

Block 1170, Lots 18 and 18.02
Property Address 425 Jack Martin Blvd
Zone: Hospital Support Zone

January 25, 2012

**RESOLUTION OF APPROVAL
PLANNING BOARD, TOWNSHIP OF BRICK**

WHEREAS, the Planning Board, after carefully considering the evidence presented by the applicant at special meetings of the Planning Board held on October 19, 2011 and January 4, 2012, and considering the reports of its professional staff, hereby makes the following findings of fact:

1. The property is owned by the applicant.
2. The applicant has requested approval in accordance with the Ordinances of the Township of Brick.

3. The site in question is located at 425 Jack Martin Boulevard within the Hospital Support Zone. The site has frontage on Route 88, Jack Martin Boulevard and the terminal end of Sherwood Lane.. The site contains 26.47 acres and is fully developed. The site is occupied by a six-story hospital and associated improvements.

4. The applicant is requesting approval of a preliminary and final major site plan with variances and design waivers from the Brick Township Land Use and Development Regulations for the purpose of demolishing approximately four acres of the property to the west of the building consisting of a parking lot curbing, sidewalk, landscaping, lighting and trees. The applicant also proposed to demolish the existing utilities in the project area including stormwater, sanitary sewer, potable water, gas and electric facilities. The applicant proposes to construct a new wing on the west side of the existing hospital, consisting of a 36,047 square foot basement level to house building utilities, materials management and a loading dock. The proposed first floor consists of 46,310 square feet and will be the new location of the expanded emergency department. The second and third floors are proposed as shell floors (56,742 square feet each) and are intended for future medical-surgical, diagnostic and treatment services. A subterranean loading zone is proposed on the south side of the wing and solid waste management facilities are proposed at the basement level. The applicant is also proposing to construct new circulation aisles and parking areas and to relocate the handicapped parking facilities. Modifications to the stormwater collection system, sanitary sewer and potable water facilities, site lighting and signage are also proposed. Additional landscaping and landscape buffers are also proposed.

The following four variances are requested:

Size of Parking Spaces:	10' x 20' required; 9' x 8' proposed
Freestanding Signs:	1 permitted; 2 proposed (existing)
Planting Strip:	10-foot strip required on both side of adjoining parking lots, prohibiting parking within 20 feet of the property line; a 7-foot strip is proposed (existing)
Parking Aisle Width:	25 feet required; 24 feet proposed

The applicant is seeking approval of the following four design standards:

Buffers in excess of 30 feet:	3 staggered rows of buffer plantings required; combination of existing vegetation, new plantings and a fence are proposed
Landscaping around trash enclosure:	5-foot wide area required around three sides of trash enclosure; no landscaping proposed
Trash enclosure gate:	5-foot high gate required on fourth side of trash enclosure; none proposed
Landscape Islands:	One shade tree and three shrubs in landscape islands required for every 10 stalls; no intervening islands proposed

5. The Board Engineer, Wayne R. McVicar, P.E., P.P., C.M.E., of Remington & Vernick, prepared reports dated October 14, 2011 and January 3, 2012. The Board Landscape Architect, Joseph M. Petrongolo, C.L.A., R.L.A., P.P., of Remington & Vernick, prepared reports dated October 13, 2011 and January 3, 2012. The Board Traffic Engineer, Michael Angelastro, Ph.D., P.E., C.M.E., PTOE, of Remington & Vernick, prepared a report dated October 12, 2011. The Township Planner, Michael P. Fowler, AICP/PP, prepared reports dated October 14, 2011 and January 2, 2012. The Brick Bureau of Fire Safety prepared reports dated August 22, 2011 and December 28, 2011. The Brick Police Department prepared a report dated August 22, 2011. The Brick Environmental Department prepared a report dated September 8, 2011. The Brick Shade Tree Commission prepared a report dated September 15, 2011. The Brick Assistant Township Engineer prepared a report dated September 14, 2011. The Brick Architectural Review Committee prepared a report dated October 14, 2011.

