

# 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.  
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## PLANNING BOARD MEETING MINUTES JUNE 19, 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 June 19, 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. Colangelo, Mr. Berson, 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 June 5, 2019, seconded by Mr. Rathjen. All present, eligible members voted in favor by voice vote.

### RESOLUTIONS

#2018-203, Seth Beller Trust – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION OF DENIAL, SECONDED BY MR. COLANGELO.

Roll Call:

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

Nays: None

### ADMINISTRATIVE MATTERS

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

MR. RATHJEN OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR JUNE 19, 2019, SECONDED BY MR. COLANGELO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

**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

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

None

NEW BUSINESS

#2019-400, Toll NJ III, LP/Bamm Hollow Estates Phase IV North, Block 1048.01, Lots 1.01-16.01, Application for Final Major Subdivision – Mr. Gorman indicated that notice was not required, however the applicant had done so anyway. The notices are in order and the Board has jurisdiction to hear this matter.

John Giunco, Esq. appeared on behalf of the applicant. Mr. Giunco explained they are seeking final subdivision approval for a section 3, phase IV of the Bamm Hollow plan that had received preliminary approval in 2015.

Andrew Comi was sworn in and accepted as an expert engineer. Mr. Comi explained the plan layout, noting that it is in conformance with the preliminary approval. He has reviewed the professionals' review letters and agrees to all conditions noted in the report.

Ms. Chavan advised she is satisfied with the continuing comments remaining as a part of resolution compliance. She noted the comment regarding the 100 foot conservation easement has been addressed but she wanted it to remain in the letter as a continuing comment.

Mr. Keady advised that all prior conditions will remain as part of this approval as well.

Chairman Deus asked for questions or comments from the public.

George St. Ong asked for clarification on which application was being discussed.

Seth Gertchberg, Shadow Lake Village, asked questions related to the traffic studies and was advised that was all done as part of the preliminary review process.

Seeing no further comments from the public, Chairman Deus closed the public portion.

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

Roll Call:

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

Nays: None

#2019-100, Toll II, LP, Block 1049.01, Lot 12, 236 Sunnyside Road, Application for Minor Subdivision – Mr. Gorman indicated that notice was not required, however the applicant had done so anyway. The notices are in order and the Board has jurisdiction to hear this matter.

John Giunco, Esq. appeared on behalf of the applicant. Mr. Giunco advised this is an application for minor subdivision with no variances. They are proposing a partial sidewalk and requesting a waiver for the remainder, with a contribution in lieu to the sidewalk contribution fund.

Andrew Comi was sworn in and accepted as an expert engineer.

A minor subdivision plat with property boundaries marked in red and subdivision line marked in blue was marked as Exhibit A-1.

Mr. Comi described the property location, current size and existing dwelling. He noted that there are also many accessory structures such as barns, rabbit hutch, gravel driveway and a man-made pond that they are in the process of delineating with the DEP. No variances are proposed as part of the application. In regard to the review letter from T&M Associates, they will comply with all outstanding comments. The fence and improvements located on the westerly lot will be removed, however the structures on the easterly lot will remain. Sidewalks are to be installed on a portion of the new lot, along the frontage of Sunnyside, up until the driveway. After the driveway, the frontage will remain as it exists today and contribution will be made to the sidewalk fund. The intent is to have the Phase III South portion of Bamm Hollow connect to this newly created lot. In regarding to the Planning Review letter, they will fill in the gaps in plantings of lot 12.01 using both existing and new trees to meet the requirement.

Mr. Keady asked for some testimony regarding drainage. Mr. Comi advised that he had visited the site during a recent rainfall and saw no issues on the site however a grading plan will be submitted at time of construction.

Ms. Chavan questioned the current use of the barn structure. Mr. Comi advised it is a garage use and will remain a garage use. Ms. Chavan indicated that it shall not be used as living space. The applicant agreed.

Mr. Colangelo indicated concern with no installing sidewalks along the entire frontage of Sunnyside. He jogs in the area and has concerns with pedestrian safety. Mr. Comi indicated there is a total frontage of approximately 650 feet, the applicant is providing sidewalks for 90 feet. The intent is to maintain privacy to the owner of the existing lot and to maintain the character of the area. There are also steep slope and grade issues along Sunnyside so the design would result in a 40 foot clearing into the property and possible retaining walls.

Mr. Rathjen indicated he agrees with safety concerns but feels that with the bucolic nature of the farm that has been there for so long, he doesn't see the need for sidewalks. They would be sidewalks going nowhere.

