

# TOWNSHIP OF MIDDLETOWN

Planning Board  
3 Penelope Lane  
Middletown, NJ 07748-2504

JOHN DEUS  
Chairman



Organized December 14, 1667  
"Pride in Middletown"

## PLANNING BOARD MEETING MINUTES JUNE 5, 2019

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

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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 June 5, 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. Czaplicki

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

A salute to the flag followed.

### APPROVAL OF MINUTES

CHAIRMAN DEUS OFFERED A MOTION TO APPROVE THE MINUTES OF FEBRUARY 20, 2019, MARCH 6, 2019, APRIL 17, 2019, MAY 1, 2019 & MAY 15, 2019, SECONDED BY MR. RATHJEN. ALL PRESENT, ELIGIBLE MEMBERS VOTED IN FAVOR BY VOICE VOTE.

### RESOLUTIONS

#2018-103, Golden Rule Property Solutions, LLC – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Chairman Deus, Mr. Rathjen, Committeewoman Snell, Mr. Mercedes, Mr. Czaplicki

Nays: None

#2018-205, 700 Newman Springs Road, LLC - MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Chairman Deus, Mr. Rathjen, Committeewoman Snell, Mr. Colangelo, Mr. Czaplicki

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

#2016-403, Block 1002, Lot 75, LLC – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Chairman Deus, Mr. Rathjen, Committeewoman Snell, Mr. Colangelo, Mr. Mercés

Nays: None

#### ADMINISTRATIVE MATTERS

Payment of Vouchers – Mr. Rathjen indicated that he has reviewed the invoices, which come to a total of \$68,992.25 and recommends their approval.

MR. RATHJEN OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR JUNE 5, 2019, SECONDED BY MR. MERCÉS. 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.

#### OLD BUSINESS

#2018-100 – Archer Management; Block 615, Lot 81; 207 Harmony Road; Located in the B-3 Zone; Applicant is seeking approval to subdivide existing Lot 81 containing a total area of +/- 10.258 acres into two (2) new commercial lots, Lots 81.01 and 81.02, and one undeveloped lot, 81.03. Mr. Gorman noted this application has been withdrawn by the applicant.

MR. RATHJEN OFFERED A MOTION TO ACKNOWLEDGE THE WITHDRAWAL WITHOUT PREJUDICE, SECONDED BY MR. COLANGELO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

#2018-211 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; Located in the RMF-3 Zone District; Applicant is seeking amendments to the Preliminary and Final Major Subdivision and Site Plan Approval granted by this Board in 2015 – Mr. Gorman advised this is a continuation of a hearing and the Board continues to have jurisdiction.

Ron Shimanowitz appeared on behalf of the applicant. He noted that the bulk of the testimony had been completed at the prior hearing, however the applicant has made some minor revisions to address some of the Board Members' concerns.

Scott Turner was advised he is still under oath.

A Site Plan Exhibit for Heritage at Middletown was marked as Exhibit A-20.

Mr. Turner explained that the applicant has added turnaround areas at the end of every drive aisle in order to provide an area for the garbage trucks to maneuver. He added that they have been in touch with a private garbage hauler who has reviewed the Affordable Housing refuse area for adequacy and the enclosure area has been revised and enlarged based on those recommendations. A smaller refuse area at the clubhouse was added as well as a second tot lot. There is a six foot walking path now proposed around both detention basins which will tie in with the concrete sidewalk along Taylor Lane. Sidewalks were added on both sides of Taylor Lane as well. The parking for the Affordable Housing building was revised and is now at 1 space per unit.

Mr. Keady stated that his issues have been addressed however he would like to see a turning template. Mr. Turner agreed to provide same.

Ms. Chavan advised that almost all of the issues in her report were addressed as well. She noted the addition of sidewalks along Taylor Lane and the required Sidewalk Contribution that will be required in lieu of sidewalks along Route 35.

Mr. Gorman advised that the public comment portion was done at the last hearing. This evening, public questions and comments should be limited to the testimony given on the revisions.

Jonathan Godbout, 206 Taylor Lane, asked about parking on Taylor Lane. Mr. Turner advised there is no parking proposed at this time but any parking restrictions would be imposed by the Town Committee.

