

# 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 JULY 10, 2019

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

ERIN URIARTE  
Planning Board Secretary

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

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 July 10, 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. Crupi, Mr. Colangelo, Mr. Mercedes, Mr. Berson, Mr. Czaplicki

Also present: James Gorman, Board Attorney; Greg Gitto for Robert Keady, Board Engineer; Sanyogita Chavan, Board Planner; Adam Catherine, Traffic Engineering Expert; Francis Reiner, Special Redevelopment Planner; Erin Uriarte, Board Secretary

A salute to the flag followed.

### APPROVAL OF MINUTES

Chairman Deus offered a motion to approve the minutes of June 19, 2019, seconded by Mr. Rathjen. All present, eligible members voted in favor by voice vote.

### RESOLUTIONS

#2018-101, 452 7<sup>th</sup> Ave LLC – Resolution Granting Extension of Minor Subdivision Approval – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Deus, Rathjen, Snell, Colangelo, Mercedes, Czaplicki

Nays: None

#2019-211, American Properties – Resolution Granting Amended Preliminary/Final Major Site Plan and Amended Major Subdivision Approval – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY MR. MERCES.

Roll Call:

### **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

Ayes: Deus, Rathjen, Snell, Colangelo, Mercedes, Czaplicki  
Nays: None

#2018-100, Archer Management – Resolution Dismissing Without Prejudice Approval – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Deus, Rathjen, Snell, Colangelo, Mercedes, Czaplicki  
Nays: None

#2017-400/#2019-400, Toll/Bamm Hollow Estates Phase IV North – Resolution Granting Final Major Subdivision Plan Approval For Phase IV North - Approval – MR. RATHJEN OFFERED A MOTION TO APPROVE THE RESOLUTION, SECONDED BY CHAIRMAN DEUS.

Roll Call:

Ayes: Deus, Rathjen, Snell, Colangelo, Berson, Czaplicki  
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 JULY 10, 2019, SECONDED BY MR. COLANGELO. 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

#2018-104, Frank Amodio, Jr.; Block 787 Lots 10, 13-15; Osborne Avenue, Application for Minor Subdivision Approval – Mr. Gorman advised that no notice was required because this is a minor subdivision with no variances.

Frank Amodio was sworn in as the applicant. He appeared with his sister, Cheryl Wilson, who remained under oath from the previous hearing.

Ms. Wilson advised the plan had been revised to the remove the proposed home location on the new lot so that they can just sell the lot and let the new owner design the home. Mr. Gorman explained any new owner will have to comply with the ordinance design standards. Ms. Wilson indicated that she understood.

Ms. Chavan indicated that she does not have any objection to the sidewalk waiver being granted, but she does want to be clear that a contribution will be required. Ms. Wilson agreed.

Discussion was held regarding the neighbor's encroachments and it was determined that approval could be granted without making the encroachments a condition of approval as it would cause a delay in filing the deeds. The encroaching improvements are onto the lot that will remain owned by Mr. Amodio therefore he will be able to pursue that on his own.

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

Roll Call:

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

Nays: None

#2019-200, Village 35, LP; Block 825, Lots 53-57, 58-68, 69.01, 72-79 & 81; 761-853 Route 35, Application for Major Subdivision and Major Site Plan in Accordance with the Circus Liquors Redevelopment Plan – Mr. Gorman advised this is a continuation of a previous hearing and the Board continues to have jurisdiction on this case.

Marc Policastro introduced himself as the Attorney for the applicant and advised that he is done with his portion of the presentation, they are here tonight to hear from the Township's Traffic expert.

