

Chairman Saioni called the Meeting of the Middle Township Zoning Board to order at 6:00 p.m. He stated that notice had been given to the Gazette-Leader, Press of Atlantic City and Herald Times and posted on the bulletin board of the Middle Township Building stating the time and place of the following meeting, as required in the P.L. 1975, Chapter 231 of the State of New Jersey.

**ROLL CALL**

**Members Present**

Mark Saioni, Chairman  
TJ Repici, Jr.  
Mike DiPalantino  
Chris Brown  
William Crowther  
Alicia Markle  
Camille Fitzmartin

**Members Absent**

**Attorney Present**

Robert Belasco

**Alternates Present**

Melanie Collette  
Kim Banks

**Engineer Present**

Vincent C. Orlando, PE, PP

**Secretary Present**

Rachel Shepherd

**HEARING**

**#221112**

Applicant's Name: JMS3 LLC

Subject Property: 7 E. Shellbay Avenue

Block and Lots: Bl: 340 Lots: 5

- *Application moved to the January 11, 2024 meeting. Applicant will re-notice.*

**HEARING**

**#182311EXT2**

Applicant's Name: 812 Avalon Boulevard LLC

Subject Property: 8-12 Avalon Blvd.

Block and Lots: Bl: 13.01 Lot: 19

Lyndsy Newcomb, Esq. of Monzo Catanese Delollis went over reasons extension of prior approvals was needed.

**Vote:** *Extension of prior approvals – 1 year*

Moved: M. DiPalantino

Seconded: T. Repici

T. Repici Jr.	YES
M. DiPalantino	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**HEARING**

**#232334**

Applicant's Name: Mindy McNicholas

Subject Property: 11 Kings Lane

Block and Lots: Bl: 351 Lot: 17 & Bl: 350 Lot: 52

*\*Board members M. Dipalantino and M. Colette stepped down*

The following witnesses were sworn in to testify:

- Mindy McNicholas, owner of 11 Kings Lane
- John Halbruner, PE, The Hyland Group

The following exhibits were presented:

- A1 – February 11, 2022 aerial photos
- A2 - Signage

Lyndsy Newcomb, Esq. gave overview of the application and approvals sought.

Mindy McNicholas gave testimony on ownership of the property and how the pickleball court came to be.

John Halbruner gave testimony on plans; use variance required for commercial aspect; provided testimony on existing and proposed signage.

Hours of operation will be 8 am to 8 pm – 7 days a week. The multipurpose room will be more of a conference room. Owner to eliminate commercial use of outdoor pickleball court within 18 months or upon issuance of Certificate of Approval for new building.

Vince Orlando, PE, Engineering Design Associates, went over engineers' report.

Public Comment:

- Richard Morinelli, 20 Kings Lane – felt owner had addressed issues of traffic/ parking on street.

- Joan Vitacolonna, 26 Kings Lane – concerned with how pickleball court turned from personal to commercial.
- Linda Maud, 38 Kings Lane – tired of dealing with these issues; wants street back; neighborhood has been dealing with this for 5 years; parking situation has gotten better.
- Elizabeth Wade – 424 Hand Avenue – Owner will make sure the players come and go as required. She rides her bike to the Court
- Paul Burns, 27 Kings Lane – Concerned with dump behind site; oil and drums; concerns with lighting; EPA needs to investigate.
- Mike Grimes, 13 Kings Lane – traffic will be minimized with new design/ traffic has lessened; Mrs. McNicholas has been upfront to them.
- David Robinson, 1015 Rte. 9 S – Felt court should be removed; Does not feel pickleball court will be used for personal use; no sidewalk along Rt. 9 and very congested area.
- John Ginelli, 2878 Avalon Ave, Avalon – In order to play you look online and book time; if full pick another time; very structured.
- Boyd Lafferty, 1616 Star Avenue, Villas – owner is trying to improve the area/ build something useful.
- Elaine Intenzo, 348 95<sup>th</sup> Street, Stone Harbor – understands neighbors concerns; started as a life-saving business; originally court was offered for free; owner worked hard to correct parking issues.
- Carol Hawkins, 505 Forest Rd. Villas – teaches all ages; closest facility to go to; more of a social club.
- Marilyn Lafferty, 1606 Star Avenue, Villas – maybe neighbors should try pickleball
- Lee Evans, 41 Kings Lane – has no issue with new building; neighborhood has been dealing with this for a long time.

