

**PRELIMINARY SITE PLAN APPROVAL
THE KAMSON CORP.
BLOCK 1171, LOT 2
1568 ROUTE 88**

**Resolution: R-38-19
Application No. PB-2839-PSP-C-8/19
Date: October 23, 2019**

**RESOLUTION OF MEMORIALIZATION OF THE
BRICK TOWNSHIP PLANNING BOARD
PRELIMINARY MAJOR SITE PLAN APPROVAL WITH VARIANCES**

WHEREAS, The Kamson Corp., 270 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, has made application to the Brick Township Planning Board for preliminary major site plan approval with variances for Block 1171, Lot 2 on the Township Tax Map pursuant to N.J.S.A. 40:55D-46, -50, and -60, and -70 to construct a 74,999 sq. ft. medical office building; and

WHEREAS, the applicant has requested the following variances and waivers in conjunction with said preliminary major site plan approval:

- a) Variance from the requirement that all parking stalls must be 10 ft. by 18 ft. minimum whereas the applicant has shown stalls of 9 ft. by 18 ft. and several motor cycle parking stalls of 6 ft. by 12 ft. (§245-311).
- b) Variance for installing 3 monument signs on one lot whereas the Ordinance only permits one monument sign.
- c) Waiver from the requirement to construct deceleration lanes along county roads.
- d) Waiver from offsetting new sidewalks a minimum of 4 ft. from a curb line to a county highway.
- e) Waiver from the requirement that parking facilities including drive aisles be

*file
App.
French & Parello
Policastro
17th
ACT
10/24/19*

Zoning, Assessment, Eng.

a minimum of 20 ft. from the property line whereas the applicant proposes a setback of 19.4 feet from Jack Martin Boulevard.

- f) Waiver from the requirement that drainage facilities not be permitted in front yards whereas the applicant proposes drainage basins in the front yard of Route 88 and Jack Martin Boulevard.
- g) Waiver from the requirement that landscaped islands be required at the end of every row of 10 parking stalls.
- h) Waiver from the requirement that a buffer is required when a commercial use abuts or is across the street from a residential use. In this instance, a buffer of 50 ft. would be required but no buffering is provided on the north side of Jack Martin Boulevard.
- i) Waiver from the requirement that a 3 ft. high landscape berm be located between perpendicular parking stalls on a major roadway; and

WHEREAS, proof of service as required by law upon appropriate property owners and governmental bodies has been furnished and determined to be in proper order; and

WHEREAS, a public hearing was held on September 25, 2019, in the Brick Township Municipal Building at which time testimony was given and certain exhibits hereinafter described were presented on behalf of the applicant and all interested parties having had an opportunity to be heard; and

WHEREAS, the Board makes the following factual findings and findings of law:

1. This property is designated as Block 1171, Lot 2 on the Township Tax Map of the Township of Brick, is a triangular shaped parcel situated between Jack Martin Boulevard, Burrsville Road and New Jersey State Highway 88 comprised of 9.39 acres. The proposed use is permitted in this zone.

2. The applicant, The Kamson Corp. was represented by Marc D. Policastro, Esq., of the firm of Giordano, Halleran & Ciesla, P.C. and he presented the testimony of

Andrew L. French, P.E. of French and Parrello Associates; John Rea, P.E. (Traffic Engineer); Anthony Sirizzotti, AIA, of the Barnett Group, and Christine Cofone, P.P. The witnesses were duly sworn and all testified concerning the project.

3. During the course of the testimony, certain exhibits were presented and marked into evidence:

A-1 Color rendering of site (sheet 13 of 24).

A-2 Color rendering of the entryway of the proposed facility (medical center artist's rendering).

A-3 Site Plan (sheet 3 of 24).

4. The property is located between State Highway 88, Jack Martin Boulevard and Burrsville Road according to Mr. French's testimony. It is generally triangular in shape and contains 9.3 acres in this hospital support zone. The proposal is to construct a 2 story medical office building which would be a permitted use. There is one residential home at State Highway 88 and Jack Martin Boulevard, but the rest of the site is currently vacant. In accordance with the proposed site plan, the lot coverage and building elevations meet the Zoning Ordinance requirements. Access to the site would be off all 3 roadways, to wit: State Highway 88 would have a 2-way full access means of ingress and egress to the site; Burrsville Road would have 1 in/out access point and Jack Martin Boulevard would have 2 access driveways, the first of which would be a right in and right out only and the second a right out but both directions in access point. The proposed 75,000 sq. ft. structure would require, according to the Ordinance, 375 parking stalls. The application proposes 456 parking stalls, of which two would be dedicated for ambulance drop off and six would be dedicated for motorcycle stalls. The

