

TOWNSHIP OF MIDDLETOWN

Zoning Board of Adjustment and Appeals

One Kings Highway
Middletown, NJ 07748-2504

JAMES HINCKLEY
Chairman



AMY H. CITRANO, P.P., A.I.C.P.
Director of Planning

ERIN URIARTE
Secretary

Organized December 14, 1667
"Pride in Middletown"

Tel: (732) 615-2102
Fax: (732) 615-2103

ZONING BOARD MEETING MINUTES JUNE 26, 2023

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 PM on June 26, 2023. Chairman Hinckley called the meeting to order and read a statement of compliance with the Open Public Meetings Act. 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, Mrs. Bouw, Mr. Hinckley, Mr. Truscott, Mr. Bane, Mrs. Rogers, Mrs. Sheridan, Mr. Barvels, Mr. Shanker

Absent: Mr. Hibell

Also present: Gregory Vella, Esq., Board Attorney; Amy H. Citrano, P.P., Township Planner; Erin Uriarte, Board Secretary

A Salute to the Flag followed.

APPROVAL OF MINUTES

May 22, 2023 – MRS. BOUW OFFERED A MOTION TO APPROVE THE MINUTES OF MAY 22, 2023, SECONDED BY MR. BANE.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane, Barvels, Shanker

Nays: None

APPROVAL OF RESOLUTIONS

#2023-002, Bethany & Michael Smilovitch, Block 883, Lot 9, 589 Navesink River Road, Granting Bulk Variance Approval – MR. WREDE OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. BANE.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane, Barvels, Shanker

Nays: None

#2023-019, HazaBell of Northeast, Block 605, Lots 62 & 63, 1580 Route 35, Denying Site Plan and Conditional Use Variance Application – Mr. Vella advised this Resolution is being carried to the next meeting.

ADMINISTRATIVE MATTERS

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

OLD BUSINESS

#2023-011, Jeffrey Jansen, Block 1, Lot 7, 109 Seabreeze Avenue, Application for Bulk Variances – Louis Grenata, Esq., appeared on behalf of the applicant and advised they have submitted their DEP approval since the last hearing.

Kevin Roy was sworn in and accepted as an expert Architect. A revised architectural plan was marked as Exhibit A-5. The revisions were summarized, noting all decks will be open and the half story will contain a recreation room. A discussion was held regarding building height; the applicant agreed to reduce the roof pitch to 28 feet.

Robert Kee was previously sworn. He referred to the aerial to point out other flag lots, noting this lot exists and the applicant is not creating a flag lot. It was noted that the plan calculates lot coverage at the maximum with some items that do not count towards lot coverage; the applicant will amend the plan to correct the lot coverage calculation. A discussion was held regarding lot coverage; Mr. Kee was unsure of the current lot coverage calculation. Ms. Citrano calculated it to be 47%; Mr. Vella calculated 46.1%. The rear yard setback is still required and a variance is still required for driveway setback. Ms. Citrano questioned the height of the landscaped berm. Mr. Kee advised it will be one foot max.

Chairman Hinckley opened the hearing to members of the public, however none appeared. Mr. Bane offered a motion to close the public portion, seconded by Mrs. Rogers. All present members voted in favor by voice vote.

Mr. Vella advised that any favorable action of the Board would be conditioned on the following: DEP/CAFRA approval, revised plans to be submitted showing the reduction in building height to 28 feet, Flood Plain Administrator review, Grading plan review and approval and the lot coverage calculation will be corrected to show 46.1%.

Board members offered comments indicating this development fits within the existing pattern of development. The property was created for this use and they feel it will cause no detriment to the Master Plan or Land Use Ordinance.

MRS. ROGERS OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. TRUSCOTT.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane, Shanker

Nays: None

#2022-021, William & Maria Hemberger, Block 644, Lot 2, 120 Evergreen Terrace, Application for Bulk Variances – Mr. Vella advised this is a re-do of a hearing that was previously held but was rushed.

Michael Steib, Esq., appeared on behalf of the homeowner. He advised they are seeking a variance to construct an addition to an existing ranch home. The front of the home is where the bedrooms are located. A colorized survey was marked as Exhibit A-6. The home was built in the 1950's and is not practical for modern times. The applicant proposes to remove concrete and stone to mitigate the lot coverage increase, however the building coverage still exceeds ordinance requirements. The applicant would like to avoid a second story as it is out of

character with the neighborhood, and they would like to maintain the ranch-style home. They could add vertically with no relief necessary, however they feel this is a better planning alternative. The relief requested fits the C1 variance criteria, due to the existing structure only reasonable place to construct the addition. The relief also meets the C2 criteria to promote purposes of the Municipal Land Use Law. The proposal will modernize the home and promotes the proper use in the proper zone, along with avoiding a violation to the character of the neighborhood.

