

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10604070

BRICK TOWNSHIP PLANNING BOARD
PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH VARIANCES AND DESIGN WAIVERS

RESOLUTION R- 10 -05

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Case No. PB-2503-PSP-V-FSP-7/04

January 26, 2005

WHEREAS, ALLEN MORGAN/SHORE INSTITUTE, AS APPLICANT, having a mailing address of 1608 Route 88 West, Suite 117, Brick, New Jersey 08724, has applied to the Brick Township Planning Board for preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46, 50, 51, 60, and 70; and

WHEREAS, ALAN J. CORNBLATT, AS OWNER, having a mailing address 44 Princeton Avenue, Brick, New Jersey 08724, have consented to this application; 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 December 8, 2004 at the Municipal Building, at which time testimony and exhibits were presented on behalf of the applicant, and all interested parties having been heard; and

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

1. This property is known and designated as Block 1170, Lot 15 on the Municipal Tax Map.
2. The property is located in the H-S (Hospital Support Zone) and is located on the northern side of N.J. Highway Route 70 (East of the Old Laurelton

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Circle and at the eastern terminus of Allaire Avenue) and is currently vacant. The applicant has proposed the construction of a 45,000 square foot medical office building with parking facilities and other site improvements.

The proposed preliminary and final site plan is shown on plans entitled "Shore Institute, Lot 15, Block 1170, Preliminary & Final Site Plan, Brick Township, Ocean County, New Jersey" prepared by D.W. Smith Associates, L.L.C., dated June 11, 2004, last revised July 29, 2004, consisting of six (6) sheets and a Stormwater Management Report, also prepared by D.W. Smith Associates, L.L.C. the subject parcel is 3.55 acres and is currently vacant.

Applicant, Dr. Allen Morgan, testified, through his Engineer, Mr. Timothy Lurie, P.E., P.P., of D.W. Smith Associates, and Mr. Michael M. DiCicco, Esq. of Bathgate, Wegner & Wolf, Attys, he believed his investment of time, monies, preparation and planning on this application will be an asset to Brick Township. Dr. Morgan further testified that he practiced reproductive medicine, but he believed that anticipated tenants of the medical office space included a large cardiology group, as well as a gastrointestinal practice. Dr. Morgan also recited that he believed the parking spaces shown were more than adequate – amended, he would strive to be a "good neighbor" in the construction and maintenance of the building. He also represented to the Board that the basement area would solely be used for storage. Mr. Lurie testified his belief that this building was most appropriate in the Hospital Support Zone, and that the parking configuration, as well as the structure, and the landscaping – were all in keeping with the applicant's desire to accommodate a burgeoning medical services,

together with the convenience of ready access to diagnostic and hospital services. Mr. Lurie also testified as to the adequacy of the stormwater drainage plan.

Mr. Lurie further recited that he believed the access from/to Route 70 was and that Allaire Avenue would be modified to allow for ingress and egress if emergency vehicles, acceptable and As evidence of applicant's desire to modify its plans to mollify neighbors and other concerns, Mr. Lurie advised that applicant agreed to modification to its plan to provide for berming, additional trees and shielded lighting, as per Board's professional's recommendations.

Mr. Scott Kennel, of McDonough & Rea Traffic Engineering, believed that the study John H. Rea, P.E., and he, conducted for applicant as to traffic, showed that the traffic circulation and that access to/from the site was adequate. Mr. Kennel also agreed with the analysis report of Board Traffic Engineer, Mr. Mark Kataryniak – and agreed to his requested modifications.

A number of interested parties testified as to their concerns; namely, Ms. Catherine DeSantis of 157 John Street, voiced her concerns as to noise, traffic and loss of trees. Applicant assured her they would use their best efforts to be a "good neighbor" and satisfy her concerns, including an enhanced buffer to the north, agreeing to limit garbage pick up times, and shield outdoor lighting.