Chairman Saioni closed the hearing to the Applicant and the public.

**VOTE:**

*Minor subdivision of Block 350 Lot 52 to create Lots 52.01 & 52.02; variance for front yard setback min/ max; accessory side yard setback for proposed lot 52.01; accessory building height variance for proposed lot 52.01; variance for minimum lot frontage for proposed lot 52.02; variance from Section 35 of the Municipal Land Use Law; freestanding sign area & setback to ROW; number of building mounted signs and sign area.*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*218-81(D) – Landscape buffer requirements – to permit the existing parking buffer to a building on proposed Lot 52.01 of 5 ± feet, where a minimum parking buffer to a building of 15 feet is required.*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*218-81(D) – Landscape buffer – buffer of commercial use to a residential use on proposed lot 52.01 of 10.45 feet, where a minimum buffer of 20 feet is required.*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*250-408(E) - Bulk requirements for TB Town Business:  
A variance is required for front yard setback for proposed Lot 52.02, where no front yard is provided.*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*250-408(E) - Bulk regulations for TB Town Business:*

*A variance is required to permit the proposed building coverage of 35% on proposed Lot 52.02, where a maximum building coverage of 30% is required*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*218-81(D) - Landscape Buffer Requirements:*

*A variance is required to permit the existing parking buffer to a building on proposed Lot 52.02 of 9 ± feet, where a minimum parking buffer to a building of 15 feet is required*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*218-81(D) – Landscape Buffer Requirements:*

*A variance is required to permit the proposed buffer of commercial use to a residential zone on proposed Lot 52.02 of 0.0 feet to Lot 17, where a minimum buffer of commercial use to residential zone of 50 feet is required*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*218-81(D) – Landscape Buffer Requirements:*

*A variance is required to permit the proposed buffer of commercial use to a residential zone on proposed Lot 52.02 of 5.0 feet to Lot 58, where a minimum buffer of commercial use to residential zone of 50 feet is required.*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*218-77 – Off-Street Parking Requirements:*

*A variance is required to permit the proposed off-street parking on proposed Lot 52.02 of 21 parking spaces, where a minimum of 24 parking spaces are required*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*Number and area of Freestanding signs on proposed lot 52.01*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*250-404(D) – Accessory Uses for R Residential: A use variance is required to permit commercial recreational facilities (the existing outdoor pickleball court on Blk 351 Lot 17), which is not a permitted use in the R Residential zone. Commercial use of court must cease either within 18 months of the approval or upon issuance of a certificate of occupancy by the construction office, whichever is sooner.*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	NO
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*Waiver - A waiver is requested from providing an environmental impact assessment & from providing a community impact statement.*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*250-631(B) – Bulk regulations for R Residential:  
A variance to permit a front yard setback of 18.29 feet, where a minimum front yard setback of 20 feet is required.*

Moved: T. Repici                      Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*250-404(E) – Bulk regulations for R Residential:*

*A variance is required to permit impervious lot coverage of 47%, where a maximum impervious lot coverage of 40% is permitted*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*250-631(B) – Bulk regulations for R Residential:*

*A variance is required to permit the existing outdoor pickleball accessory use within a front yard, where no accessory structure shall be located in a front yard, except farm stands*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	NO
A. Markle	YES
C. Fitzmartin	NO
K. Banks	NO
Chairman Saioni	YES

**VOTE:**

*250-404(E) – Bulk regulations for R Residential:*

*A variance is required to permit the existing outdoor pickleball accessory side yard setback of 3.48 feet, where a maximum accessory side yard of 6 feet is required.*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	NO
A. Markle	YES
C. Fitzmartin	NO
K. Banks	YES
Chairman Saioni	YES



**VOTE:**

*250-404(E) – Bulk regulations for R Residential:*

*A variance is required to permit an accessory structure (shed) rear yard setback of 1.40 feet, where a minimum accessory rear yard setback of 6 feet is required.*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*250-404(E) – Bulk regulations for R Residential:*

*A variance is required to permit an accessory structure (shed) side yard setback of 3.28 feet, where a minimum accessory side yard setback of 6 feet is required.*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**VOTE:**