The Board hereby adopts the findings in the above-mentioned reports and incorporates the reports in this Resolution by reference.

The applicant was represented by Al Zager, Esq., of Zager, Fuchs, P.C., Red Bank, NJ. The applicant's professional engineer is Chris Cirrotti, P.E. of Parsippany, NJ. The applicant's architect is Charles Griffin, A.I.A., of Houston, TX.

The applicant presented the testimony of Dean Q. Lin, President of Ocean Medical Center, a division of Meridian Hospitals Corporation. Mr. Lin testified that the increase in the population from approximately 17,000 in 1989 to approximately 55,000 today has created a need for a larger emergency room.

The applicant's architect, Charles Griffin, A.I.A., testified as to the proposed increase in square footage of the existing emergency room from the existing 8,000 square feet to 46,000 square feet.

The applicant's sound expert, Richard Ranft of Cerami Associates testified as to the sound issues at the site.

Chris Cirrotti, P.E., testified as to the sufficiency of the proposed stormwater runoff system and the proposed fencing on top of the retaining wall.

Regina Foley, C.O.O. for Ocean Medical Center testified that several new programs have been put in place in an effort to address the concerns of the residential neighbors relative to odors and scattered debris associated with the existing trash handling procedures. Ms. Foley testified as to the proposed weekly cleaning of the dumpster during the summer, that grease will be taken offsite by a private vendor, that the trash dumpster has been changed and is now covered and compactable. She also stated that a camera has been installed to monitor the dumpster area.

Ms. Foley also testified that trash will not be taken out of the building between the hours of 10:45 P.M. and 6:30 A.M. She stated that the trash haulers will pick up the trash between 7:30 A.M. and noon on Mondays through Fridays. Medical waste will be picked up every two to three weeks; trace chemotherapy will be picked up inside the facility on an as-needed basis; food and garbage will be picked up twice a week; and mixed recycled containers (cardboard) will be picked up twice a week.

The testimony supported the applicant's contention that the proposed amended preliminary and final site plan with variances and design waivers are in keeping with the area and neighborhood and that the proposed site plan, variances and design waivers would in no way be detrimental to the public good and, in fact, would be a direct benefit to the area.

The Brick Township Planning Board concurs with these representations and so finds.

WHEREAS, the Planning Board has determined that the applicant should be granted the requested relief for the following reasons:

1. The granting of the application will not have a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan, Master Plan, and Zoning Ordinances of the Township of Brick.

2. The positive criteria outweigh the negative, if any.

3. Several members of the surrounding neighborhood **commented on the application and expressed concerns about the odors and debris coming from the dumpster on the site and the noise level at the site.**

4. The applicant has agreed to diligently attempt to rectify the problems with the odors, debris and noise coming from the site.

5. The safety and well being of the immediate area will not be adversely affected by the proposed preliminary and final major site plan, variances, and design waivers.

6. The application is in substantial compliance with the Zone Plan, and will not unduly impact upon the neighborhood scheme.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board that the application is hereby approved subject to the following conditions:

1. The applicant must submit proof of payment of all currently due taxes to the Brick Township Planning Board.

2. The applicant must post all bonds and guaranties as required and recommended by this Board and the Township Board Engineer. Moreover, the applicant must post all required engineering inspection fees.

3. All representations and statements made by the applicant, as well as 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 expressed 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 of 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 dated January 3, 2012, the Board Landscape Engineer's report dated January 3, 2012, the Board Traffic Engineer's report dated October 12, 2011, and the Township Planner's report dated January 2, 2012.

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 proscribed 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 obtain any other local, state and other regulatory approvals as may be required.

