

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 MAY 5, 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.

Vice Chairman Rathjen 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. Rathjen, Mr. Berson, Mr. Colangelo, Mr. Schwiezer, Mr. AmecAngelo, Ms. Eteson, Mr. Banasiak

Also present via WebEx: James Gorman, Board Attorney; Robert Keady, PE, Board Engineer; Anthony Mercantante, Acting Board Planner; Erin Uriarte, Board Secretary; Joe Fagliarone, 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

APRIL 7, 2021 – MR. BERSON OFFERED A MOTION TO APPROVE THE MINUTES OF APRIL 7, 2021, SECONDED BY MR. COLANGELO. 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 May 5, 2021. This motion was seconded by Ms. Eteson. All present members voted in favor by voice vote.

NEW BUSINESS

#2020-100, Lesko Management, Block 1027, Lot 2, 63 Carpenter Street, Application for Minor Subdivision with Variances –THIS APPLICATION WILL NOT BE HEARD – CARRIED TO JULY 7, 2021 AT 6:30 P.M. via WEBEX. The Meeting link will be posted on the Planning Board Agenda on the Township Website 48 hours in advance.

OLD BUSINESS

#2021-100, Dan Werner, Block 234, Lot 5, 21 Briarcliff Place, Application for Minor Subdivision with Variances – Mr. Gorman advised that the notices are in order and the Board has jurisdiction to hear this matter.

Jordan Gale, Esq., appeared on behalf of the applicant, Dan Werner.

Vice-Chairman Rathjen stated that although he sits on the Environmental Commission as the Planning Board liaison, he was not present when they reviewed this application. Mr. Gorman summarized the law that requires a member of the Planning Board to sit on the Environmental Commission.

Mr. Gale advised that his client is proposing a two lot minor subdivision at the corner of Briarcliff Place and the unimproved Willet Road. They are proposing to keep the existing home on Briarcliff with a new home to be built in the rear of the property, with access from Willet Road. The design proposes a gravel road, which will serve as an extension of the gravel that is in place today. A concrete apron will be installed as well.

Andrew Stockton was sworn in and accepted as an expert Engineer and Planner. Mr. Stockton testified as to the location of the subject property, noting that the existing home has a side yard that faces Willet Road. Briarcliff is currently paved with curbs, but no sidewalks. Willet Road is an unimproved paper road with a partial gravel surface that extends right about to the rear of the existing home. It also contains an existing storm drainage line with a connection to Pews Creek. A sewer line cuts across the property to Texas Avenue as well. All proposed lot dimensions are within the zone standards.

Mr. Rathjen asked for clarification on the plantings within the riparian buffer. Mr. Stockton advised that the existing property has a lawned area with some brush at the end of the municipal right of way. Mr. Rathjen indicated concern with plantings in the buffer area. He also asked if the dirt at the end of Willet Road could be leveled out for access to Pews Creek. Mr. Mercantante advised the Township would not encourage that type of use given the limited parking availability.

Mr. Stockton stated that the applicant will obtain a general permit for the new home from the DEP. There is a 50- foot riparian buffer to which they will limit disturbance however they are required to install shade and street trees, so they may place some within that buffer as permissible by DEP. The soils are not hydrant and after an 18 inch dig it was determined there was no groundwater.

Mr. Mercantante agreed that the lot may have plenty of room for the new home, but given the restraints of the sewer easement and the buffer area, it will limit placement of any accessory structures.

He would want any future owners to be aware of that. Mr. Stockton suggested the easement documents can address that. Mr. Mercantante agreed.

Mr. Mercantante indicated concern with the proposed gravel roadway in a flood area. While the Fire Department may be comfortable from an access standpoint, the Township would like to see it paved. Mr. Rathjen agreed.

Mr. Banasiak asked for clarification on the sewer easement that runs through the property, in terms of cost to tear it up if something were to happen. Mr. Stockton explained that it currently exists as a lawn, so the cost to dig up the line would be the same.

Mr. Keady asked if a 10 foot sewer easement is compliant with the Residential Site Improvement Standards. Mr. Stockton explained that the RSIS requires 15 to 20 feet, however that does not apply to individual driveways. He will provide whatever the Township Sewerage Authority requires them to provide. Mr. Keady suggested that be a condition, if approved. He further suggested the property owner take responsibility for the proposed driveway/roadway. Mr. Gorman explained that a variance is required for improving on an unimproved street, however the Board can require improvement for adequate access and maintenance requirements for the homeowners. He asked for clarification as to the pavement requirement. Mr. Mercantante expressed emergency access. Mr. Gale reminded him that the Fire Marshall signed off on 18 feet. Mr. Schweizer advised that they also need to take into consideration that cars may be parked there; he would feel more comfortable with twenty feet. Mr. Mercantante agreed that 20 feet, paved would be best and it would be subject to the Township Engineer's approval of a grading plan to address drainage.

