

# TOWNSHIP OF MIDDLETOWN

**Planning Board**  
3 Penelope Lane  
Middletown, NJ 07748-2504

**JOHN DEUS**  
*Chairman*



*Organized December 14, 1667*  
*"Pride in Middletown"*

**SANYOGITA S. CHAVAN, P.P., A.I.C.P.**  
*Director of Planning*

**ERIN URIARTE**  
*Planning Board Secretary*

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## PLANNING BOARD MEETING MINUTES MAY 1, 2019

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 May 1, 2019.

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 November 15, 2018.

All notification 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. Deus, Mr. Rathjen, Mr. Colangelo, Mr. Wilton, Mr. Mercedes, Committeewoman Snell, Mr. Berson

Also present: James Gorman, Board Attorney; Robert Keady, Board Engineer; Sanyogita Chavan and Thomas Incorvaia, Board Planners; Erin Uriarte, Board Secretary

A salute to the flag followed.

### APPROVAL OF MINUTES

None

### RESOLUTIONS

None

### ADMINISTRATIVE MATTERS

Payment of Vouchers – Mr. Rathjen indicated that he has reviewed the invoices and recommended their approval.

CHAIRMAN DEUS OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR MAY 1, 2019, SECONDED BY MR. COLANGELO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

### PUBLIC COMMENT

Chairman Deus opened the meeting to the public for anyone who wishes to comment on items not on the Agenda. No comments or questions were received.

**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

OLD BUSINESS

#2018-103 Golden Rule Property Solutions, LLC; Block 618, Lot 14; located in the R-22 Zone; 1275 Green Oak Boulevard. Applicant is proposing to subdivide the property into two separate lots; subdivision requires a variance for insufficient lot frontage.

Mr. Gorman indicated the notices were in order and the Board has jurisdiction to hear this matter.

Richard Sciria, Esq., introduced himself as the attorney for the applicant. The applicant is proposing a minor subdivision, which has been revised since the last hearing.

Andrew Stockton was sworn in and accepted as an expert engineer. Mr. Stockton remained under oath from the previous hearing. He has revised the plans and the Stormwater Management Plan in order to address the Board's concern with Stormwater Management. 2 test pits were done, at either end of the property and was coordinated with the project's Archeologist. The test pits confirmed K-4 sands and no groundwater or seasonal high water table. Those samples were sent to Rutgers who confirmed the K-4 soils. Seepage pits were designed to hold a 100 year storm event and the roof leaders were designed to tie into those underground seepage pits. Mr. Stockton gave testimony regarding the expected drainage patterns, noting that the landscaping can be made a condition of approval. In regard to the Engineer's review letter dated April 25, 2019, the applicant will comply with all comments. Less than 1 acre limit of disturbance is proposed. The existing stone driveway provides access from adjacent property, they will be removing their portion to install the new driveway however the width will be maintained on the adjacent neighbor's property.

Board members asked for clarification in regard to the seepage pit design and as to whether or not there would be basements, which were addressed by Mr. Stockton. The homes would have basements because there was no seasonal high water table found.

Mr. Keady questioned if the seepage pits were designed to anticipate any future improvements on the site. Mr. Stockton replied yes. A discussion was held regarding the design and the drainage flow.

Mr. Colangelo indicated concern with the drainage. Mr. Stockton explained the seepage pits are designed to hold a 100 year storm and there are catch basins in the roadway not far from this property.

Mr. Keady asked that the applicant submit an analysis to compare existing and proposed Ground Water Management.

Chairman Deus asked for any questions from the public.

Fred Henry, 195 Lynch Road, questioned the square footage of the homes. Mr. Stockton advised the R-22 zone allows for 15% building coverage and they are proposing 3% and 6%.

Brett Burns, asked questions regarding stormwater management and ground water. He offered comments related to flooding in the area and requested that the Board restrict the applicant from having basements and to build the homes on slabs instead. Mr. Stockton added that basements would not affect the flooding as there was no ground water found on this site. Mr. Burns stated that he does not feel 2 seepage pits is not an accurate reflection of the entire area.

With no further comments from the public, Chairman Deus moved to close the public portion, seconded by Mr. Rathjen. All present members voted in favor by voice vote.

Mr. Sciria summarized the application and advised that the Archeological Agreements for the 8 day dig will be provided to the Board.

MR. RATHJEN OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. WILTON.

Roll Call:

Ayes: Chairman Deus, Mr. Rathjen, Mr. Wilton, Mr. Merces, Committeewoman Snell, Mr. Berson

Nays: Mr. Colangelo

#2019-211, American Properties at Middletown, LLC, Block 600, Lots 34, 35.01 & 35.02 (Middletown Township), Block 51, Lot 14 (Holmdel Township), Taylor Lane and Highway 35, Application for Amended Preliminary & Final Major Subdivision and Site Plan Approval

Mr. Gorman advised this has been carried from April 3<sup>rd</sup> so no notice was required, the Board continues to have jurisdiction on this matter. He noted that an overall site plan exhibit board had been previously marked as A-1.

