

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

DEBRA YURO
Secretary

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ZONING BOARD MEETING MINUTES SEPTEMBER 25, 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 September 25, 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. Hibell, Mr. Bane, Mrs. Rogers, Mrs. Sheridan, Mr. Barvels

Absent: Mr. Shanker

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

A Salute to the Flag followed.

APPROVAL OF MINUTES

August 28, 2023 – MRS. ROGERS OFFERED A MOTION TO APPROVE THE MINUTES OF JULY 24, 2023, SECONDED BY MR. TRUSCOTT.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane, Rogers, Sheridan

Nays: None

Mr. Vella asked if there were any members of the public in attendance for application #2023-008, Van Burnt, LLC. There were members of the public present on this matter. Mr. Vella stated that he sent a letter to the applicant's attorney on September 12, 2023, stating that the Middletown Zoning Board of Adjustment had previously heard an application non the subject site and determined that the lot merged with the two adjoining lots, Lots 1 & 2, Block 137 in Keansburg. As a result of the prior determination by the Zoning Board of Adjustment, the Board has no jurisdiction to hear an application on the subject property, as the lot is only part of a lot and has merged with the adjoining properties. Mr. Vella asked if the members of the public understood, and they did.

APPROVAL OF RESOLUTIONS

#2022-017 - Almost Home Market, Inc., Block 1049, Lot 1, 276 Sunnyside Road, Appeal of the Zoning Officer's Decision – Resolution was carried to the October 23, 2023, meeting.

#2022-018, Almost Home Market, Inc., Block 1049, Lot 1, 276 Sunnyside Road, Application for Use Variance – Resolution was carried to the October 23, 2023, meeting.

#2023-004, Sebring/Ford, Block 326, Lot 2, 36 Oakwood Road, Granting Approval for Rear Yard Setback Variance for an addition – MRS. BOUW OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. TRUSCOTT.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane, Rogers, Sheridan

Nays: None

#2023-005, Matthew Werner, Block 901, Lot 11, 2 Farrell Lane, Granting Approval for Principal Street Side Yard and Principal Rear Yard Variances for an addition – MR. BANE OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. TRUSCOTT.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Bane, Rogers, Sheridan

Nays: None

#2023-006, La Avenida, LLC, Block 435, Lots 1 & 2, 162 Avenue D, Accepting Withdrawal of Application – MRS. ROGERS OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. TRUSCOTT.

Roll Call:

Ayes: Wrede, Bouw, Hinckley Truscott, Hibell, Bane, Rogers

Nays: None

ADMINISTRATIVE MATTERS

None

OLD BUSINESS

None

NEW BUSINESS

#2023-006, La Avenida, LLC, Block 435, Lots 1 & 2, 162 Avenue D, Application for Use D Variance & Bulk Variances – The applicant seeks approval to perform interior and exterior repairs and to utilize the existing structure as a single-family home with 3 bedrooms and 2 bathrooms where "D" Use Variance "single-family, detached" is not permitted in the B-2 Zone, Front Setback (Principal) 50' is the minimum required, and 3.6' feet is proposed, Front Setback (Accessory) 50' is minimum required, and 49.7' is proposed, Street Side Setback (Principal) 25' is the minimum required, and 17.5' is proposed, Street Side Setback (Accessory) 25' is the minimum required, and +/-7' is proposed, Street Rear Setback (Accessory) 50' is the minimum required, and +/-23' is proposed.

Application was withdrawn.

#2023-007, Ann Riso, Block 972, Lot 82, 38 Coleman Avenue, Application for Bulk Variance – The applicant is seeking Maximum Lot Coverage approval where 40% is permitted and 42.7% is proposed for a 117 square foot bathroom addition.

Ms. Riso was sworn in by Mr. Vella.

Peter A. Kozielski, Architect was sworn in and accepted as an architect.

Mr. Vella entered the following exhibits:

A-1 – narrative

A-2 – Site Plan and Elevations consisting of 2 sheets, dated 4/3/2023, prepared by Peter A. Kozielski, Architect.

ZB-1 – Planners Technical Memorandum

Mr. Kozielski reviewed the application for the board, R-10 Zone, 5,000 sq. ft. lot exists, applied building and lot coverage for the R-5 Zone, 40% lot coverage is permitted, 42.7% is proposed. Mr. Kozielski stated that a hardship is created by the rear detached garage and the long driveway to reach the garage cause the building and lot coverage issues.

Ms. Riso stated that she has lived in her home for 20 years, the bathroom addition is more of a necessity than an extravagance, she loves her house, neighborhood and wants to make it better for her and anyone who comes after her. She said it would be a benefit to the Township with increased property taxes. It would be a benefit as a whole.

Mr. Hinckley commented that it would be a benefit.

Mr. Hinckley opened the meeting to the public. None appearing the public portion of the meeting was closed.

Mr. Truscott commented that this is a modest expansion of 100 sq. ft and 2.7% coverage. The architect responded that there is 117 sq. ft. of bathroom addition and 9 sq. ft. for a canopy over the side entry. The applicant will be removing about 9 sq. ft. of driveway a fraction of a percent.

Mr. Hinckley asked if there would be any conditions for approval. Mr. Vella responded any outside agencies and a grading plan.

Mr. Hinckley asked if the board could approve as a hardship. Mr. Vella responded it could be approved as a C1 because the detached garage and driveway are a detriment.

MR. WREDE MADE A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. HIBELL.

Roll Call:

Ayes: Wrede, Bouw, Hinckley, Truscott, Hibell, Bane, Rogers

Nays: None

#2023-008, Van Burnt, LLC, Block 84, Lot 1, Van Brunt Place, Application for Bulk Variances – The applicant is seeking Minimum Side Yard Setback approval where 10' feet is the maximum required and 4' is proposed to construct a single-family dwelling. **Application was withdrawn.**

#2023-010, Day/Burke, Block 840, Lot 82.01, 10 Deep Hollow Drive, Application for Bulk Variances – The applicant is seeking Maximum Lot Coverage approval where 14.75% is permitted and 18.91% is proposed and Structural Retaining Walls shall not exceed three (3') feet in height within a setback area to construct various retaining walls, pool improvements, and patios. **Application was not heard and was carried to the October 23, 2023, meeting.**

EXECUTIVE SESSION – None

ADJOURNMENT

MR. BANE OFFERED A MOTION TO ADJOURN THE MEETING AT 7:28 PM, SECONDED BY MR. HIBELL. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:

Debra Yuro
Board Secretary