

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10302185

BRICK TOWNSHIP PLANNING BOARD
PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCE

RESOLUTION: R-68-89

May 24, 1989

CASE NO.: PB-1933-PSP-V/FSP-3/89

*File - 2
Jaco
Boyle
SWS
Montone
Chankalun
Beady
Emy - 2
Zoning
B.F.S.*

WHEREAS, application has been by JACO Management, Inc., as applicant, Medical Center of Ocean County Foundation, Inc., owner of Lot 16, Block 1170, Brick Township Tax Map for preliminary and final site plan approval for the construction of a 33,000 square foot, one story Veterans Administration Clinic and a 27,816 square foot, four story professional office building together with parking and access drives, drainage improvements and other appurtenances which application includes a request for a variance for insufficient number of parking spaces 258 required, 177 provided and a waiver for lack of an Environmental Impact Statement and a design waiver for lack of curbs and sidewalks along State Highway No. 70; and

WHEREAS, proper service has been made upon all of the property owners within 200 feet of the premises in questions and proper notice and publication has been made as required by New Jersey Statute and proper Proof of Service has been filed by the applicant with the Planning Board of the Township of Brick; and

WHEREAS, the Planning Board having considered the application and plans filed with its secretary and having heard the witnesses and evidence and examined the exhibits of the parties in interest

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and having heard and considered the comments of the public, if any, at a special meeting held on May 11, 1989; and

In conjunction with this Resolution the Planning Board has made the following findings of fact:

1) The Medical Center of Ocean County Foundation, Inc. is the owner of the subject premises and JACO Management, Inc. is the applicant and developer of the project and the Northern Ocean Hospital Systems representative, Robert Matthews has consented to the making of this application on behalf of the owner of the premises.

2) The property is located in the H-S Hospital Support Zone.

3) The applicant is proposing to construct a Veteran's Administration outpatient medical clinic and professional offices both of which are permitted uses with the zone.

4) Prior to the consideration of this application, the applicant requested a variance for insufficient number of parking spaces, 177 provided for both structures, 258 required. During the consideration of this application, the applicant proposed the addition of 27 additional parking spaces consisting of 14 proposed spaces at the northwest portion of the VA Clinic site and 13 spaces located at the southwest portion of the VA Clinic site. In connection with these parking spaces, the applicant proposed that they be "green banked" or retained as unconstructed parking spaces in a landscaped area which would be converted to parking spaces if

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required by usage at the site. As a result, the applicant is proposing to provide a total of 204 parking spaces, 258 required. The Planning Board finds that this requested variance is reasonable and should be granted for the following reasons:

A. The applicant's experts testified that with respect to the professional office building, this office building will not be used for any medical purpose but will be used strictly for administrative offices for the hospital as well as for general professional offices. There will be no medical offices in these professional offices and the applicant indicated a willingness to agree to a condition in the Resolution of Approval to that effect.

B. The parking requirement for the professional office building is one space per 300 square feet or a total of 93 spaces required and in fact, 93 spaces are provided for this building in full compliance with the requirements of the ordinance.

C. In connection with the Veterans Administration Clinic, if the medical office or medically related office requirement of one space per 200 square feet is applied, 165 spaces are required and 111 parking spaces are being provided if the 27 green banked spaces are included in this calculation. With respect to this deficiency of 54 spaces the applicant submitted testimony that the Veterans Administration requirement, based upon their substantial past

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experience in operating VA Clinics and VA Hospitals required 84 parking spaces for this site.

D. The testimony established that the VA Clinic will not operate on Saturdays, Sundays and holidays but will operate on 250 work days per calendar year. The testimony was that the site is designed for a maximum of 25,000 visits per year which works out or averages 100 visits per day. This testimony further established that the normal patient visit is 1 1/2 to 2 hours per visit and based upon these calculations, the maximum expected at the Clinic will be 25 visits at any one time thus necessitating 25 parking stalls for these visits. In addition, the testimony indicated that a staff of 40 to 50 people would use the site but that the parking requirement would be reduced by car pooling and by the fact that approximately 5 of the staff would be shuttled from the Brick Hospital. The staff estimate is based upon staffing of the Pensacola VA Clinic which handled 50,300 visits in the prior year and had a staffing requirement of approximately 63.

E. In addition, as was pointed out during consideration of this application, the actual area of the VA Clinic is approximately 20,000 square feet with approximately 13,000 square feet of storage area for storage of medical supplies and other facilities. If parking requirements are calculated based upon the actual 20,000 square feet of clinic area, approximately 100 spaces would be

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required.

F. The applicant presented testimony and evidence sufficient to satisfy the Planning Board that this is a unique situation with respect to parking needs and that under all of the circumstances, strict conformity with the parking ordinance requirements as to number of parking spaces would not be appropriate.