Ron Shimanowitz, Esq. appeared on behalf of the applicant. He gave a summary of the previous hearing, noting that he Traffic Expert, Karl Pehnke had proposed three traffic calming devices to address traffic concerns however the ultimate decision lays with the Board.

Thomas Brennan was sworn in and accepted as an expert in the field of Architecture.

The Floor Plans for the 20 foot wide unit were marked as Exhibit A-2. The Elevation for the 20 foot wide unit was marked as Exhibit A-3. The Floor Plans for the 24 foot wide unit were marked as Exhibit A-4. The Elevations for the 24 foot wide unit was marked as Exhibit A-5. The Affordable housing floor plans were marked as Exhibit A-6. The Elevation of the Affordable Housing Building was marked as Exhibit A-7. The Elevation and Floor Plans for the Clubhouse were marked as Exhibit A-8.

Mr. Brennan advised that the applicant is proposing a three story residential townhomes for the 20 foot and 24 foot wide units. The first level will be a garage and family room, the second level will have kitchen and main living area and the third level will have bedrooms and laundry areas. There is a 13D Sprinkler System proposed with fire walls in between each unit. The materials used will be a mix of siding, stone and metal with different projection for a true residential feel.

A colored rendering of the 20 foot wide townhouse unit was marked as Exhibit A-9. Mr. Brennan referred to this exhibit to identify how the materials would look.

A colored rendering of the 24 foot wide townhouse unit was marked as Exhibit A-10. Mr. Brennan noted that the main difference between the two designs is a modified floor plan. He noted the boxed out windows and attic panels.

In regard to the Affordable Housing Building, there is a mix of 1, 2 and 3 bedrooms, each with 1 bathroom. The units will be accessed by a main hallway.

A colored rendering of the Affordable Housing Building was marked as Exhibit A-11.

Mr. Brennan referred to Exhibit A-8 and described the layout of the Clubhouse building.

A Material Board entitled Color Scheme 1 was marked as Exhibit A-12. A Material Board entitled Color Scheme 2 was marked as Exhibit A-13. A Material Board entitled Color Scheme

3 was marked as Exhibit A-14. A Stone Sample was marked as Exhibit A-15. Mr. Brennan noted that each building will use a combination of these materials.

Ms. Chavan advised the Planning Department does not have the ability to store those materials and asked that photo exhibits be submitted to the Board Secretary after the hearing. The applicant agreed.

Mr. Shimanowitz noted that the Planner's review letter called out a waiver for not proposing three separate themes however this exhibit set should satisfy that requirement. Ms. Chavan advised that the requirement is met in regard to the combination of materials being proposed for each building. Mr. Shimanowitz replied that he does not agree but the applicant will request that waiver if it is required. Mr. Brennan added that the projections in the building also help break up the façade.

Chairman Deus asked for any questions from the public based on the testimony presented.

Allison Friedman, Aberdeen, NJ, questioned the floor plan of the Affordable Housing units and offered comments regarding the Mount Laurel decision. Mr. Shimanowitz advised that the clubhouse will be accessible by all residents.

Lisa Bredbrenner asked questions regarding the parking for the Affordable Housing units which will be addressed by the site engineer. Ms. Bredbrenner asked if the Affordable units will be rental or sale units. Mr. Shimanowitz advised it could go either way but would be all rent or all sale.

No further questions for the Architect were received.

Rich Wedinger, Esq., was sworn in and stated for the record that he is representing an objecting neighbor. He has submitted a letter regarding the three proposed traffic calming devices and urges the Board to implement all three proposed mechanisms.

A letter from Rich Wedinger, Esq., dated April 30, 2019 was marked as Exhibit A-16. A letter regarding the traffic calming devices, dated April 3, 2019 was marked as Exhibit A-17.

Scott Turner was sworn in and accepted as an expert in the field of Civil Engineering.

A colored rendering of the Site Plan, entitled the Heritage at Middletown was marked as Exhibit A-18.

Mr. Turner referred to the Exhibit A-18 and described the site location and surrounding areas. The applicant is proposing stacked townhouse units; 176 Market Rate and 49 Affordable Units along with a clubhouse, two tot lots and a pool. Taylor Lane will be realigned to Route 35 with several NJDOT approved intersection upgrades. The previously approved 50 foot right-of-way for Taylor Lane has been reduced and they have added meandering sidewalks on one side of the roadway. Mr. Turner reviewed the design calculations and noted that there will be no development on the Holmdel lot. He then reviewed the market rate and affordable unit distribution, noting that they are proposing a lower density than what is permitted. The parking is compliant with the Residential Site Improvement Standards in that they are providing 599 spaces, where the RSIS would require 416 spaces. Throughout the site they have proposed 176 surface sites, which doesn't include driveway or garage space, where only 142 spaces were required. This provides for ample parking should a resident have guests. There will be curbside garbage pick-up from a private hauler however the affordable buildings will be serviced by refuse area with dumpsters. The roadways will be privately owned and maintained. The

