

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 15, 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 15, 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, Committeewoman Snell, Mr. Brey, Mr. Berson, Mr. Czaplicki

Also present: James Gorman, Board Attorney; Robert Keady, Board Engineer; Sanyogita Chavan, Board Planner; 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, which come to a total of \$89,769.56 and recommended approval of all but one invoice. He would like further clarification on invoice TMC363245 from T&M Associates.

CHAIRMAN DEUS OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR MAY 15, 2019 WITH THE EXCEPTION NOTED, SECONDED BY MR. RATHJEN. 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

#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 - Application for Preliminary and Final Major Subdivision And Major Site Plan In Accordance With The Circus Liquors Redevelopment Plan.

Mr. Gorman noted this is a continuation of a hearing on April 17, 2019 and the Board still has jurisdiction.

Marc Policastro introduced himself as the Attorney for the applicant. He stated that at the last hearing they heard from the Architect as well as the representative from Wegmans; tonight they will be presenting testimony from the Engineer.

Gerard Fitamant was sworn in and accepted as an expert Engineer.

A colored rendering of the landscaping plan, with an aerial background was marked as Exhibit A-15.

Mr. Fitamant summarized the design of the plan, noting that this is the Commercial portion of the Circus Liquor Redevelopment Plan. A minor subdivision was filed to create the commercial tract and the residential tract, an interconnect road will separate the two uses. He reviewed the surrounding locations and roadways, noting that access would be from Route 35. There will be access to the interconnect road from Kaness Lane as well as the Twin Brook Extension Road. The off-site intersection improvements include widening of Route 35; construction of a road to connect Kaness Lane and Kings Highway East on the Residential Tract; realignment of Kings Highway East; relocation of Kaness Lane ROW; redesign of Woodland Drive jug handle; and redesign of Twin Brooks Avenue jug handle. The site plan application proposes seven buildings totaling 342,000 square feet of commercial retail space. Additional site improvements include demolition of existing structures on-site, tree clearing, 1,676 parking stalls, landscaping and lighting. Mr. Fitamant referred to exhibit A-15 to demonstrate site circulation for both pedestrians and motorists, noting the various access points to the site. Lighting for the site complies with the Redevelopment Plan regulations. Location and ownership of the detention basins were discussed; there will be six detention basins on the commercial site to address Stormwater and 1 basin will be located on the residential portion to satisfy the drainage from the interconnect road.

Mr. Fitamant reviewed the May 2, 2019 review letter from Ms. Chavan. He advised that the electric vehicle stations are designed to be convenient and efficient in their proposed location. Ms. Chavan indicated she is satisfied with that response. Mr. Fitamant added that the loading at Building 7 will take place at off-peak hours and will remain a condition of approval; building 7 will be a office use so the applicant does not want to restrict normal box truck deliveries such as UPS or FEDEX but is acceptable to the limitation being placed for any tractor trailer deliveries. The applicant agreed to add some crosswalks but feels that pedestrian circulation is sufficient and would not recommend crosswalks at every intersection. There is a comment regarding sidewalks in front of the Verizon building, however that is not under this applicant's jurisdiction as they do not own that property. A crosswalk at Kaness Lane will be provided, subject to the approval of the Traffic Engineer. The circular object in the courtyard will be a fountain or some sort of architectural feature to be determined. The proposed tenants are not confirmed at this time, however the applicant intends to have each tenant comply with all Ordinance and Redevelopment Plan regulations. A discussion was held regarding delivery times and days.

John Orrico, President of NRDC was sworn in as the applicant. Mr. Orrico advised that he will agree to restricting deliveries to the hours of 6 am and 12 midnight and restaurants to off-peak hours.

Mr. Fitamant reviewed the letter from Mr. Keady, dated May 8, 2019. Truck access was discussed and a summary was given of the pedestrian circulation. Elevated crosswalks and a roadway area have been proposed as a traffic calming method.

Mr. Rathjen recommended a restriction against skateboarders.

Mr. Keady noted that there is a parking stall near the existing Wells Fargo Bank that is within the setback area. Mr. Fitamant advised the plan will be revised to move the parking stall.

Chairman Deus opened the hearing to members of the public for questions of the testimony heard this evening.

Thomas Roneck, 6 Oxford Land, questioned truck traffic on Kings Highway East and expressed concerns with weight limits and enforcement.

Monica Manning, 36 Spruce Drive, asked for clarification of the theater setbacks, bike circulation and maintenance responsibilities of the sidewalks and landscaping.

Rosanna Sasso, 551 Kings Highway East, asked questions regarding the traffic related to the cinema and was advised that traffic will be discussed at a future hearing.

Susan Penrose, Kings Landing, questioned off-site pedestrian traffic and offered concerns for pedestrians on Kings Highway East.

Oley DiCenso, Kings Highway, expressed concerns with pedestrian safety and asked for distances between several locations. She requested a trolley system or people moving system be installed.

Matt Mauro, 17 Tindall Road, asked questions regarding environmental issues and expressed concerns with on-site contaminants.

Jerry Mahood, 29 Carriage Drive, asked questions regarding pedestrian safety, grading and stormwater runoff.

Carol Sayre, 43 Hopi Drive, questioned lighting on the interconnect road and loitering at the theater.