Mr. Andrew Kiewra, 163 John Street, voiced his concerns as to noise and wanted and adequate fence, and the landscaping buffer, he further requested that rear parking be limited to employees only.

Ms. Judith Dempsey, 164 John Street, testified she was concerned as to an easement for utilities, – and did not want Sherwood Lane (adjacent to site) to be used as

an access point – she felt it would disturb the calm of her quiet neighborhood. The Board agreed as did applicant – to limit access/egress to Route 70 only.

Mr. Robert Coda, 152 John Street, requested more trees be added to the proposed plan – applicant agreed to supplement its plan to add additional trees, as well as enhance the buffer.

3. James A. Priolo, P.E., P.P., C.M.E., of Birdsall Engineering, Inc., prepared a report to the Board dated October 27, 2004. The Board hereby adopts the findings in that report and incorporates that document into this resolution by reference.

4. Michael P. Fowler, AICP/P.P., Municipal Planner, prepared a report to the Board dated December 6, 2004. The Board hereby adopts the findings in this report and incorporates that document into this resolution by reference.

5. Kevin C. Batzel, Bureau Chief, of the Brick Township Bureau of Fire Safety prepared a report to the Board dated August 20, 2004. The Board hereby adopts the findings in this report and incorporates that document into this resolution by reference.

6. The Brick Township Police Department Traffic Safety Officer, Patrolman G. Lampiasi, prepared a report to the Board dated August 23, 2004. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

7. Dorothy LaPosa, Chairwoman of the Brick Township Shade Tree Commission prepared a report to the Board dated September 15, 2004. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

8. Mark W. Kataryniak, P.E., P.T.O.E., of Birdsall Engineering, Inc., Board's Traffic Engineer, has prepared a report to the Board dated November 2, 2004. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

8. Applicant has sought variances for:

- (a) Double-frontage -- Applicant's proposal has frontage on both Route 70 and Allaire Avenue (which is an unimproved paper street).
- (b) Location of parking -- Parking is proposed closer than twenty feet (20') to R.O.W.; parking stalls are proposed within three feet (3') of Allaire Avenue R.O.W. (which is an unimproved paper street)
- (c) Size of Parking Stalls - Applicant proposes parking stalls of 9' x 18' in certain areas, whereas stalls of 10' x 18' are required.

9. Applicant has further sought design waivers for:

- (a) Minimum Landscaping/Parking lots must contain a minimum of 5% of landscaping and must contain at least one (1) shade tree for every ten (1) stalls. The proposed parking lot has less than 5% landscaping and fewer than one (1) tree per every ten (10) spaces; is provided.
- (b) Minimum Landscaped Area between Parking and Abutting Commercial Use -- Application recites a landscape area of less than two (2) feet along western property line, whereas a

minimum of five (5) feet is required for area abutting a commercial property;

- (c) Buffer – Application which proposed buffer wider than 30 feet requires a triple row of evergreens – applicant originally proposed no planting; Applicant now agrees to berms, with the addition of a triple row at evergreens atop berm, together with further supplementation of trees, to the satisfaction of Board's Engineer/Planner; therefore applicant agrees to withdraw this waiver.

Each of these variances and design waivers may be granted as appropriate after testimony and applicant's remediation/revisions to its original plan. Each of these variances and design waivers are of limited nature particularly given the existing site problems, and the willingness of applicant to try to address concerns of buffering and parking. This application as recited and modified does not do substantial detriment to the public good, zone plan or zoning ordinance. Within these proposed circumstances, these variances and design waivers may be granted.

10. With the exception of the variances and the waivers granted hereinabove, the applicant has complied with the requirements of the site plan ordinance. The plan is consistent with the intent and purpose of the Master Plan and the Municipal Development Ordinance. Accordingly, the Board finds that the benefits of the proposed development outweigh any detriments, and the relief requested can be granted

without substantial detriment to the public good and will not substantially impair the intent and purpose of the Township Zoning Ordinance or Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Planning Board on this 26th day of January, 2005, that this application be approved subject to the following conditions:

1. The applicant shall comply with all standard Planning Board conditions for preliminary site plan approval as set forth on Attachment 'A.'