*Preliminary and Final Major Site Plan approval*

Moved: T. Repici

Seconded: C. Brown

T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
K. Banks	YES
Chairman Saioni	YES

**HEARING**

**#222322**

Applicant’s Name: Levi Brockman

Subject Property: 430 Rte. 47 North

Block and Lots: Bl: 5 Lot: 10

- *Application being moved to the January 11, 2024 meeting. Applicant will re-notice*

**HEARING**

**#232334**

Applicant’s Name: Ian F. Keyser

Subject Property: 669 Avalon Blvd

Block and Lots: Bl: 118.03 Lot: 5

The following witnesses were sworn in to testify:

- William Haryslak, RA
- Ian Keyser, Property Owner

Cory Gilman, Esq. gave overview of the application and approvals sought. Mr. Keyser testified that he has owned the property for 7 years; would like to upgrade dwelling to use year-round; will not be a rental

William Haryslak provided testimony on the plan; benefits of the new dwelling outweigh detriments.

Vince Orlando, PE, Engineering Design Associates, went over engineers’ report.

Public Comment: None

Chairman Saioni closed the hearing to the Applicant and the public.

**VOTE:**

*250-402(E) – Bulk Regulations for CD Coastal Development:  
A variance is required to permit the existing lot area of 2,250 SF, where a minimum lot area of 5,000 SF is required.*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

*250-402(E) – Bulk Regulations for CD Coastal Development:*

*A variance is required to permit the existing lot width of 30 feet, where a minimum lot width of 50 feet is required*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

*250-402(E) – Bulk Regulations for CD Coastal Development:*

*A variance is required to permit the existing lot frontage of 30 feet, where a minimum lot frontage of 50 feet is required.*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

*250-402(E) – Bulk Regulations for CD Coastal Development:*

*A variance is required to permit the proposed front yard setback of 6 feet to porch and 12 feet to dwelling, where a minimum front yard setback of 20 feet is required*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

*250-402(E) – Bulk Regulations for CD Coastal Development:*

*A variance is required to permit the proposed total side yard setback of 10 feet, where a minimum total side yard setback of 15 feet is required*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

*250-402(E) – Bulk Regulations for CD Coastal Development:*

*A variance is required to permit the proposed rear yard setback of 15.5 feet, where a minimum rear yard setback of 20 feet is required*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

*250-402(E) – Bulk Regulations for CD Coastal Development:*

*A variance is required to permit the proposed three and a half story dwelling, where a maximum of two and a half stories is permitted, since the first-floor garage level is entirely enclosed*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

250-633 – *Design Standards for All Residential:*

*A variance is required to permit the proposed roof pitch of 4:12 over the second-floor porch, where a minimum 5:12 roof pitch is required.*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

*Waivers - Providing a traffic study; Providing an environmental impact assessment; Providing an environmental assessment report*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**HEARING**

**#232342**

Applicant’s Name: Donna Bailey

Subject Property: 11 Eldredge Ave

Block and Lots: Bl: 439 Lot: 10

Donna Bailey gave testimony on the application and approvals sought.

Vince Orlando, PE, Engineering Design Associates, went over engineers’ report.

**Public Comment:**

- Douglass Pittman, 15 Eldredge Ave – concerned with density in area and lowering of the property values.

Chairman Saioni closed the hearing to the Applicant and the public

**VOTE:**

*250-413(B) – Permitted Uses:*

*A use variance is required to permit an accessory apartment in the existing detached accessory building.*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**VOTE:**

*Waivers - Providing a traffic study; Providing an environmental impact assessment; Providing an environmental assessment report*

Moved: M. DiPalantino                      Seconded: T. Repici

M. DiPalantino	YES
T. Repici Jr.	YES
C. Brown	YES
W. Crowther	YES
A. Markle	YES
C. Fitzmartin	YES
Chairman Saioni	YES

**OLD BUSINESS**

Memorialize Resolution #232341 – Fulford, Joe & Linda

Upon a motion by Mr. Crowther, seconded by Mrs. Markle that the resolution be adopted. The motion carried unanimously by the following vote: Fitzmartin – Yes; Crowther – Yes; Markle – Yes; Saioni – Yes.

The next regularly scheduled meeting will be on 01/11/2024.

With there being no other business, the meeting was adjourned.