Mr. Stockton explained the front yard of the existing house drains to Briarcliff and the rest of the property drains to the rear towards Pews Creek. He would like to maintain that current drainage pattern and will submit drainage calculations during the grading plan review. The applicant will still seek the waiver for curbs and sidewalks on Willet. They will comply with street tree and shade tree planting requirements. Text and notes will be added, as per Mr. Keady's review letter. The applicant intends to file by deed and will submit those documents for review as well.

Mr. Rathjen expressed concern with development in the riparian buffer. Mr. Mercantante suggested a conservation easement to avoid any future, accidental development by a future property owner or a post and rail fence to delineate the buffer area. Mr. Stockton agreed and asked if the area of disturbance can be reduced to the final limits of the conservation easement. Mr. Mercantante suggested a 50 foot easement.

Vice-Chairman Rathjen opened the hearing to members of the public.

Barbara Thacke was sworn in via audio only and stated that she owns the property and lives in the home in the front. Willet Road has always been maintained by the homeowners and in the 58 years she has lived there, it has never been used as a thruway to the creek. They would like to remain in their home and not have to move out of town, which is why they are in favor of the subdivision.

Matthew Indelicato, 45 Mills Ave, was sworn in via audio only and asked several questions regarding the impact of property values and how parking will work. He expressed concern with adding a home behind another home. Mr. Mercantante explained that the applicant is here to request a variance for the roadway. He could potentially be building a 30 foot roadway but in this case, they feel all the disturbance is unnecessary and they are requesting a variance. The home placement is not affected by the variance request and this type of subdivision is not uncommon in town. Several instances were given. He further explained that the Board is not legally allowed to act on property values, however a new home in the neighborhood could potentially increase home values. The Planning Board must act from a strictly land use standpoint.

Seeing no further members of the public wishing to speak, Vice-Chairman Rathjen closed the public hearing.

MR. SCHWIEZER OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Rathjen, Berson, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

#2021-101, Tiger 623 Construction, Block 618, Lot 13, 1 Green Oak Blvd, Application for Minor Subdivision with Variances – Mr. Gorman advised that the notices are in order and the Board has jurisdiction to hear this matter.

Richard Sciria, Esq. appeared on behalf of the applicant. Andrew Stockton was sworn in and accepted as an expert engineer and planner.

Mr. Sciria advised the application is for a minor subdivision. The intent is to demolish the existing home and build two new homes. A variance for lot frontage for proposed lot 13.01 is required.

Mr. Stockton testified that the existing site irregularly shaped and is about 1.22 acres with frontage on Greek Oak and Oakdale. The property is located adjacent to a property that has recently received subdivision approval and is under construction; this plan will have home styles consistent with those lots. Due to the existing roadway frontages there is no way to add additional frontage to add the lot, without creating frontage deficiencies on the neighboring lots. The proposed lots are still larger than the zone requirements for lot area. He noted several lots in the area with similar frontages, showing that the proposal is in line with the character of the neighborhood. He discussed the proposed lot dimension calculations, noting the proposed plan provides for much less impervious coverage. A discussion was held regarding the existing curb cuts off of Green Oak; Mr. Mercantante suggested the new lots be accessed via Oakdale and the applicant agreed. Mr. Stockton further advised they will comply with the conditions outlined in Mr. Keady's report. Stormwater management and drainage will be addressed during the grading plan review, noting that the impervious coverage is significantly less than what exists. Mr. Keady asked that the drainage pattern be added to the plan; Mr. Stockton agreed.

Mr. Stockton added that due to the pedestrian traffic from the senior home, the applicant will propose to install sidewalks along the frontage of Green Oak Boulevard. They will provide the plan information, as requested. After a brief discussion on street trees and a concern with placement near utility wires, it was determined the planting of street trees will be done on the applicant's property rather than in the right-of-way.

Mr. Rathjen noted the bucolic nature of the neighborhood and feels the application fits in quite well. He noticed many trees that are in good condition and is happy to see them saved.

Mr. Stockton stated that he feels the variances can be granted as a hardship without impairing the existing zone plan. He added that this will be recorded by Deed. Mr. Keady was satisfied.

Mr. Sciria confirmed his client does not have video access to testify. He may have some pictures if the Board wishes to see them.

Vice-Chairman Rathjen opened the hearing to members of the public, however no members indicated the wish to speak.

MR. SCHWIEZER OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Rathjen, Berson, Colangelo, Schweizer, AmecAngelo, Eteson, Banasiak

Nays: None

ADJOURNMENT

MR. SCHWIEZER OFFERED A MOTION TO ADJOURN THE MEETING AT 8:40 PM, SECONDED BY MR. COLANGELO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,
Board Secretary