Adam Catherine, of Stantec Consulting was sworn in and accepted as an expert Traffic Engineer. Mr. Catherine presented a power point presentation, entitled Village 35 Independent Traffic Review Power Point Presentation consisting of 22 slides. He explained that he had been hired by the township to evaluate the traffic impact of this project and other traffic generators in the area in order to address any future traffic issues. He explained the methodology used, noting that the applicant's traffic counts were the highest numbers and were used to stay on the conservative side. He explained the existing conditions and proposed conditions, as well as the proposed trip generation from this and other projects. A concept plan of proposed modifications to the Tindall Road and Kings Highway intersection was displayed and Mr. Catherine noted the new through-movement from Kings Highway to Tindall Road. The Tindall Road jughandle will be extended to allow for more vehicular storage and it will also increase the intersection distance to prevent the weaving traffic patterns that currently exist. He added that this is still a concept plan, there is no DOT approval at this time. Once they receive DOT approval, they will begin to design the improvements. They will need the Village 35 site to be under close to normal operations so that they can effectively gauge the needs based on traffic.

Board members asked questions related to traffic counts and ways to avoid creating more traffic in the cut through neighborhoods surrounding the site. Mr. Catherine advised that he was only retained to look at improving the conditions and the intent is to make Route 35 the most desirable way to traffic in that meandering through neighborhoods would take more time than travelling the highway.

Discussion was held regarding the partial condemnation of the gas station property on Tindall Road as well as a portion of a property known as "the blue house."

Chairman Deus opened the hearing to public for questions of Mr. Catherine based on his testimony. All members of the public were sworn in.

Monica Manning, 36 Spruce Drive, asked several questions regarding traffic projections, relation between project design and traffic, specific data and traffic queues. Ms. Manning expressed concern with stacking of vehicles and smaller neighborhoods being used as a cut-through to avoid the highway.

Michael Criscuolo questioned the traffic simulations that were shown, light timing recommendations and traffic counts. He indicated that the applicants' roadway improvements address their plan and this would address the area's overall development.

Alice O'Grady asked questions regarding traffic counts and offered comments regarding volume of traffic on Kings Highway East.

Jeff Thompson, 27 Bandywine Lane, asked questions related to projected traffic counts and expressed concerns with traffic patterns of the Village 35 traffic if the Tindall Road improvements are not done first.

Mr. Gorman reminded the public that Mr. Catherine was retained by the Township to address possible issues, he is not here for the applicant. Questions should be limited to what was presented this evening.

Lisa Walsh asked questions related to traffic counts, traffic associated with Wegmans, the origin and destination of traffic and cut through traffic on side streets. She expressed concerns with historic preservation and traffic.

Candace Cade asked questions related to the Twin Brook improvements, neighborhood cut-throughs and traffic counts.

David Hauff asked questions related to traffic counts, alternative designs and queuing of vehicles. He offered comments related to current traffic patterns and expressed concern with adding more traffic.

Martin Donohue asked about stormwater management designs in relation to the roadway improvements.

Laura Patten, Carriage Drive, expressed concerns with existing condition of Kings Highway East, specifically the blind hill as a dangerous condition.

Christ Garnant asked questions related to traffic counts and possible alternative designs.

Judy Musa, 114 Kings Highway, asked questions about traffic and public safety. She asked for traffic restrictions on Kings Highway to deter traffic and crosswalks for people coming in from the train.

Bart Sullivan, Brandywine Lane, asked questions related to the methodology of conduction the traffic report. He expressed concerns with traffic safety.

Jeffrey Kandravy, The Trail, asked several questions regarding traffic impact for his neighborhood.

Jerry Mahood questioned the sustainability of the study, noting that there is not much room for error. He asked that possible alternative designs be looked at.

John Czpiel, Kings Highway, asked questions related to discussions held with DOT and who hired Stantec.

Barbara Lombardi asked questions related to the development on the island of Route 35.

Oley DiCenza, Kings Highway, asked questions relating to methodology for keeping traffic on the highway and out of the smaller neighborhoods. She also expressed concerns with flooding.

Monica Manning asked follow up questions regarding light timing.

Lisa Walsh asked questions related to GPS direction routes.

Judy Musa asked if the Board can require the applicant to instruct google how to bring people to their development.