A discussion was held regarding sidewalks. A conceptual layout plan for Bamm Hollow was marked as Exhibit A-2. Mr. Giucno explained that lot 12.02 is to be built similarly to the existing Bamm Hollow homes and some land will be conveyed to the existing development via a future lot line adjustment and subdivision. In terms of this application, they just wanted to make a simple subdivision so that the existing homeowner can make the sale and not have to site through the longer process of an approval.

A discussion was held regarding sidewalks and possible alternatives to address the concerns. Committeewoman Snell suggested installation of "Curve Ahead" signs and lower speed limits at the curves.

Chairman Deus opened the meeting to the public.

George St. Ong was sworn in and noted that he lives adjacent to this property. He asked questions regarding the pond and was advised it will remain. He added that sidewalks would not be a good idea in that area due to the slope of the property and all the woods that would have to be cleared.

William Donahue, 25 Carriage Drive, asked if the aesthetics and home value are what are being considered as to whether or not to grant the variance, because he will hold the Board to that for the next application.

Seeing no further questions or comments from the public, Chairman Deus closed the public portion.

Board Members discussed the advantages and disadvantages of having sidewalks installed along Sunnyside Road.

MR. RATHJEN OFFERED A MOTION TO APPROVE THE APPLICATION WITH THE DIEWALK WAIVER AND A CONDITION THAT SIGNAGE BE INSTALLED ALONG SUNNYSIDE ROAD, SECONDED BY MR. BERSON.

Roll Call:

Ayes: Mr. Rathjen, Committeewoman Snell, Mr. Berson

Nays: Chairman Deus, Mr. Colangelo, Mr. Czaplicki

Mr. Gorman noted that a tied vote is an automatic denial. The only way this plan can come for another vote would be with a substantial change to the plan.

Mr. Giunco advised that his client would like to remove the request for the waiver of sidewalks, therefore making the minor subdivision a completely conforming plan.

Chairman Deus opened the meeting to the public for comments on the changed plan.

George St. Ong advised there is no way a sidewalk should be installed. He offered comments regarding the disruption of digging and having a sidewalk end at his property line did not make sense to him as it would be the most unsafe spot to cross the road.

Mr. Rathjen indicated concern with a sidewalk in the sloped area.

Mr. Giunco stated that the public has been heard, the waiver request has been removed and this is now an as-of-right application for minor subdivision approval.

Jerry Mahood, Carriage Drive, asked if the sidewalk contribution funds can be used to build sidewalks elsewhere in the future and was advised yes.

George St. Ong offered comments regarding the danger and safety concerns of installing sidewalks.

Seeing no further comments from the public, Chairman Deus closed the public portion.

CHAIRMAN DEUS OFFERED A MOTION TO APPROVE THE APPLICATION WITH NO VARIANCES OR WAIVERS, SECONDED BY MR. BERSON.

Roll Call:

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

Nays: None

At this time, the Board took a brief recess and reconvened at 8:22 pm.

#2018-212, Toll NJ XII,LP/Middletown Walk; Block 825, Lots 53, 55, 64, 66, 67, 76-78 and Lots 54, 70 and 81; located in the Circus Liquors Redevelopment Area; Kings Highway East Application for preliminary and final major subdivision and major site plan in accordance with the Circus Liquors Redevelopment Plan – Mr. Gorman noted the notices are in order and the Board has jurisdiction to hear this matter.

John Giunco, Esq. appeared on behalf of the applicant. Mr. Giunco advised his client is here for Preliminary and Final Major Site Plan and Subdivision approval to redevelop this parcel as the

Circus Liquors Redevelopment Plan. This is the Residential portion of that plan, which consists of 280 market rate townhomes and 70 affordable apartment units. The plan proposes a 50 ft connector road that runs from Kanes Lane to Kings Highway East which will separate the commercial portion from the residential portion. The project is proposed to be built in 6 phases. A variance is required for retaining wall height and they are seeking a modification to the construction ratio of Affordable to Market Rate units, as they plan to have all 70 affordable units built as part of phase two. They are seeking a temporary waiver from having the tax assessor approve the block and lot numbers and ask that that be made a condition of any approval that may be granted.

Jim Kennedy was sworn in and accepted as an expert Engineer and Planner. A color aerial photo with property lines and setbacks marked in red, was marked as Exhibit A-1. Mr. Kennedy described the site as it currently exists, noting the surrounding neighborhood uses. He added that no further DEP permitting is required on the site. A colored site plan rendering was marked as Exhibit A-2.