5) The Planning Board is satisfied that if 84 actual parking spaces are provided together with the additional 27 parking spaces reserved for future construction in the event they are required, that there will be more than sufficient parking available to meet the present and future needs of the Veterans Administration Clinic.

6) The Planning Board is satisfied that the establishment of the Veterans Administration Clinic at this location is an inherently beneficial purpose and that the purposes of the Municipal Land Use Act would be advanced by the deviation from the zoning ordinance requirement with respect to number of parking spaces and that the benefits of the deviation substantially outweigh any detriment.

G. The Planning Board is satisfied that this variance for insufficient parking can be granted without substantial detriment to the surrounding area and the public good and that it will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Brick provided the conditions and requirements set forth in this resolution are complied with

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by the applicant.

7) The applicant has requested a waiver of the requirement for submission of an environmental impact statement. During the consideration of this application, the applicant submitted testimony to the effect that this is a permitted use at this site, that the use will have no detrimental environmental impact at the site, that the use is an infill situation and that there is no significant environmental constraints at the site and for this reason the Planning Board finds that the literal enforcement of the requirement for submission of an environmental impact statement is inappropriate and will exact undue hardship and accordingly may be waived by the Planning Board.

8) The applicant requests a design waiver for lack of curbs and sidewalks along the New Jersey State Highway Route 70 right-of-way and the Planning Board finds that this requested waiver is reasonable and should be granted for the following reasons:

A. The New Jersey Route 70 right-of-way at this location is approximately 520 feet in width. The frontage of this location is set back from the actual paved right-of-way approximately 200 feet. The 200 foot wide portion of the Route 70 Right-of-Way is wooded and is its natural state.

B. The applicant will be constructing curbing at the entrance to this site from Route 70 and along the entrance drive for this

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length of 200 feet. The location of the entrance drive and construction of curbing has been or will be approved by the New Jersey Department of Transportation.

C. The Planning Board is satisfied that construction of curbing along the Route 70 frontage and the construction of sidewalks is inappropriate in view of the nature of the site, the fact that there is minimal pedestrian access and the fact that the construction of curbing will require additional drainage structures since the natural wooded area provides for natural drainage.

D. Under these circumstances, the Planning Board finds that the literal enforcement of the requirement for curbing and sidewalks is impracticable and will exact undue hardship because of peculiar conditions pertaining to the subject premises and that these requirements should be waived provided the applicant complies with the conditions set forth in this Resolution.

9) During the consideration of this application, and based upon testimony submitted by certain residents in the area, the Planning Board was made aware of drainage problems in the vicinity of this site. The owners of adjacent residential properties located on Walter Road and John Street located to the northwest of this site testified as to drainage problems in their residential neighborhood. The testimony of the applicant's expert was to the effect that these drainage problems were created as a result of the

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development of this residential area many years ago and that this proposed project will have no impact upon drainage of the adjacent properties. The applicant further testified that all drainage on the site will be dealt with through ground water recharge and an on site detention basin which will retain the 100 year storm.

NOW, THEREFORE, BE IT RESOLVED, that the application of JACO Management, Inc. as applicant and developer, Medical Center of Ocean Foundation, Inc. as owner of Lot 16, Block 1170, Brick Township Tax Map for preliminary and final site plan approval for the construction of a 33,000 square foot one story Veterans Administration Clinic and a 27,816 square foot four story professional office building together with variances for insufficient parking spaces, waiver of the requirement for environmental impact statement and design waiver for lack of curbing and sidewalks along Route 70 is hereby **APPROVED** on this 24th day of May, 1989 subject to the following conditions:

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

2. The applicant shall comply with all representations and agreements made by applicant or applicant's representatives during the consideration of this application.

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3. The applicant shall comply with all conditions and requirements set forth in the report of the Planning Board Engineer dated May 9, 1989 and the report of the Township Planner dated May 3, 1989, Paragraph IV.B, Paragraph V.B(1)(3)(5) C(1)(2)(3)(4)(5) F(2)(3)(4) G., I.(1)(2).

4. The proposed professional office building shall not be used for medical offices and a note shall be included on the plan to this effect.

5. During the hearing of this matter, the applicant indicated that the construction of the four story professional office building would be phase 2 of construction. However, all necessary and required improvements for both sites will be fully constructed and completed prior to occupancy of the Veterans Administration Clinic.

6. All buffers shall be provided with supplemental plantings as necessary and required in order to provide a triple staggered row of evergreen trees or its equivalent.

7. In accordance with the representation and agreement of the applicant, an underground irrigation and sprinkler system using a non-potable water source shall be supplied to provide irrigation for all landscaped areas.