2. The applicant shall comply with all representations and agreements made by the applicant, its attorney or any of its professionals or representatives during the presentation of this case.

3. The applicant shall comply with the following paragraphs contained in the report of James A. Priolo, P.E., P.P., C.M.E., of Birdsall Engineering, Inc., dated October 27, 2004, including: 4 (Separate survey map must be submitted to the Board for review. Also the error of closure of the tract boundary should be provided on the on the site plan); 5 a.(interior circulation, including signage and pavement markings shall be provided on plan); b. (Applicant to revise plan to reflect a stall count to eleven (11) handicapped parking stalls located to the north of the structure, whereas the plan depicts twelve (12) stalls in this location); c. ("Tree Save" areas and the 50 foot buffer should be protected with conservation easements, as well as two (2) "tree save" areas located within the Route 70 right-of-way – a further condition applicant has agreed to); d. (A note should be added to plan as described, for Board signature block"); f. (Applicant will re-examine possible encroachment into the 50 foot buffer by adjacent Lot 3. Encroachment includes approx. 30 foot of lawn area with a shed, being used as a

rear yard.); 6 a.(Stormwater management is proposed via bio-retention/infiltration structures in low areas of parking lot. Overland flow relief, or an overflow connection to a drainage system should be provided.); b. (Soil boring, including the depth of the seasonal high water table, should be provided) c. (The sanitary sewer will connect to the existing system on John Street. Applicant agreed to additional clearing needed directly behind adjacent residential Lots 1 and 2.); d. (Applicant agreed to show Township drainage system extending from John Street to Sherwood Lane and Lot 12, to Allaire Avenue, to insure that the sanitary sewer system is not in conflict); e. (Applicant agreed to provide more enhanced detail for slotted curb, including concrete gutter to insure runoff enters the drainage system); 7 a. (Applicant agreed to modify plan for turf areas located in front yard and all planted landscape areas must be irrigated with underground irrigation system); b. (Applicant agreed to shield adjacent residential uses to satisfaction of Board Engineer/Planning from the proposed outdoor lighting and to lower height of the lights on the residential side of the property); c. (Planting detail must indicate 4 inches of mulch); d. (Applicant agrees that hours of operation of proposed outdoor lighting will be in conformance with Township standards and will be indicated on the plans); e. (Applicant agrees that buffer shall be supplemented as directed by the Township Engineer); 8 a. (i) (Placement of bollards or other structures shall be placed at the inside front corners); (ii.) (Fence post supporting the front gates shall be placed beyond the sidewalls for safety reasons); 9. (Applicant's notarized signature must appear on the plan. Further, all corporate owners or partnerships with more than 10% shall be listed on the plat); 10. (Certificate for the Record Holder shall indicate printed name beneath the signature line, along with a

certification for the applicant. Notary Public should indicate commission expiration date.); 11. (Ocean County Planning Board approval must be indicated on plan.); 12. (Other Local, State and Federal agencies having jurisdiction must be submitted to over this project.); 13. (Prior to commencement of construction, applicant shall post a performance guarantee and inspection fund in accordance with Township's Land Use Ordinance and the Municipal Land Use Law.)