Jeff Kandravy offered comments relating to traffic patterns.

Chairman Deus closed the public question portion and opened the hearing up for public comments.

Candace Cade offered comments regarding the zone change that had been done and asked that the concerns of the public be brought up with the DOT.

Matt Mauro, Tindall Road, offered comments relating to environmental concerns. An Environmental Impact Statement dated January 2019 was marked as O-1. A Phase III Environmental report dated July 2014 was marked as O-2. A letter from T&M Associates dated September 2018 was marked as O-3.

Monica Manning stated that she appreciates the spate study and asked that before and after counts be done. She also asked that a follow up study be done.

Mr. Rathjen asked follow up questions regarding the Environmental Concerns. Ms. Chavan advised that DEP approval would be a condition of any approval granted by the Board and would be assured before the plans are released. Mr. Gitto confirmed that the DEP will monitor removal and remediation of any found issues.

Mr. Mauro indicated that the due diligence should be done before receiving Site Plan approval. Seeing no further comments, Chairman Deus closed the public portion.

Discussion was held regarding the property acquisitions needed to make the roadway improvements. While the entity which owns the property is akin to the redevelopment, however the property is not owned by this applicant therefore the Board cannot impose conditions to that landowner.

Mr. Gorman summarized the conditions agreed to the by the Board: The Township would be going to DOT seeking a permit for the improvements at Tindall and Kings Highway as shown in Mr. Catherine's report. If the DOT approves that, then the design, acquisition and construction cost would be funded through the redevelopment process. And then the third part would be that if that final approved design requires acquisition of some of the blue house lot, that Mountain Hill would be required to dedicate it.

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

Roll Call:

Ayes: Deus, Rathjen, Snell, Brey, Crupi, Colangelo, Mercedes, Berson, Czaplicki

Nays: None

#### NEW BUSINESS

#2018-208, D-BLOCK/Wet Side Car Wash, Block 265, Lot 70, 499 Highway 36, Application for Major Site Plan and Conditional Use Permit – Mr. Gorman noted that the notices are in order and the Board has jurisdiction to hear this matter, however due to the lateness of the evening the application will be carried.

Michael Steib, Esq. appeared on behalf of the applicant and advised that he grants an extension of time for which the Board has to act through September 4, 2019.

Mr. Gorman announced this application is being carried with no further notice to the September 4, 2019 Planning Board meeting, to be held here in the Court Room, 1 Kings Highway, Middletown at 6: 30 pm. No further notice will be required.

#2018-209, NJ American Water, Block 734, Lot 17, 35 Sears Ave, Application for Minor Site Plan Approval – Mr. Gorman noted that the notices are in order and the Board has jurisdiction to hear this matter, however due to the lateness of the evening the application will be carried.

Robert Munoz, Esq. appeared on behalf of the applicant and advised that he grants an extension of time for which the Board has to act through September 4, 2019.

Mr. Gorman announced this application is being carried with no further notice to the September 4, 2019 Planning Board meeting, to be held here in the Court Room, 1 Kings Highway, Middletown at 6: 30 pm. No further notice will be required.

#2019-202, Lifetime Fitness, Block 1088, Lots 1 & 3, 230 & 250 Half Mile Road, Application for Major Site Plan Approval in accordance with the Half Mile Road Redevelopment Plan – Mr.

Gorman noted that the notices are in order and the Board has jurisdiction to hear this matter, however due to the lateness of the evening the application will be carried.

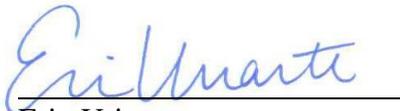
Kate Coffey, Esq. appeared on behalf of the applicant and advised that she grants an extension of time for which the Board has to act through September 4, 2019.

Mr. Gorman announced this application is being carried with no further notice to the September 4, 2019 Planning Board meeting, to be held here in the Court Room, 1 Kings Highway, Middletown at 6: 30 pm. No further notice will be required.

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