enter into the kitchen. They would like to create a larger kitchen and add a family room at the entrance of the home. Mr. Pratt added that the bowed shape of the street provides a hardship for calculating setbacks.

Mr. Hinckley asked about the current setbacks of the neighboring homes. Mr. Pratt was not aware of the neighboring setbacks.

Chairman Hinckley opened the hearing to members of the public, however none appeared.

Mr. Hibell offered a motion to close the public hearing, seconded by Mr. Bane. All present members voted in favor by voice vote.

Mr. Vella noted that any favorable action would require grading plan approval from the Township Engineer as well as an as-built to be submitted prior to the issuance of a Certificate of Occupancy to confirm a setback of 37.2 feet.

MRS. ROGERS OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. HIBELL.

Roll Call:

Ayes: HINCKLEY, HIBELL, BANE, ROGERS, SHERIDAN, BARVELS

Nays: WREDE

#2022-002, Subhek Garg, Block 825, Lot 15, 2 VanNote Court, Application for Bulk Variances –
Mr. Vella advised the notices are in order and the Board has jurisdiction to hear this matter.

The Plan of Landscape Design for the Garg Residence, consisting of one sheet, prepared by Beechwood Landscape Architecture and Construction, LLC, dated June 4, 2021, last revised October 7, 2021 was marked as Exhibit A-1. An As-built Survey for the subject property with the proposed improvements, consisting of one sheet, prepared by Najarian Associates, dated October 4, 2018 was marked as Exhibit A-2. Images of the proposed improvements were marked as Exhibit A-3. The Technical Memo of the Planning Director was marked as Exhibit ZB-1.

Jeffrey Apell, Esq. appeared on behalf of the applicant. He advised his client is seeking approval for variances related to back yard improvements. The property is located in the R-22 zone and they are seeking to increase the maximum lot coverage passed the allowable amount of 20%. COVID has pushed the need to have enhanced outdoor space which is driving this request. The property currently has over 18% existing lot coverage however they are proposing no home additions therefore there will be no setback encroachments. The plan will be subject to grading plan review. The property is irregularly shaped and contains a utility easement, which creates a hardship.

Steve Cherpurny was sworn in and accepted as a Landscape Architect. He advised that the lot coverage is currently at 18.2% and the applicant is proposing 34.82%. An infiltration pit will be installed in the front yard to address stormwater regulations. A recharge pit will ensure zero run-off. There are large evergreens at the rear of the property line, along with a storage shed and a playset. A mounted colored rendering of the site plan was marked as Exhibit A-4. Mounted photos were marked as Exhibit A-5. Mr. Cherpurny took the position that once the pool and patio are factored in, they are only requesting a 7% increase. His reasoning is that a pool up to 800 square feet does not count towards lot coverage, however they are proposing a 1,000 square foot pool so he feels that only 200 square feet should be technically considered. Front walkways do not count towards lot coverage and this home does not have a walkway, just a driveway, therefore he feels the Board should give consideration in terms of allowable lot coverage. A review of all the improvements and the associated square footage was done.

Mr. Hinckley questioned the lot coverage of neighboring homes however Mr. Cherpurny was unaware. Ms. Citrano clarified the lot coverage provisions of the ordinance.

Mr. Apell advised his client would like a chance to review the plan and come back with a professional planner to testify.

Mr. Vella announced this application is being carried to July 25, 2022 at 7:00 pm in new Town Hall, with no further notice required.

#2022-004, Dorothy Cockcroft, Block 467, Lot 11, 177 Tenth Street, Application for Bulk Variances – Mr. Vella advised the notices are in order and the Board has jurisdiction to hear this matter.

A Location Survey of subject property, consisting of one sheet, prepared by Richard E. Stockton, dated July 15, 2019 was marked as Exhibit A-1. The Site Plan, First Floor Plan, Elevations and 3D View for Garage Addition consisting of four (4) sheets, prepared by SDI, dated April 8, 2022 was marked as Exhibit A-2. Project narrative was marked as Exhibit A-3. The Technical Memo of the Planning Director, dated April 13, 2022 was marked as Exhibit ZB-1.

Dorothy Cockcroft was sworn in as the property owner. Ms. Cockcroft stated that the property currently has a concrete driveway that is 54 feet long and they are asking that 20 feet of that driveway be covered with an attached garage. The yard is fenced with large arborvitae to screen the improvement. There is an existing non-conformity with relation to frontage and the addition will be a continuation of that setback.

Mr. Hinckley advised this request is in character with the neighborhood.

Chairman Hinckley opened the hearing to members of the public, however none appeared.

Board Members offered comments indicating the proposal is consistent with the character of the neighborhood and the established pattern of development.

Mr. Vella noted that any favorable action would require grading plan approval from the Township Engineer.

MR. WREDE OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MRS. ROGERS.

Roll Call:

Ayes: WREDE, HINCKLEY, HIBELL, BANE, ROGERS, SHERIDAN, BARVELS

Nays: NONE

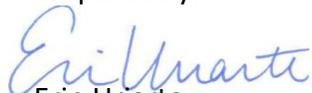
NEW BUSINESS – None

EXECUTIVE SESSION – None

ADJOURNMENT

MR. WREDE OFFERED A MOTION TO ADJOURN THE MEETING AT 9:20 PM, SECONDED BY MR. HIBELL. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte

Board Secretary