

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10604064

R-15-05

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

Resolution R- 15 -05

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Case No. PB-2500-PSP-FSP-6/04

February 9, 2005

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WHEREAS, MERIDIAN NURSING & REHABILITATION @ BRICK, INC., having a mailing address of 415 Jack Martin Blvd., Brick, New Jersey 08724 as applicant, 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, and 60; 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, public hearings were held on September 22, 2004 and December 1, 2004, in the Municipal Building at which time testimony was presented on behalf of the applicant and all interested parties having been heard and numerous exhibits were admitted into evidence:

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

1. This property is known and designated as Block 1170, Lots 18.02 and 18.03 on the Municipal Tax Map.

2. The property is located in the HS (Hospital Support) Zone, is comprised of 9.44 acres, and the site is on the southwest side of Jack Martin Boulevard, adjacent

to the Medical Center of Ocean County (Brick Hospital). The current and proposed use is a nursing/rehabilitation care facility. The applicant proposes construction of two (2) one-story additions totaling 2,199 square feet to consist of four (4) standard two-bedroom units, four standard bathrooms, two handicapped accessible two-bedroom units, two-handicapped accessible bathrooms and an area to be used for administrative purposes. The applicant also proposes several new pavement areas, striping, changes to curbed medians, and re-striping the existing lot with 9' x 20' parking stalls and the re-routing of the drainage system.

3. The applicant requests a variance for: parking stall width (190-161J) which requires 10' x 18' feet, wherein applicant proposes 9' x 20' feet. The proposed preliminary and final site plan is shown on plans entitled, "Preliminary and Final Plat – Major Site Plan for Tax Map Block 1170 – Lots 18.02 and 18.03, Brick Township, Ocean County, New Jersey", dated 4/29/04 and last revised 10/14/04, consisting of six (6) sheets, as prepared by James F. Stanton, P.E., of O'Donnell, Stanton & Associates, Inc. Also supplied was a survey prepared by Charles A. Fernicola, P.L.S., O'Donnell, Stanton & Associates, Inc., dated 10/20/03 last revised 1/28/04, consisting of one (1) sheet. Further, Architectural Drawings entitled "Addition to Meridian Nursing & Rehab" prepared by Barry Brommer, Schwam Architects, dated September 5, 2003. Also, a Preliminary and Final Plat – Alternate Parking Scheme, prepared by James F. Stanton, P.E. of O'Donnell, Stanton & Associates dated 12/1/03 and last revised 10/15/04 consisting of one (1) sheet.

4. T&M Associates, George F. Whalen, P.E., P.P., C.M.E., this Board's conflict engineer prepared reports to the Board dated 8/9/04, 12/1/04, 1/5/05 and

2/1/05. The Board hereby adopts the findings in those reports and incorporates those documents in this resolution by reference.

5. Michael P. Fowler, A.I.C.P./P.P., Municipal Planner, prepared a report to the Board dated September 20, 2004. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

6. The Brick Township Bureau of Fire Safety, Kevin C. Batzel, prepared a report to the Board dated July 23, 2004. The Board hereby adopts the findings in that report and incorporates that document into this resolution by reference.

7. Patrol Officer G. Lampiasi, Traffic Safety Officer, Brick Township Police, prepared a report dated August 4, 2004. The Board hereby adopts the findings in that report and incorporates that document into this resolution by reference.

8. Mr. Albert A. Zager, Esq. appeared on behalf of the applicant, explained the application, and introduced applicant's professionals. Mr. Kenneth Aber, Executive Administrator of Meridian Nursing & Rehabilitation at Brick, Inc. testified that he oversees this subject site; together with another site, for Meridian. Mr. Aber, who advised he achieved a Masters Degree in Health Care Administration, recited the all-too-obvious fact that Brick Township, and the surrounding community, are greatly in need of additional nursing and rehabilitation beds. Mr. Aber testified that this facility is currently licensed by the New Jersey Department of Health for 130 beds, and recited that as of 1/1/05 could be approved for six additional beds, and that four additional two-bedroom units, could bring the total bed count up to a maximum of 144.