Stormwater Management Plan is similar to the original approval, a conventional collection system that ties into the detention basin. The water quality treatment devices will meet NJDEP standards and will discharge into an existing ditch in the wetlands. All permits and approvals have been obtained from the DEP. In regard to lighting, they are proposing 60 fixtures, which is similar to the prior approval. They will be standard JCP&L fixtures with a minimum half a foot candle with an average maximum of 1.5 foot candles. Mr. Turner referred to the exhibit and discussed the proposed plantings.

Mr. Rathjen questioned who would be responsible for the Stormwater system. Mr. Turner advised it will be a Homeowner's Association. Mr. Rathjen suggested they add a walking trail for exercise around the development. The applicant agreed to look in to that.

Ms. Chavan referred to her review letter and asked that the applicant provide a detail for the dumpster enclosure area. The applicant agreed.

A discussion was held regarding site circulation and Mr. Turner agreed to look at areas for garbage truck turnarounds.

At this time, the Board took a recess and reconvened at 9:37 pm

Mr. Gorman announced that due to the late hour the last application on the Agenda will be carried. In regard to #2019-200, Village 35, LP; Block 825, Lots 53-57, 58-68, 69.01, 72-79 & 81; located in the Circus Liquors Redevelopment Area; 761-853 Route 35, Mr. Gorman advised that this application will be carried to June 19, 2019 with no further notice required.

Mr. Turner continued for American Properties. A curb detail plan was marked as Exhibit A-19. He advised that the NJDOT will regulate signage and striping. Mr. Turner reviewed the variances and waivers being requested, noting that the setback variances will be driven by the classification of Taylor Lane.

Mr. Colangelo indicated concern with pedestrian safety at the newly proposed intersection. Mr. Berson indication concern with School Bus access.

Chairman Deus asked for any questions from the public for Mr. Turner.

Adam Voehl, 19 Devonshire Court, questioned if there will be screening of refuse. Mr. Turner replied yes, it will be enclosure area that contains dumpsters. Mr. Voehl asked for clarification of the sidewalk location, which was demonstrated with the site plan exhibit.

Lisa Bredbrenner asked questions regarding traffic.

Jerry Mahood, 29 Carriage Drive, asked questions relating to the design process.

Caroline Heck, questioned the conservation area and asked if the split rail fence is shown on the plan. Mr. Turner advised it will be added to the plan.

Joann Donovan asked questions regarding setbacks.

Seeing no further questions from the public, Mr. Shimanowitz called his next witness.

Paul Phillips was sworn and accepted as an expert Planner. Mr. Phillips discussed how the determination of Taylor Lane being a collector road or a local road would affect whether a variance or waiver would be needed. Mr. Phillips advised that if it is determined a variance is needed, it can be granted under the c-2 hardship criteria because the benefit would outweigh the detriment and it would enhance the zone plan. He added that the original plan was for stacked

townhouses and this plan proposes traditional townhouses, which reduces the density of the project. The cartway width for Taylor Lane has been reduced as a traffic calming method, which will reduce speeds and provides a nice transition to the existing neighborhoods.

Chairman Deus asked for any questions from the public for Mr. Phillips, however none were received.

Mr. Gorman reviewed the open ended matters that need to be resolved; turnaround areas for the garbage trucks, implementation of the traffic calming devices, the walking trails requested by Mr. Rathjen, and the determination of Taylor Lane being a collector or local road. After a brief discussion, it was determined this application would be carried to June 5, 2019 to allow the applicant to look in to the issues discussed.

Chairman Deus opened the hearing for public comment.

Lisa Bredbrenner offered comments regarding the late hour of the meeting.

Joann Donovan offered comments regarding concerns with proper noticing.

Adam Voehl advised the applicant did a good job revising plans and he feels the neighbor concerns have been addressed.

Caroline Heck offered comments regarding concern for the environmental conditions on the site.

Paul Rinaldi asked that all three of the traffic calming devices be implemented.

Brian Johnson thanked the Board and applicant for addressing concerns. He likes the foliage and asked that all 3 traffic calming devices be implemented.

Chairman Deus moved to close the public portion, seconded by Mr. Rathjen. All members voted in favor by voice vote.

Mr. Gorman announced this application will be carried to the June 5, 2019 meeting, in Council Chambers at 6:30 pm.

#### ADJOURNMENT

Seeing no further business before the Board, Chairman Deus asked for a motion to adjourn the meeting.

MR. RATHJEN OFFERED A MOTION TO ADJOURN THE MEETING AT 11:40 PM, SECONDED BY MR. BERSON. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:

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Erin Uriarte,  
Board Secretary