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8. In accordance with the representation and agreement of the applicant, and in conformity with the requirements of the fire commissioners, a second emergency access road shall be constructed along the northwesterly property line of the site and within Lot 18 providing for emergency access to the site from Jack Martin Boulevard. Said emergency access road shall be 20 feet in width and shall be graveled and shall contain break away fencing.

9. All buffer areas are to be designated on the plan.

10. In accordance with representation and agreement with the applicant, the exterior of the VA Clinic shall consist of brick on the lower portion with aggregate on the upper portion along all four sides. The professional office building shall have a brick facade with approximately 1/3 to 1/2 of the surface being windows.

11. The main access road into the site shall be at least 40 feet wide at the entrance and at least 30 feet wide at the first entrance to the office building site.

12. There shall be board on board fencing constructed adjacent to Lots 4 and/or 5 as necessary and appropriate.

13. There shall be two 14 foot by 16 foot trash enclosures providing for 6 cubic yard dumpsters for each location and 3 recycling cans for each location. The exterior of the trash enclosures shall be of the same or similar material as the main structure with chain link gates with privacy slats.

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14. All rooftop mechanical units on the clinic will be hidden from view by parapits. In accordance with the representation and agreement of the applicant, there shall be no rooftop units on the four story professional office building.

15. A fence shall be constructed around the drainage basin in accordance with the detail shown on the plans. The maintenance of the basin shall be the responsibility of the property owner as agreed to by the property owner. The property owner shall submit to the Planning Board a schedule of maintenance which schedule shall be submitted to the Planning Board and approved by the Board. In the event of a violation of the maintenance schedule, it shall be considered a violation of this site plan approval as well as a violation of municipal ordinances with respect to maintenance of property.

16. Based upon the testimony of the applicant, the Planning Board determines that of the 111 parking stalls provided for the VA Clinic, 84 are immediately required and that an additional 27 may not be immediately required. Accordingly, for the VA Clinic, 84 of the parking spaces shall be completed initially, however, the site plan shall be revised to provide for adequate drainage for both the partial and total parking areas. The portion of the parking area not to be constructed initially shall be landscaped in accordance with the landscaping ordinance. The parking area not

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to be initially paved shall not be considered landscaped area for determining compliance with landscaping requirements. The applicant shall post separate performance guarantees which shall reflect the costs of installing the additional 27 parking spaces. Prior to the expiration of the two year period, the applicant may either install the additional 27 parking spaces or apply to the Planning Board after the use has been in operation for a minimum of 18 months for a determination as to whether or not the initial parking area provided is adequate. If the Planning Board determines that the existing parking facility is adequate, the performance guarantee shall be released. If, however, the Planning Board determines that the partial off street parking area is not adequate, the applicant shall be required to construct the additional parking spaces in accordance with the terms of the performance guarantees.

17. Before any additional development occurs on the site or on adjacent Hospital premises, a review of the parking requirements shall be made to determine the adequacy of parking for the proposed VA clinic.

18. Any change of use on the site to use which requires more parking spaces shall require submission of a new site plan.

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MOVED BY: Mr. Scherer

SECONDED BY: Mr. Geller

VOTING IN THE AFFIRMATIVE: Mr. Cierzo Mr. Geller

Mr. Gunther Mrs. Hartman Mr. Kazawic Mr. Scherer

VOTING IN THE NEGATIVE:

INELIGIBLE TO VOTE: Mr. Vespi Mr Pettit

ABSTAINING:

ABSENT: Mr. Mangarelli Mayor Newman Councilman Scarpelli

CERTIFICATION

I, E. JOAN KULL, 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 24th day of May, 1989.

IN WITNESS WHEREOF, I have set my hand this 31st day of May, 1989.

E. Joan Kull

ATTACHMENT "A"

STANDARD PLANNING BOARD CONDITIONS FOR SITE PLANS

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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 Public Law 1975, Chapter 251, "Soil Erosion and Sediment Control Act."

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

3. Applicant shall obtain any other approvals with respect to submission to any other Federal, State, County or Municipal agency having jurisdiction over same. Upon receipt of the approval, the applicant shall supply a copy of said permit or permits to the Board. In the event that any other jurisdictional agency requires a change in the applicant's plans, the applicant must reapply to the Brick Township Planning Board for approval of that change.

4. Applicant shall resubmit this entire proposal should there be any deviation from this Resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.

5. Applicant shall supply evidence by way of a statement from the Brick Township Tax Collector that all taxes are paid to date at the date of the fulfillment of the conditions of this resolution.

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

7. Before the issuance of a building permit, the applicant shall furnish the Township Clerk with a performance bond 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.