Monica Manning asked a follow up question regarding parking for Wegmans.

No further questions were received.

Mr. Gorman announced this hearing will be carried to the June 5, 2019 at 6:30 p.m. There will be no further notice required.

At this time the Board took a short recess and reconvened at 9:03 p.m.

#2016-403 – Block 1002, Lot 75, LLC; Block 1002, Lot 75; 824 Nut Swamp Road; Located in the R-30 Zone – Application for Amended Site Plan Approval

Mr. Gorman noted that the notices were in order for the April 17, 2019 meeting however the application was not heard and was carried to this evening. The Board has jurisdiction to hear this matter.

Rick Brodsky introduced himself as the Attorney for the applicant. The applicant is proposing to reduce the number of proposed lots to six, each containing one single family home. This proposal has an access road from Nut Swamp road, with a flag lot proposed for lot 75.02, which requires a variances for ten feet of frontage along Nut Swamp Road. Additionally, Lot 75.02 will require variance relief from lot area; 30,975.73 square feet is being proposed, while 34,000 square feet is required. All of the proposed lots, 75.01-75.06 will require variance relief for circle diameter. The previous plan had been approved with the lot circle variance. The amendment is driven by the Monmouth County Planning Board requesting a change in the access to the site. Originally, the County had requested access through existing Munch Drive and the neighbors objected. A third redesigned flipped the roadway from the original approval, the access via Munch Drive was vacated and the County is satisfied. The applicant is now back to the Planning Board for Amended Site Plan approval.

Brian DeCina was sworn in and accepted as an expert engineer and planner. Mr. Decina discussed the previous approval noting the County requirements that affected the plan. Sidewalks are proposed on both sides of the roadway as well as around the cul-de-sac. A variance will be required for lot frontage on Nut Swamp Road. The five foot strip adjacent to the roadway will be owned by the lot at the end of the cul-de-sac with maintenance easements to the Homeowner's Association. Testimony was given regarding the landscaping buffer and board-on-board fence proposed along the rear of the new lots. In regard to stormwater management, this plan proposes a reduction in the impervious coverage. Curb inlets will tie into a structure that will regulate discharge into the wetlands. The roadway will be privately owned and maintained by the Homeowner's Association, along with the landscaped areas and stormwater system. The light fixtures will be dark sky compliant LED fixtures.

In regard to Ms. Chavan's Planning Review letter, dated May 2, 2019, retaining wall total height not to exceed 6 feet, with a safety fence, however an individual grading plan will be submitted. The applicant agreed to comply with the Ordinance requirements. The applicant agreed to request a waiver from the setback requirement from the transition area as well. The applicant will comply will all other comments from the professional review letters.

Chairman Deus opened the hearing to members of the public for questions.

Daniel Cafaro, 820 Nut Swamp Road, asked questions regarding the buffer along his property line. The applicant agreed to install a few more trees for additional screening.

Chairman Deus opened the hearing to members of the public for comments on the application however none were received. Mr. Deus offered a motion to close the public portion, seconded by Mr. Brey. All present members voted in favor.

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

Roll Call:

Ayes: Chairman Deus, Mr. Rathjen, Mr. Brey, Committeewoman Snell, Mr. Czaplicki
Nays: None
Abstain: Mr. Berson

#2018-104, Frank Amodio, Jr.; Block 787 Lots 10, 13-15; located in the R-10 Residential Zone; Osborne Avenue – Application for Minor Subdivision Approval – Mr. Gorman advised that notice was not required as this is minor subdivision with no variances.

Cheryl Wilson, 21 Swan Avenue, Locust, appeared on behalf of her brother Frank Amodio, the applicant. Mr. Gorman indicated concern with Ms. Wilson representing her brother as she is not an attorney. Ms. Uriarte pulled a notarized letter from the file in which Mr. Amodio authorized Ms. Wilson to speak for him.

Ms. Chavan advised the applicant is seeking minor subdivision with no variances. She reviewed the proposed lot areas for each new lot as well as the setbacks for the existing structures. She asked that a side entry garage be a condition of approval for the new lot owner of the vacant lot. Ms. Wilson agreed to that condition. A sidewalk waiver would be necessary as there are no sidewalks in that area so a contribution would be required. Block and lot numbers would be subject to the Tax Assessor. The plan notes the tin/metal garage will be removed.

Ms. Wilson indicated concern with the sidewalk requirement and stated that her engineer advised that they do not have to remove the metal garage. Mr. Keady confirmed the plans show that structure to be removed.

Mr. Keady reviewed his review letter and asked if the applicant agrees to certain plan changes. Ms. Wilson advised that she does not know what that means but she will agree.

Board Members indicated concern with this being such a complicated application and expressed that they are not comfortable with Ms. Wilson agreeing to, and binding the applicant to, conditions that she doesn't fully understand. The Board recommended the applicant come back with the applicant and the project engineer.

Mr. Gorman announced this application is carried to July 10, 2019 at 6:30 p.m. with no further notice required.

ADJOURNMENT

MR. RATHJEN OFFERED A MOTION TO ADJOURN THE MEETING AT 10:37 PM, SECONDED BY MR. BERSON. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:

Erin Uriarte,
Board Secretary