

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

3 Penelope Lane
Middletown, NJ 07748-2504

JAMES HINCKLEY
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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ZONING BOARD MEETING MINUTES JUNE 24, 2019

A Regular Meeting of the Zoning Board of the Township of Middletown was held in the main meeting room at Town Hall, One Kings Highway, Middletown, New Jersey, at 7:00 P.M. on June 24, 2019.

Chairman Hinckley called the meeting to order and read the following notice:

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 December 20, 2018.

All notification for this meeting 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. Wrede, Mr. Hinckley, Ms. Sonatore, Mr. Truscott, Mr. Bane, Ms. Sheridan, Ms. Bouw, Mr. Zaccardo, Mr. Buncati

Also present: Gregory Vella, Esq., Board Attorney; and Sanyogita Chavan, Director of Planning; Erin Uriarte, Board Secretary

Absent: None

A salute to the flag followed.

Chairman Hinckley opened the meeting to the public for questions or comments for non-agenda items, however none were received.

RESOLUTIONS - None

ADMINISTRATIVE MATTERS

Payment of Vouchers – Ms. Bouw indicated she has reviewed the vouchers and found them to be in order.

MS. BOUW OFFERED A MOTION TO APPROVE THE PAYMENT OF VOUCHERS FOR JUNE 24, 2019, SECONDED BY MS. SONATORE. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Chairman Hinckley advised he is going to switch the order of the Agenda items.

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

#2019-002, Thomas J. Earle, Block 882, Lot 17.01, 303 Cooper Road, Application for Bulk Variance for Rear-Yard Setback, Building and Lot Coverage – Mr. Vella advised the attorney for this applicant has requested that the matter be carried to August 26, 2019 to allow for time to make revisions based on comments received at the last hearing. Chairman Hinckley advised they can be carried this time, but will have plenty of time to be prepared for August.

Mr. Vella announced that this application will be carried to August 26, 2019 with no further notice required.

NEW BUSINESS

Interpretation of Zoning Ordinance – Mr. Vella advised that while there is a property listed, it was used as more of an example of what needs to be interpreted by the Board. In this case, the Planning Department is asking the Zoning Board to interpret the section of the Ordinance that deals with site plan exemption, which was adopted to help fill the vacant store fronts throughout the Township. A report has been done by the Planning Director, dated June 17, 2019 and is marked as Exhibit ZB-1. Basically the Planning Department is asking for an interpretation of subparagraph K in Section 504-203 of the Zoning Ordinance, which refers to an applicant being exempt if there is a reduction of space. Specifically, the Planning Department is looking for clarification if an applicant were to come in with a plan that had had a partial addition, however the total net square footage would meet the reduction requirements. If you read further into the Ordinance, subsection B refers to a net square footage, however the intent of subparagraph K is unclear, which is what the Board must consider this evening.

Ms. Chavan indicated that Mr. Vella did a comprehensive summary of the issue being discussed. She agreed with his depiction of the intent of the Ordinance and noted that she had work on writing the Ordinance back in 2015. The Master Plan also refers to the vacant storefronts being an issue and extensive research was done when writing this Ordinance to address those concerns. She added that the property owner would still have to go through the review process by various Township departments as part of the permitting process, so the design standards will still be met. She reviewed some of the other centers that have benefitted from the exemption ordinance as well as some that didn't meet the criteria and ended up before a Board for approval.

Board members indicated they agreed with the intent of the Ordinance and that they feel the net reduction should be considered a reduction to qualify for site plan exemption. Recommendation was made that the Township Committee amend the Ordinance for future clarification in order to prevent prospective business owners from going elsewhere.

Mr. Hinckley opened the meeting to the public for any questions or comments, however none were received.

MR. HINCKLEY OFFERED A MOTION THAT THE NET REDUCTION BE INCLUDED UNDER THE EXEMPTION ORDINANCE, SECONDED BY MS. SONATORE.

Roll Call:

Ayes: Mr. Wrede, Mr. Hinckley, Ms. Sonatore, Mr. Truscott, Mr. Bane, Ms. Sheridan, Ms. Bouw, Mr. Zaccardo, Mr. Buncati

Nays: None

EXECUTIVE SESSION

Mr. Vella asked for a motion to enter into Executive Session to discuss pending litigation with Goldenview Living LLC.

MS. BOUW OFFERED A MOTION TO ENTER INTO EXECUTIVE SESSION AT 7:29 PM, SECONDED BY MR. ZACCARDO. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

The Board reconvened into Regular Session at 7:52 pm.

ADJOURNMENT

MR. HINCKLEY OFFERED A MOTION TO ADJOURN THE MEETING AT 7:53 PM, SECONDED BY MR. WREDE. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte, Board Secretary
Zoning Board of Adjustment