Ordinance requires 45 spaces for handicapped parking; the proposal calls for 45 spaces, all noted to be adjacent to the building. Mr. French noted that although there are numerous parking spaces proposed in excess of what is required by the B-2 zone, the applicant seeks to install this many parking spaces to attract potential end users. There is, in Mr. French's opinion, extensive landscaping throughout the site. He testified that site lighting would be LED low profile lights on 25 ft. high poles. Lighting at the canopies and doors would be recessed lighting. There is proposed on the plans a pocket park on the east side of the site and bicycle racks are provided. Moreover, pedestrian access would be available from all streets and the application proposes new curbing and sidewalk with connections to the building from the sidewalks. Mr. French testified that the proposed site plan can accommodate all stormwater on site and stormwater runoff from the roadways would be directed into the detention basins proposed. Because of the existence of paper streets in the vicinity, there is a 125 ft. buffer from the residential use located in proximity to the site. Mr. French testified that although there is no berm proposed on portions of Route 88 and Jack Martin Boulevard, he notes that where there are perpendicular stalls to the roadways, they have or will meet the berm requirements.

5. Mr. French addressed the Board's engineer's September 8, 2019 report and noted the applicant had no objections to the technical issues raised by Mr. Wilkinson and would meet same. Mr. Wilkinson requested and the applicant indicated they would provide maintenance plans to his office.

6. In addressing the Board's engineer's concerns regarding pedestrian networks, the applicant's professionals agreed to meet with the Planning Board's

planner and engineer to agree with the appropriate widths for grass buffers and the location of sidewalks. In response to a notation that the Board's engineer initially indicated that rain gardens should not be used in basin areas, Mr. Wilkinson did, ultimately after hearing the explanations from the applicant's engineer to allow those rain gardens to be kept in basin areas but the applicant's engineers would meet with the Board's engineers concerning the specifics between preliminary and final approval.

7. Mr. French also addressed Ms. Paxton's report and noted one parking stall is 19.4 ft. from Jack Martin Boulevard while all other parking facilities including drive aisles meet the 20 ft. distance from property line. Mr. French opined that this one spot at 19.4 ft. was *de minimis* and requested a waiver for same, opining that it did not negatively impact the zone plan and zone scheme. Mr. French also testified that detention basins were located in the front yard and designed in accordance with DEP requirements and are located as underground detention basins. The applicant seeks a waiver from that design standard, opining again that this did not adversely impact the zone plan or the zone scheme. As to Ms. Paxton's notations of a landscape island being required at the end of every row of 10 parking stalls, the significant quantity of landscaping located at the proposed site left Mr. French to opine that the intent of the Ordinance is being met and, therefore, asked for a variance for same. Again with the requirement that a buffer of 50 ft. is required when a commercial use abuts or is across the street from a residential use or zone, while the application does not meet that requirement on the north side at Jack Martin Boulevard, he opined that the location of the facility on the paper street adds to the buffer as do the uses across the street and thus, again the Ordinance's intent is met in that more than 50 ft. exists from the property

to the nearest residence. Finally, Mr. French opined that although a 3 ft. high landscape berm is required between perpendicular parking stalls on major roadway, most of the site does not have perpendicular parking stalls, but where they are perpendicular to the road, berms shall be installed.

8. The applicant also called John Rea, P.E. to testify as the traffic engineering expert. He performed a Traffic Impact Analysis that was submitted to the Planning Board with the application. He testified that the traffic impact study was prepared by him and/or under his direction. He noted that five driveways would service the site and all roadways would maintain a level of service "C". He opined that all 3 intersections of the roadway surrounding this property are functioning at level "C" or better. There was an expectation that a traffic signal will be installed at final site plan approval.

9. Mr. Rea addressed the Police Traffic Safety Report of September 10, 2019 and noted the following. The Police noted that a drainage issue exists on Burrsville Road to which Mr. Rea responded that they would add Burrsville Road into their drainage system. Mr. Rea indicated that the applicant agreed to a re-design of the traffic southbound on Burrsville Road as it approaches Route 88 by making same a controlled intersection. Mr. Rea indicated in response to the recommendation that Route 88 eastbound be widened at the intersection of Jack Martin Boulevard, that the level of the service on that roadway has improved because of the significant improvements to the Garden State Parkway interchanges. Less traffic is actually flowing on Route 88 eastbound and thus the applicant requested that they not be required to undertake that obligation.