Mr. Aber opined that the additional beds would be in great demand, as the hospital was currently operating at a 97% occupancy rate, and the trend seems to be of more discharged patients not being able to return home right away; with a use for this

nursing/rehabilitation facility. The close proximity to the hospital is an advantage – and has made it easier for physicians, hospital staff, other health care personnel and family members to visit the patients.

Mr. James F. Stanton, P.E., of O'Donnell, Stanton & Associates, Inc., applicant's engineering firm, recited the applicant's desire to cooperate with the recommended changes and modifications suggested by the Planning Board's Engineer, Mr. George F. Whalen, Jr., P.E., P.P., C.M.E. Mr. Stanton recited that he would on behalf of the applicant, agree to the concerns Mr. Whalen recited, including grading and drainage. Mr. Stanton recited that the two one-story additions (with the goal of adding beds and a conference room) could be handled at the site. Mr. Stanton also agreed that the signage showing the 38 parking stalls at ten feet wide near the main entrance would be modified to recite that they were "for visitor parking only". Mr. Stanton further testified that he would agree to additionally modify the plan to show bollards and a chain to be provided at the access easement along the south easterly boundary of the site, to prohibit entry and parking in that area, and a drainage easement to be provided from the end of Georges Road into the existing retention basin.

Mr. Stanton further recited that the parking situation is being improved by this application, and that parking for both visitors and staff can be adequately handled by this plan. However, responding to Board's concerns as to parking and traffic circulation problems, the applicant agreed to expand the parking stall width size to 10' by 20' in 38 spaces to be designated "for visitor's use only", 61 other spaces would be at 9' x 20' and providing 5 handicapped spaces – and the addition of hairpin striping to all spaces.

With the exception of the parking stall variance 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. Further, recognizing the growing demand for nursing home and rehabilitation facility space needs of the Township of Brick, and surrounding area, the Board is satisfied that the applicant's plan is reasonable and consistent with its desire to serve the nursing, rehabilitation and general health needs of the community. 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 9th day of February, 2005, that this application be approved subject to the following conditions:

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

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

3. The applicant has complied or agreed to comply with the comments contained in the report from Michael P. Fowler, AICP/PP, Planning Board and Municipal Planner, dated September 20, 2004 including: V: Comments

A. Applicant has satisfactorily explained the need for the additional parking spaces in its testimony;

B. Applicant has agreed to confirm the dimensions of the two (2) additions to correct the discrepancy of the site plan/and architectural dimensions.

C. Applicant agreed to supply additional evergreens along Jack Martin Blvd. to act as a screen to the expanded parking area, to the satisfaction of Board's professionals as to the tree quantity, size and location.

D. Applicant presented adequate acceptable testimony to the Board as to applicant's position that the variance requested at the site is reasonable and that the benefits of deviation from the ordinance are outweighed by the benefits.

4. The applicant has complied or shall comply with the comments contained in the reports of T&M Associates, George F. Whalen, P.E., P.P., C.M.E., Board's Conflict Engineer, dated 8/9/04, 12/1/04, 1/5/05 and 2/1/05; including:

Planning and Zoning

Mr. Whalen defers to the Municipal Planner, Michael P. Fowler, AICP/PP for evaluation of zoning compliance, appropriateness of use, landscaping, and lighting;

Off-Tract & Off-site Improvements

2.1 No off-site or off-tract improvements are warranted for this site.

Traffic Circulation/Layout

3.1 The applicant should re-stripe the existing directional arrows and stop bars in the parking area. A site visit revealed that several of the traffic markings have faded. Additionally, directional arrows should be provided in the new proposed access aisles, as well as stop bars and signage.

3.2 A concrete walk is proposed that leads to a proposed addition. The applicant should consider adding a ramp where this walk intersects the parking area.

3.3 After a parking study and in response too Board Engineer, the applicant was asked to require employees to park in the remote areas of the lot to increase potential parking availability near the entrances – and Applicant agreed to same.

3.4 The applicant has submitted an alternate parking scheme that provides 10'x20' parking stalls for the first three rows of parking along the front of the building where more transient parking should occur. The remainder of the lot is proposed to provide 9'x20' stalls. We recommend signage be provided for the 10'x20' stalls that designates these stalls for visitor parking only. (Applicant has agreed to same.)

Grading & Drainage

4.1. The applicant is proposing modifications to the Type "A" inlet in the exiting detention basin. These modifications are indicated on the detail sheet and in the drainage report, however this proposed construction should also be indicated on the grading and utility plan.