William Hemberger remained under oath from the previous hearing and advised that he was born and raised in this home and purchased it upon his parents' death. He tried to make it work without an addition, mainly because he enjoys the ranch style home. A handout of the Sunny Acres subdivision map was marked as Exhibit A-8. Mr. Hemberger noted that the proposal will be 40 feet from the curb line and many homes on the street are closer to the roadway.

Barbara Ehlen remained under oath as the project's Planner. Ms. Ehlen advised that the lot coverage variance is no longer required due to the grassed area being installed. The front yard setback deviation is similar to others in the neighborhood. Resolutions from neighboring properties should recognition of the setback pattern in the neighborhood. Extensive testimony was given regarding the modernization of the home and the applicant is controlling the bulk and scale by keeping the ranch style home. The façade will also be renovated with the project, so the home does not look piecemealed.

Chairman Hinckley opened the hearing to members of the public.

Brian Illis, 127 Evergreen Terrace, offered comments indicating he is not in favor of the application and feels it is not consistent with the neighborhood.

Seeing no further comments, Mrs. Rogers offered a motion to close the public portion, seconded by Ms. Sheridan. All present members voted in favor by voice vote.

Mr. Vella advised that any favorable action of the Board would be conditioned on the following: grading and drainage to be reviewed and approved by the Township Engineer, plans to be revised to show reduced lot coverage, no four-season porch.

Board members offered comments indicating they felt this is a de minimis proposal and fits well within the neighborhood and pattern of development.

MRS. ROGERS OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. BANE.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane, Shanker

Nays: None

#2022-020, New Monmouth 35, LLC, Block 811, Lot 2, 1040-1090 Highway 35, Application for Bulk Variances – Mr. Vella advised this is a continuation of a previous hearing. Revised plans have been submitted and have been marked as Exhibit A-5. A revised Tech Memo from the Board Planner was marked as Exhibit ZB-2. Ms. Citrano advised that she met with the Township's Landscape Architect and the applicant on-site and the plans have been revised to show landscaping that is in-line with the original approval.

Richard Stewart, Esq. appeared on behalf of the applicant. He advised that the applicant has addressed the landscaping requirements from the original approval and revised plans have been submitted.

Robert Kaiser, PE, remained under oath and testified that the only change was to add the supplemental landscaping to the rear of the building. The dumpster will be screened, and planting will be installed along the fence line. There is a berm and screening proposed to the east as well. Ms. Citrano asked that our Landscape Architect have the ability to reconfigure the berm in the field as needed.

Board members indicated concern with property maintenance.

Mr. Kertisz, property manager, was sworn in and testified that the garbage haulers have been changed to address the issues reported. The dumpsters are being replaced and the property maintenance contract has been increased. This property had been the subject of illegal dumping so they have installed new lighting that will help with safety and security to address this ongoing issue.

Chairman Hinckley opened the hearing to members of the public who wish to speak.

Dana Olore, 20 Village Court, was previously sworn and offered comments indicating the back of the building has not been cleaned up.

John Dolan was previously sworn and offered comments indicating he is against the application. He feels his concerns are ignored. Mr. Kaiser advised they have added trees to the plan along the fence line next to his property. Mr. Dolan indicated he feels neglected.

Mr. Stewart added that the applicant has already added supplemental plantings at the direction of the Township Landscape Architect, they will consider relocation as the LA deems necessary, but will not agree to an increase in the number of plantings. Board members agree.

Seeing no further comments from the public, Mrs. Rogers offered a motion to close the public portion, seconded by Ms. Sheridan. All present members voted in favor by voice vote.

Mr. Vella advised that any favorable action of the Board would be conditioned on the following: plans to be revised for landscaping, refuse collection will be prohibited from 9:00 pm to 6:00 am; shields for lighting to be installed, the sign light will be on a timer to turn off at 11:00 pm, trees will be replaced, DOT approval will be required and the applicant will once again walk the site with the Township's Landscape Architect for relocation of plantings as needed.

Mr. Stewart clarified that the variances are being requested for the sign height and location and parking.

Board members indicated the larger sign is a better alternative for traffic safety. The proposal is an improvement to the area. They also feel our sign ordinance is outdated.

MR. TRUSCOTT OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MRS. ROGERS.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane, Shanker

Nays: None

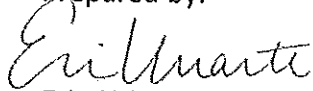
EXECUTIVE SESSION

Mrs. Bouw offered a motion to enter into executive session to discuss pending litigation, seconded by Mr. Hinckley. All present members voted in favor by voice vote.

ADJOURNMENT

MRS. BOUW OFFERED A MOTION TO ENTER BACK INTO REGULAR SESSION AND ADJOURN THE MEETING AT 9:37 PM, SECONDED BY MR. BANE. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte
Board Secretary