10. The applicant called Anthony Sirizzotti a registered architect in the State of New Jersey. He introduced Exhibit A-2 which was an elevation of the exterior of the building and explained the architectural to the Board. He noted that the facility would be a two story building constructed of steel framing. The architectural were submitted to the Architectural Review Committee which looked favorably upon the application.

11. The applicant additionally called upon Christine Cofone, a professional planner in the State of New Jersey whose credentials were accepted. She testified that the application was for a conforming use in the Hospital Support Zone. She supported in her testimony the granting of variances as requested both on the (c)(1) and (c)(2) of N.J.S.A. 40:55D-70. With respect to the (c)(1) variance, she noted the unique shape of the property generally a triangular shape and noted that the property was completely surrounded by road frontage. As a result, any drainage facilities could not be kept out of the front yard of the site, as a result of having multiple front yards and no rear yards. In support of the requested variances for the berming and buffering, she noted that the distance from the facility to a residential area that triggered the buffering requirement was actually in excess of the requirement if the uses across the street were factored in. Specifically, she indicated that there were no residences within 50 ft. of the area despite the zone being zoned for residential use. Rather there are utilities and a street designated as Cherry Drive that separates the first residential use of property and thus while a variance is required, it is the opinion of Ms. Cofone that the benefits of granting that variance exceed any detriment to the purposes of zoning. Moreover, Ms. Cofone testified that notwithstanding the slight lack of compliance regarding the landscape aisle requirement of landscaping for every row of 10 parking stalls, she noted that there were

in excess of 1,000 trees and plantings throughout the site and felt that the slight variance sought for this was not detrimental and essentially met the intent of the Ordinance. Because of the size of the property, she felt it was important for the Hospital Support Zone and in furtherance of the Master Plan of the Township of Brick. She opined that the purposes of zoning as set forth in N.J.S.A. 40:55D-2 (m) and (i) were advanced by the granting of the variances sought and further that there was no negative impact, thus satisfying the requirement to demonstrate the negative criteria of the Statute. Specifically, there would be no negative impact on the zone plan or the zone scheme of the Township of Brick.

12. The Board heard from members of the public concerning the application. Mr. Marty Sumner of Brick Land 88, LLC, owns property immediately adjacent to this parcel. Exhibit A-3 (Sheet 3 of 24 of the plans) was marked into evidence to demonstrate this adjoining property. Generally Mr. Sumner was in favor of the application but requested a cross access easement to his property. The applicant agreed that as a condition of this Resolution the parties would examine the feasibility of a cross access easement and incorporate same at final site plan, if feasible. In addition, Linda Murray of Forge Pond Road testified regarding her concerns about traffic on Burrsville Road. The applicant's traffic engineer addressed those concerns through his continued testimony.

13. With the exception of the requested variance for three monument signs on the property, the other variances as requested by the applicant were supported by the opinion of Ms. Cofone that was accepted by the Board. As to the request for a variance to allow three monument signs because of the three road frontages, the request for the

variance for the signage was agreed between the Board and the applicant to be deferred until the final site plan approval phase.

14. The Board received into evidence the following reports from its professionals and same shall continue to be maintained as a part of the Planning Board's file.

- a) August 28, 2019 and September 8, 2019 reports from Adams, Rehmann and Heggan Associates, Inc., Planning Board's engineers, authored by Theodore Wilkinson, PE.
- b) September 11, 2019 report from Tara B. Paxton, AICP/PP, the Township planner.
- c) September 10, 2019, Brick Township Police, Traffic Safety Unit, authored by Sgt. Kenneth Donnelly.
- d) September 3, 2019 report from Kevin C. Batzel, Bureau Chief/Fire; Marshal of the Brick Township Bureau of Fire Safety.
- e) September 24, 2019 report from the Environmental Commission.
- f) August 30, 2019 Land Development Application Review from Elissa C. Commins, PE, PP, CME, CFM, Township Engineer.