Mr. Kennedy described the proposed site layout. The 70 affordable units will be constructed in 3 buildings and will be accessed via the connector road closer to Kings Highway East. The remainder of the development will consist of 280 townhomes with a clubhouse, tennis courts, playgrounds, the interconnect road with a bike lane and detention basins. The playgrounds will be located near the clubhouse and the affordable housing buildings. The Affordable housing complex will not be part of the Homeowner's Association established for the townhome development, nor will the clubhouse be accessible to those residents. The parking proposed for the townhomes exceed the requirements with the garage and driveway parking alone, however RSIS required guest parking to be installed throughout the development and at the clubhouse; they have proposed 218 sites throughout the site. Mr. Kennedy noted there are 36 parking stalls proposed at the clubhouse. The affordable unit parking followed the requirements for garden apartments; 142 is required and 142 is proposed. Ms. Chavan questioned visitor parking for the affordable units and was advised they would be included in the 142 stalls.

Mr. Kennedy continued that the loading area is no longer required for the clubhouse since the open porch area has been excluded from the calculation requirements therefore no waiver is required for the loading area. The clubhouse trash requires a waiver for the enclosed can area which requires landscaping on three sides of the enclosure, however in this case, the third side is the wall of the clubhouse building so there is no space or need for landscaping. The clubhouse concept plan was marked as Exhibit A-3. A discussion was held regarding the location of the trash enclosure.

Mr. Kennedy advised the townhouse bulk standard have all been met. He explained the drainage system proposed, noting that it will meet all of the requirements. A temporary basin will be installed as the connector road is built, and it will be done by whichever of the two redevelopers begins construction first. Mr. Colangelo indicated concern with stormwater runoff to the neighboring property on Kanes Lane.

A phasing exhibit was marked as Exhibit A-4. Mr. Kennedy reviewed the phasing plan, noting that the upgraded TOMSA line will be installed across the Village 35 property as part of phase one or as part of the Village 35 construction depending on the timing of construction. After Phase One is complete, Phase Two will be next and after that the Phases will be decided on market conditions at that time. Mr. Kennedy referred to Exhibit A-2 to discuss site circulation, noting the various access drive aisles. The Open Space requirement has been met and while

there is less than 50% wetlands in the open space calculations, they will comply with the request to provide further information. A retaining wall is proposed and permitted within the setback area however it is above 3 feet so it will require a variance. In that area, the property drops down by approximately 16 to 18 feet so installing the retaining wall will preserve the scenic corridor by providing a topographic buffer. As a planner, Mr. Kennedy feels there would be no detriment in granting the variance. He added that he has reviewed all of the professional review letters and will comply with all of the the engineering comments, except for the design waiver for the trash enclosure, as previously discussed. In regard to the Planning review letter, the applicant will comply with all request for more information. A walking trail will be provided around one of the basin areas and picnic tables will be added to the open space component. There is privacy fencing proposed between the townhouse decks, the signage at the tennis courts will comply with the Ordinance and easements will be provided where necessary.

Mr. Keady questioned Title 39 and was advised the applicant will seek same from the Township Committee. In regard to parking areas, a turnaround will be installed at the end of proposed road Juliette, which is the longest lane. The townhome trash will be publicly served and has been discussed with the Public Works Department. The affordable housing trash will be serviced by a private hauler due to the dumpster enclosures.

Ms. Chavan noted the sidewalk waiver would require a contribution in lieu.

Mr. Giunco advised he had nothing further for this witness.

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

Michael Christoli, 11 Westminster Lane, asked questions related to phasing and construction vehicle traffic.

Laura Patton, Carriage Drive, asked questions regarding the grading impacts relating to water flow on her property. Mr. Kennedy explained the swale proposed in that area as well as the bonding that will be in place to ensure the system works properly.

Monica Manning, 36 Spruce Drive, asked questions regarding flood impacts to surrounding neighborhoods, traffic circulation, street lighting, affordable housing parking, school bus access and roadway maintenance.

Barbara Lombardi asked if the Bennett property is included in the open space and was advised that it is not a part of this application.

William Donohue, Carriage Drive, asked for clarification of the buffer area between his home and the property. He indicated concern with the roof top decks proposed and was advised that will be discussed when the architect testifies.

Susan Penrose questioned public utilities and asked if this would be a push to bring Verizon FIOS to the area. The applicant can request it when it applies for service at the development.

Tara Fleming, Brandywine Lane, asked questions regarding the open space.

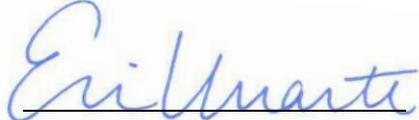
No further questions were received for Mr. Kennedy.

Mr. Gorman announced this application will be carried to August 7, 2019 with no further notice required. Mr. Giunco advised his client will grant an extension of time in which the Board has to act until August 8, 2019.

ADJOURNMENT

CHAIRMAN DEUS OFFERED A MOTION TO ADJOURN THE MEETING AT 11:35 PM, SECONDED BY MR. BERSON. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,  
Board Secretary