4. The applicant shall comply with the following comments contained in the report from Michael P. Fowler, AICP/P.P., Municipal Planner, dated December 6, 2004: V. Comments: A (all site lighting are to contain house side shields, including wall-mounted lighting; and all lighting are to be turned off (except security lights) within one (1) hour after close of business); B (all lighting fixtures to comply with recommendation of the International Dark Sky Association); C (Applicant agrees to apply and cooperate with the Board Architectural Committee for their recommendation, and supply the committee with construction materials and revised rendering of building elevation); D (Applicant agrees to traffic circulation recommendations per Board's Traffic Engineer, Mark Kataryniak); E (Because of applicant's proposed sign located on Route 70 R.O.W., N.J.D.O.T. approval is required – applicant has agreed to either comply with minimum distance of 8' from ground to bottom of sign; or to make sign a ground sign per Township Ordinance); F. (Applicant agreed to modify, its plan not to initiate any clearing with the NJDOT in the Route 70 R.O.W.); G. (Applicant agreed to appropriately store medical waste inside building and have same picked up and removed promptly and properly, in accordance with State, County and Municipal regulations);

H. (Applicant acknowledges that no topsoil is to be removed from site, or used as spoil); I. (Applicant provided requested testimony)

5. The applicant shall comply with the comments contained in the Kevin Batzel's report from the Bureau of Fire Safety dated August 20, 2004.

6. The applicant shall comply with the comments contained in the report from the Traffic Safety Officer, Patrolman. G. Lampiasi, dated August 23, 2004.

7. The applicant shall comply with the comments contained in the report from the Shade Tree Commission dated September 15, 2004.

8. The applicant shall comply with the following comments contained in the report of Mark W. Kataryniak, P.E., P.T.O.E., Board Traffic Engineer, dated November 2, 2004. Traffic Impact Report – 1 (Applicant agrees to supply an analysis of the intersection of NJSH Route 70 and Jack Martin Blvd., (which is adjacent signalized intersection east of the site.) No intersection west of the subject site on NJSH Route 70 was included in the analysis. The applicant shall include the first signalized intersection at Route 88/Princeton Avenue at a minimum as Route 70 is a divided highway and all existing site traffic will travel through this intersection); 2 (Applicant agrees to include the traffic signal timing directive for the intersection of NJSH Route 70 and Jack Martin Blvd or a description of how the signal timing used in the analysis was obtained in the directive was not used.); 3 (Applicant testified that applicant collected morning and evening peak hour traffic counts at intersection of Route 70 and Olden Avenue on Tuesday, 12/14/04 and counts were taken Tuesday 6/15/04); 4 (Report addresses weekday morning and weekday evening peak hours.

Applicant further agrees to include analyses of Saturday/weekend peak hour traffic.); 5 (Applicant shall provide copies of the Levels of Service Calculation Summary sheets, as an independent verification of information provided in the report.); 6 (Applicant recited Code 720 Medical/Dental Office Code (ITE) was utilized for traffic volume); 7 (Some minor discrepancies exist in the various reports with respect to the traffic volumes from one figure to the next in terms of projecting or adding the volumes and should be corrected.); On-Site Traffic/Circulation - 1 (Zoning Compliance Table indicates that 225 parking spaces are required and provided) Applicant will revise its site plan to show 225 parking spaces including "green banking spaces" ("green banking spaces may be corrected to parking spaces upon approval by the Township Engineer); 2 (Applicant is proposing 9' x 18' parking spaces where 10' x 18' parking spaces are required, a variance is required.); 3 (Deleted); 4 (Ten parking spaces adjacent to the northerly face of the building are incorrectly dimensioned as twelve parking spaces. Applicant represents correct number is actually eleven (11)); 5 (Applicant provided testimony regarding the intended circulation of delivery vehicles within the site to demonstrate that adequate circulation); 6 (Applicant provided testimony regarding the circulation pattern within the site for refuse vehicles accessing the trash enclosure to demonstrate that adequate circulation has been provided); 7 (The plans shall be revised to show the proposed pavement striping and traffic control signage on the site); 8 (Construction notes and/or dimensions shall be provided on the plans with respect the size, color and type of all proposed pavement striping and pavement markings); 9 (a) (Applicant shall provide adequate turning room); (b) (Applicant shall revise plans to indicate adequate vertical under-clearance for the building overhang); (c) (Applicant

agreed to provide double yellow striping around the turn to help channelize opposing traffic through the turn.); (d) (Applicant shall demonstrate that adequate sight lines have been provided for vehicles existing the overhang area); Miscellaneous - 1 (Application agreed that Title 39 compliance is included as a condition for approval by this Board); 2 (Applicant acknowledges that proposed site access on NJSH Route 70 requires an access applicant from the NJDOT, and that same shall be required as a condition for approval by this Board).