4.2 The plans should be revised to indicate the offsite connection of 15" RCP at the bottom of the Type "A" inlet, which discharges to Jack Martin Boulevard and Quadara Avenue.

Permits & Approvals

6.1 Approvals should be obtained from O.C.S.C.D., the fire official, and all other agencies having jurisdiction.

5. The applicant shall comply with the comments contained in the report from the Bureau of Fire Safety dated July 23, 2004: (1) Install note on plan indicating all fire lane zone and fire signs, and fire lane striping within accordance of Township Ordinance Chapter 151; (2) In areas as indicated on sheet 2 of 6 add additional fire lane striping, signage and pavement markings, particularly on roadway leading to rear access of nursing facility. This has become an area of excessive violation of illegal parking along roadway; (3) Proposed relocated emergency fire access lane around northeast side of building to be excavated and hard-packed to provide stabilized base to hold minimum of 50 tons and relocate fire access land reflective marks to indicate the drive around area. Provide engineer's letter verifying design and completion of same; (4) Provide emergency break-away chain to block off fire access area from existing access easement, grade and provide stabilization of same easement round back of nursing facility; (5) Add a note on plan indicating all other existing fire striping, pavement markings, and fire signs to remain as noted on original plan in accordance with Chapter 151. (Applicant agreed to same.)

6. Applicant shall comply with the comments contained in the report dated August 4, 2004 from Patrolman G. Lampiasi, Traffic Safety Officer, Brick Township Police.

7. Applicant further agreed that they will modify their plan to recite 38 parking spaces at 10'x20' long (designated for visitors), 61 spaces 9'x 20' long, and 5 handicapped spaces for a total of 104 spaces (redesigned from original request of 108 spaces). Applicant acknowledges that they currently provide 87 spaces, with a required amount of 102.

8. Applicant agrees to supply the Board with a cross-access and parking easement agreement between adjacent Meridian Hospitals Corporation (Hospital) and Applicant Meridian Nursing & Rehabilitation at Brick, Inc. Said cross-access and parking easement agreement to be prepared by applicant's attorney and forwarded to Board's attorney for review and approval prior to recording with the Ocean County Clerk.

9. Applicant represents and agrees, in response to Board and citizen concerns, that it will police its property – particularly as to trash and debris pickup (including adjacent area to residential uses) in a good faith fashion, at least once each day and be attentive to this continuing trash and debris problem in the future, so as to schedule additional policing of the area if necessary.

10. Applicant agrees to produce and install a sound "plywall" 10' high 3-sided barrier for the on-site emergency generator as is described in George F. Whalen, Jr.'s, the Board's Engineer's, report of 2/1/05 – with the intent, that it will have an estimated 50% reduction to the perceived noise level of the emergency-use generator, which is located close to the adjacent residential uses, to satisfaction of Board's Engineer.

11. Applicant has supplied sufficient proof that this existing site is in compliance with N.J.S.A. Title 39.

12. Applicant further agreed to modify its plans to recite a drainage easement of Township of Brick from the end of Georges Road to the existing retention basin – said drainage easement to be prepared by applicant's attorney and engineer and supplied to Board's attorney and engineer prior to the recording of same with the Ocean County Clerk.

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MOVED BY:

Mr. Kelly

SECONDED
BY:

Mr. Fredo

VOTING IN THE
AFFIRMATIVE:

Mr. Vespi, Mr. Petoia, Mrs. LaDuke, Mr. Dockery,
Mr. Aiello, Mr. Fredo, Mr. Gross, Councilwoman Scaturro, Mr. Kelly

VOTING IN THE
NEGATIVE:

PRESENT BUT NOT VOTING Mr. Brando

INELIGIBLE TO
VOTE:

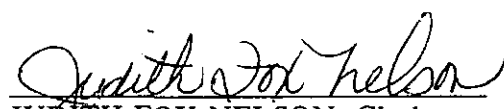
ABSTAINING:

ABSENT: Mr. Reilly

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 9th day of February, 2005.

IN WITNESS WHEREOF, I have set my hand this 16th day of February, 2005.


JUDITH FOX-NELSON, Clerk
Brick Township 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.