10. The applicant has agreed to diligently attempt to rectify the problems associated with the noise coming from the site as well as the odors and debris that escape from the dumpster. The programs that have been put in place by the applicant, as testified to by Ms. Foley, shall remain in place. The applicant shall establish a regular maintenance schedule for all trash storage areas. The maintenance schedule shall include the frequency of debris removal and cleaning of the trash enclosures.

11. Additional remedial measures may be taken to reduce the sound originating from the the cooling towers. A note shall be placed on the site plan indicating what such measures may be taken.

12. The applicant shall submit an updated sound study for review by the Planning Board professionals within 60 days of the building being occupied. The study shall be conducted when all three cooling towers are in operation.

13. The fence on the retaining wall shall be a six-foot tall vinyl or composite type material other than vinyl, commercial grade, and shall match the color of the wall or an earth-tone color. The applicant has agreed to confer with and accept the recommendations of the Township Planner and the Board Engineer as to the nature of the fencing.

14. A continuous barrier shall be constructed from the southwestern corner of the retaining wall to the westerly property line. The applicant shall confer with and accept the recommendations of the Township Planner and the Board Engineer relative to the nature of the barrier. The applicant will be permitted to have a gate so that the CAFRA area and the utility lines on the south side of the barrier can be maintained by the medical center.

15. The applicant is required to provide the Planning Board with the name of and contact information for an individual who holds a managerial position at the hospital who will serve as the contact person for neighboring property owners who may have concerns or complaints about the site.

16. Representatives of the hospital shall meet with the Planning Board professionals within 60 days of the adoption of this Resolution to discuss the possible layout of the 25-foot-wide access easement with Block 1170, Lot 19.02. Within 120 days of the adoption of this Resolution, the applicant shall contact the adjacent property owner and attempt to enter into the access easement with the adjacent property owner. If the access easement is not granted by the adjacent property owner or if the applicant desires to seek a waiver of this condition, the applicant must come back before this board and set forth the basis for the request to have the condition removed.

17. There are several encroachments, including sheds, concrete pads, trampolines and the like) within the required 50-foot residential buffer. A note shall be added to the site plan that these encroachments must be removed.

18. A "RIGHT TURN ONLY" sign shall be installed at the southerly end of the parking area that will be constructed on the west side of the building.

19. Lighting fixtures shall be provided in the courtyard area.

20. The site lighting that is going to remain in the area immediately adjacent to the project area, the proposed overhead lighting under the canopies, the building-mounted lighting and the security lighting shall be identified on the plan.

21. The applicant shall confer with the Township Engineer relative to the type and quantity of trees and plantings that will be provided to off set the removal of existing trees.

NOW, THEREFORE, BE IT RESOLVED, the application, limited to the terms and conditions as set forth more fully in the preamble of this Resolution, be and hereby is approved.

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.

MOVED BY: Mr. Marra

SECONDED BY: Mr. Rappoccio

VOTING IN THE
AFFIRMATIVE:

Mr. Rappoccio, Mr. Coakley, Mr. Marra, Mr. Burkland, Mr. Palmieri,

VOTING IN THE
NEGATIVE:

Mr. DiMatteo

INELIGIBLE TO
VOTE:

Councilwoman Lydecker, Mr. Scott, Mr. Catalano

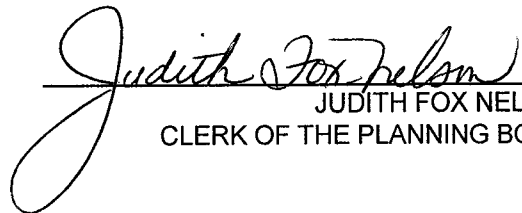
ABSTAINING:

Mr. Beshears

ABSENT:

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 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 meeting held on the 25th day of January, 2012.


JUDITH FOX NELSON,
CLERK OF THE PLANNING BOARD

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

RESOLUTION R-9 -12
CASE NO.PB 2699-PSP-V-FSP-8/11

PAGE 7

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 VI (Mandatory Development Fees) of Chapter 245 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.