Mike Livolsi, 16 Devonshire Court, asked several questions regarding the court settlement and offered comments regarding the classification of Taylor Lane. Mr. Gorman advised that a title search does not show any dedication of right-of-way for Taylor Lane.

Brian Johnson, 210 Taylor Lane, asked questions regarding traffic and asked that the Board implement all three traffic calming devices.

Committeewoman Snell advised that the Board is very concerned with the safety issues and asked for many revisions, which this applicant was responsive to.

No further public questions or comments were received.

Mr. Shimanowitz reminded the Board this is an application for an amendment to an already approved plan.

Mr. Gorman noted that the open issues at this point are the classification of Taylor Lane as a collector or a local road, the RSIS de minimis exception and which one or all traffic calming devices the Board would like to see implemented.

Mr. Keady noted that it was deemed a collector road in the prior approval however the applicant's traffic expert offered considerable testimony that indicates it should follow the ASTO local roadway standards. Mr. Deus asked if the classification would affect traffic calming. Mr. Keady advised that it would affect the ability to widen the roadway in the future. A local road would result in a lower speed limit.

MR. WILTON OFFERED A MOTION TO APPROVE THE APPLICATION, WITH TAYLOR LANE DESIGNATED AS A LOCAL ROAD AND SOME OR ALL OF THE TRAFFIC CALMING DEVICES TO BE IMPLEMENTED AT THE DISCRETION OF THE TRAFFIC SAFETY OFFICER AND BOARD ENGINEER, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Chairman Deus, Mr. Rathjen, Committeewoman Snell, Mr. Colangelo, Mr. Wilton,  
Mr. Mercas, Mr. Czaplicki

Nays: None

At this time, Mr. Wilton left the meeting.

#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 May 15, 2019 and the Board still has jurisdiction.

Marc Policastro introduced himself as the Attorney for the applicant. Tonight he has the applicant's final witness, the traffic expert.

Karl Pehnke was sworn in and accepted as an expert Traffic Engineer. Mr. Pehnke explained the design process and regulations that were looked at in preparing the plan. He noted that the

improvements have been permitted and are vetted by the New Jersey Department of Transportation. The Developer's Agreement was also authorized at this week's Town Committee meeting. Mr. Pehnke explained how a traffic study is prepared and advised that it is not an exact tool but is used to evaluate future traffic patterns. He added that the DOT vetted all material contained in the Traffic Impact Study. The DOT was proactive in the design process which ultimately resulted in their approval. Traffic counts were done over several years between 2013 and 2019 and it was determined that the 2013 numbers were the highest. He added that all projections were done based on the originally proposed 380,000 square feet of retail space and the plan has been reduced to 342,000 square feet so the counts are on the conservative side. After doing a site observation of an existing Wegman's in Woodbridge, NJ, they found that the projections were higher than what the actual counts are. He added that all DOT Access permits have been obtained and the information in the Study has been vetted by the DOT.

An overall concept plan was marked as Exhibit A-16.

Mr. Pehnke explained the proposed roadway improvements, noting the connector road between Kings Highway East and Kanen Lane. The jughandle currently existing around Community Appliance and the Sleep Shop will be removed, with private on-site roadway improvements that will serve as an alternate jughandle. This jughandle will be maintained through a Right of Way Easement. Kanen Lane will be realigned with a turning lane added to the highway for right turns in, which is an improvement from the current highway conditions in that area. The main access drive aisle will be located in front of building 5 with a right turn in and right turn out movement. Widening of Route 35 is proposed from the Verizon property down to the Twin Brooks Extension and a deceleration lane for the new jughandle at the Twin Brooks extension. There will be reconstruction of the Twin Brooks signal and extension of that roadway to tie in to Kings Highway East. The Twin Brook jughandle has been reconfigured to allow for more vehicular storage per cycle. Mr. Pehnke explained the "complete street" philosophy that was used to design this plan noting the bike lanes and proposed markings on the connector road. Two new bus stop pads will also be installed. He referred to exhibit A-16 to point out the bus stop locations as well as the crosswalk locations and handicap ramp locations. He noted that the proposed improvements are a substantial improvement to the current roadway conditions in that area and upon completion of the project, they expect the intersections to operate at a Level of Service "C" or higher. The offsite improvements will also help with the drainage in that area and will be serviced by a detention basin within the jughandle.