9. Applicant further agreed to supplement with landscaping (based on recommendations of Board's Engineer/Planner) the northern area with a 3' berm, with tree atop the berm, and including double-staggered evergreens with a minimum height of 8-10' with this all to the satisfaction of Board's Engineer/Planner.

10. Applicant agreed that they will make every effort to assure that hours of delivery will not be disruptive to adjacent neighbors, and further agreed to limit trash pickup time to the days of Monday through Saturday, to pickups at no earlier than 6 a.m., and no later than 9 p.m.

11. Applicant further agreed to supply lighting which will be shielded from the residences to the rear (north) of site, and that lighting will be directed downward, with reflective flat glass glare shields. Further, applicant also agreed to only install fixtures that comply with recommendations of the International Dark Sky Association, which will complement the building, and shield use off-premises, all to the satisfaction of Board's Engineer/Planner.

12. Applicant has agreed that they will not utilize the basement for any purpose other than storage. Should applicant wish to modify that use – they agree to return to this Board for review and determination of said request.

13. Applicant agreed that all roof mechanicals will be screened on all four (4) sides, including (most specifically) to the rear, which is the adjacent residential use.

14. Applicant agreed to conservation easements to the benefit of Brick Township, as to this “Tree Save” and fifty-foot buffer areas and further the Route 70 right-of-way– those documents reciting same shall be prepared by Applicant’s attorney and submitted to the Board’s Attorney and Board’s Engineer Planner for review and approval prior to recording with the Ocean County Clerk.

15. Applicant agreed to submit and cooperate with this Board’s Architectural Review Committee as to review the proposed final architectural plans, as well as review proposed construction materials to be utilized in the outside of the building.

16. Applicant agreed to limit access/egress to the site to solely into/from Route 70 “right in” and “right out” turns only.

17. Applicant agrees that Sub Chapter One of Title 39 of the New Jersey Statutes Annotated regarding Motor Vehicles, shall be consented to and applied to this site, to the review and satisfaction of the Board’s Attorney.

18. Applicant further acknowledges and agrees that proposed site access requires an access application from the N.J. Department of Transportation, and that same is a condition of approval for this application.

19. Applicant has further agreed to utilize a sound barrier/muffler to depress the sound of ac/other mechanicals.

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20. Applicant has agreed that, prior to the final 7,200 square feet of the building being ready for a "tenant fit up"/certificate of occupancy, an evaluation and review will be performed by the Planning Board Engineer to determine whether the parking on site is working and adequate, or if a certain number of the parking stalls that have been "green banked" are needed and necessary, to the satisfaction of Board's Engineer/Planner.

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MOVED BY: Mr. Kelly

SECONDED BY: Mr. Vespi

VOTING IN THE AFFIRMATIVE: Mr. Vespi, Mr. Petoia, Mrs. LaDuke, Mr. Dockery,

Mr. Aiello, Mr. Reilly, Mr. Fredo, Councilwoman Scaturro, Mr. Kelly

VOTING IN THE
NEGATIVE:

PRESENT BUT NOT VOTING Mr. Gross

INELIGIBLE TO
VOTE:

ABSTAINING:

ABSENT: Mr. Brando

CERTIFICATION

I, **JUDITH FOX NELSON**, Clerk of the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly **ADOPTED** by the said Planning Board of the Township of Brick at a regular meeting held on the 26th day of January, 2005.

IN WITNESS WHEREOF, I have set my hand this 31st day of January, 2005.


JUDITH FOX NELSON
Clerk of the Planning 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.