15. The Board thus accepts the testimony of the applicant's engineer, traffic engineer, architect and planner in support of its request for the variances and design waivers as set forth in the site plan. Accordingly for the reasons set forth upon the record by the applicant's professionals and the Board's professional staff, the Board finds that the Preliminary Major Site Plan Approval should be granted together with the variances and waivers requested by the applicant and same can be granted without substantial detriment to the public and will not substantially impair the intent and purposes of the zone plan, zoning ordinance or the Master Plan of the Township of

Brick.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 23rd day of October, 2019 that the application for Preliminary Major Site Plan approval with variances is hereby granted subject to the following conditions:

1. The applicant shall submit proof of payment of taxes.
2. The applicant must post all bonds and guarantees as required and recommended by this Board and the Township Board Engineer. Moreover, the applicant must post all required engineering and inspection fees.
3. All representations and statements made by the applicant, as well as the applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an express condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this application to further review on this Board's own motion.
4. In the event the Planning Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that event any approvals previously given may be rescinded and any improvements at the time in place on the premises in question shall not be in compliance with the ordinances of the Township of Brick.
5. The applicant must comply with all conditions contained in the Board Engineer's report by Theodore Wilkinson, PE of Adams, Rehmann & Heggan dated August 28, 2019 and September 8, 2019; the Township Planner, Tara B. Paxton's report dated September 11, 2019; Fire Safety Report dated September 3, 2019;

September 10, 2019 Traffic Safety Report; and September 24, 2019 Environmental Commission report except as specifically noted herein.

6. No building permit shall be issued until the Board Secretary confirms that the Planning Board professional fees have been paid in full. In the event a building permit is issued and there are outstanding Planning Board professional fees, a stop work order will be filed against the applicant/contractor until all professional fees have been paid.

7. In the event there is an existing violation, the applicant shall have thirty (30) days from the date the Notice of Decision was published to correct the violation. Failure to correct the existing violation within the time prescribed will result in the issuance of a summons.

8. The applicant must comply with all conditions outlined in Schedule A attached hereto.

9. The applicant shall apply for and receive approvals from all other municipal, county, state and federal agencies having regulatory jurisdiction over this development as may be required.

10. Pursuant to N.J.S.A. 40:55D-49, the statutory protections afforded by the within action shall expire three (3) years from today's date.

BE IT FURTHER RESOLVED that the Planning Board Secretary shall cause notification of this favorable Resolution to be published in an official newspaper of the Brick Township within ten (10) days of the adoption of this Resolution.

Certified copies of this Resolution shall be forwarded to the applicant, the Township Construction Official, Zoning Officer and all other parties in interest.

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THE KAMSON CORP.

October 23, 2019

VOTE ON MEMORIALIZATION

MOVED BY: Councilman Mummolo

SECONDED BY: Ms. Lambusta

VOTING IN THE AFFIRMATIVE: Councilman Mummolo, Mr. Gross, Mr. Nugent,
Mr. Philipson, Mr. Osipovitch, Mr. Clayton, Ms. Lambusta, Mr. Aiello, Mr. Cooke

VOTING IN THE NEGATIVE:

INELIGIBLE: Ms. Della Volle

IN-CONFLICT:

ABSENT: Mr. Occhiogrosso

ABSTAINING:

PRESENT BUT NOT VOTING:

CERTIFICATION

I, PAMELA O'NEILL/Secretary to the Planning Board of the Township of Brick,
County of Ocean, State of New Jersey, do hereby certify that I am duly authorized to
certify Resolutions. I certify that the foregoing Resolution was adopted by the Planning
Board of the Township of Brick at a regular meeting held on the 23rd of October 2019



PAMELA O'NEILL/Secretary
Planning Board/Zoning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

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1. Applicant shall obtain certification by the Local Soil Conservation District of a plan for soil erosion and sediment control in accordance with N.J.S.A. 4:24-39 et seq., commonly known as the "Soil Erosion and Sediment Control Act."

2. All materials, methods of construction and details shall be in conformance with the current "Engineering Specifications and Construction Details" of the Township of Brick, which are on file in the office of the Township Engineer.

3. Applicant shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the applicant shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the applicant must reapply to the Brick Township Planning Board for approval of that change.

4. Applicant shall submit this entire proposal for re-approval should there be any deviation from the terms and conditions of this Resolution or the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant.

5. Applicant shall provide a statement from the Brick Township Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.

6. Prior to the issuance of a construction permit, the applicant shall furnish the Township Clerk with a cash bond and performance guarantee in an amount to be determined by the Township Engineer.

7. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

8. No soil shall be removed from the site without the written approval of the Township Council.
9. The applicant shall comply with all provisions and pay all fees established under Article VB (Mandatory Development Fees) of Chapter 190 of the Code of the Township of Brick.
10. For all residential uses the subdivider or site plan applicant shall provide for a trash receptacle.
11. In order to insure uniformity of trash receptacles and compatibility with the automatic trash collection system, all trash can receptacles required herein shall be obtained from the Township of Brick.
12. Applicant shall provide proof of application for Title NJSA 39:5 A-1 to the Planning Board.