Chairman Deus indicated concern with stacking of vehicles in the Twin Brooks jughandle, specifically tractor trailer traffic impeding vehicular movement. Mr. Pehnke advised the jughandle was designed to handle a tractor trailer and they expect the queue to clear up after each light cycle.

A discussion was held regarding cut through uses to surrounding neighborhoods. Mr. Colangelo asked if any additional southbound access was looked at. Mr. Pehnke advised it was looked in to but with the south bound properties being fully developed, it wasn't a possibility. Board members indicated concern with the stacking of vehicles at jughandle at Apple Farm Road. Mr. Pehnke advised that the applicant expects 100% of all traffic to come via the Twin Brooks extension and offered comments regarding traffic light timing changes that will help traffic.

Chairman Deus asked for any questions from the public based on Mr. Pehnke's testimony this evening.

Rosanna Sasso, 551 Kings Highway East, asked several questions regarding the preparation and findings of the traffic study.

Lori Chesal, 75 Hosford Road, asked questions regarding the limits of the traffic study and offered comments regarding traffic in her area.

Paula Costa, 33 Devon Road, asked questions related to projected behavior changes in the traffic and offered comments regarding the changing traffic patterns in the area.

Michael (inaudible last name and address) asked questions related to the areas reviewed during the traffic study.

Candace Kane asked questions regarding existing car flow.

Laura Patten, 23 Carriage Drive, asked questions related to road maintenance and the demographics of the shoppers using the Wegman's store.

David Hauff offered comments indicating he appreciates the bike and pedestrian safety and noted that it was designed to accommodate the residential portion.

Rosemary Newberry, Kennedy Court, asked questions related to the traffic study.

John Czepiel, Kings Highway, asked questions related to the marketing material used to secure tenants, the ease of access to the Parkway and various questions related to traffic.

Bart Sullivan, Brandywine Lane, asked questions related to traffic impacts in the area.

Gordon Frederic asked several questions related to the traffic study.

Judy McCabe asked questions related to the Twin Brook jughandle improvements.

Monica Manning, 36 Spruce Drive, asked several questions related to the traffic study and the proposed improvements to Twin Brook Drive causing an increase in cut-through traffic in the southerly neighborhoods.

At 11:23 pm the Board took a brief recess and reconvened at 11:30 pm.

Oley DiCenso, 59 Kings Highway, asked questions relation to the traffic study and impact to the neighboring areas.

Jerry Mahood, 29 Carriage Drive, asked questions related to the design standards considered when designing the project.

Judy Musa, 114 Kings Highway, asked questions related to the weight restrictions on Kings Highway East and offered comments indicating she would like to see those restrictions on the other side of Kings Highway due to heavy truck traffic that currently exists.

Debbie Sayer asked questions regarding the areas included in the traffic study.

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

#### NEW BUSINESS

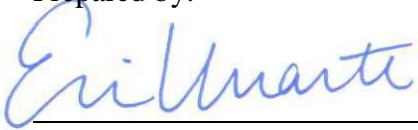
#2018-101 - 452 Seventh Avenue, LLC; Block 720, Lot 3; 452 Seventh Avenue; Located in the R-10 Zone – Mr. Gorman advised the applicant is seeking Extension of Minor Subdivision Approval Granted November 7, 2018 while they finish up Resolution Compliance. He recommended the Board grant a one year extension.

CHAIRMAN DEUS OFFERED A MOTION TO GRANT A ONE-YEAR EXTENSION, SECONDED BY COMMITTEEWOMAN SNELL. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

ADJOURNMENT

CHAIRMAN DEUS OFFERED A MOTION TO ADJOURN THE MEETING AT 12:04 AM, SECONDED BY COMMITTEEWOMAN SNELL. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



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Erin Uriarte,  
Board Secretary