

**PRELIMINARY & FINAL MAJOR SITE PLAN  
MERIDIAN NURSING & REHABILITATION AT BRICK**

**Block: 1170, Lot: 18.03**

**Property Address: 415 Jack Martin Boulevard, Brick, New Jersey**

**Resolution: R-21-17**

**Application No. PB 2784(2500)-A-PSP-FSP 12/16**

**Dated: April 26, 2017**

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

**WHEREAS, Meridian Nursing & Rehabilitation at Brick, 415 Jack Martin Boulevard, Brick, New Jersey 08724, has made application to the Brick Township Planning Board for preliminary and final major site plan approval with variances for Block 1170, Lot 18.03 on the Township Tax Map pursuant to N.J.S.A. 40:55D-46,-50, and -60 to construct a new parking area (33 new stalls) as well a new storm water infiltration basin on the eastern side of the property. However, as a result of recommendations from the Board's engineer the original proposal for a new storm water infiltration basin was withdrawn based on changes to other design factors; and**

**WHEREAS, as a result of revisions to the site plan, the applicant has requested the following variances in conjunction with said preliminary and final site plan approval:**

(A) A variance from the Ordinance's requirement of parking stall size of 10 ft. by 18 ft. whereas the applicant proposes 9 ft. by 18 ft.;

(B) A variance from the Ordinance requirement of a 3 ft. high berm along the frontage of the roadway where the applicant does not propose any berm;

(C) A variance from the requirement for 25 ft. wide drive aisles to permit 24 ft.

*file  
Looney  
Zager  
ARH  
Hensel  
5/1/17  
Assoc  
Zoning  
Eng.  
Bldg-*

wide drive aisles.

(D) A variance from the requirement for a minimum buffer to the residential area of 50 ft.; and

**WHEREAS**, the applicant has additionally sought design waivers in conjunction with said preliminary and final site plan approval as follows:

(A) A waiver for not mapping adjacent land 200 ft. beyond the site;

(B) A waiver for not showing surrounding zoning uses and residential properties;

(C) A waiver for landscaped island that should be provided every 10 spaces within new parking lot; 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 March 22, 2017 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 Lot 18.03 in Block 1170 on the Municipal Tax Map of the Township of Brick and is located on the southwest side of Jack Martin Boulevard, commonly known as 415 Jack Martin Boulevard.

2. The property in question is located in the H-S Hospital Support Zone, where the current and proposed use is permitted.

3. The Board received from its professional staff a January 12, 2017 report from

Adams Rehmann and Heggan Associates, Inc., the Planning Board's engineers, authored by Theodore Wilkinson, PE, a March 16, 2017 letter report from Michael P. Fowler, AICP/PP of the Division of Land Use & Planning for Brick Township, the Brick Township Planning Board's professional planner; a December 7, 2016 letter from Kevin Batzel, Bureau Chief/Fire Marshal of the Brick Township Bureau of Fire Safety; a Land Development Application Review letter dated December 27, 2016 from Municipal Engineer Elissa C. Commings; and Brick Township Department of Public Safety Report from Ptl. Keith Donnolly dated January 6, 2017. These reports are received into evidence and shall continue to be maintained as a part of the Planning Board's file.

4. The applicant was represented by Albert Zager, Esquire, and presented the testimony of Ariel Kirschner, the Administrator of the applicant, Meridian Nursing & Rehabilitation at Brick, as well as Millis J. Looney, PE CME of O'Donnell Stanton Associates as the applicant's engineer. Marked into evidence were the following Exhibits:

A-1 aerial photograph of the site;

A-2 site layout plan Sheet 3 of 8;

A-3 site layout plan Sheet 5 of 8;

5. Ms. Kirschner after being duly sworn testified that she is the Administrator of Meridian Nursing & Rehabilitation at Brick which is a nursing home facility licensed for 137 beds. At present, the facility provides for 130 residents. The facility has approximately 100 employees from 8 a.m. to 8 p.m. with fewer employees on the overnight staff. There are currently 111 parking spaces and this application seeks to add 27 additional spaces by way of the creation of 33 new spaces and the elimination of six spaces. As an in-patient facility, Ms. Kirschner testified that there is a need for the additional parking spaces given the near full

capacity of the nursing facility and the employees necessary to staff the facility.

6. Ms. Millis Looney, after being duly sworn, testified as a licensed engineer in the State of New Jersey. She described the A-1 aerial view and noted there would be an upgrade in the handicapped parking spaces. She also testified regarding Exhibit A-2, the site plan layout. Although the Ordinance requires a 10 ft. x 18 ft., the proposal sought 9 ft. by 18 ft. stalls. She agreed with the ARH report in indicating that the granting of this variance would be appropriate.

7. Additionally, she indicated that the proposal provides for a 24 ft. parking aisle width instead of the required 25 ft. as per the Ordinance. She rendered the opinion that same was satisfactory given the type of facility in that it is a nursing home and not a shopping center where there is frequent traffic in and out.

8. Ms. Looney offered her opinion additionally on the requested variance for a minimum buffer to the residential area of 50 ft. indicating that buffering in this area is not possible because a BTMUA Easement and an Access Easement are located there. She also offered her opinion as to the plans' non-provision of a 3 ft. high berm along the frontage of the property. She testified that the berm could not be provided because it would require the clearing of trees and moreover CAFRA would not permit the clearing thereof. As for the request for the variances and waivers regarding the lack of providing for landscape islands, she rendered an opinion, that the Board accepted, that this would not have an impact on any adjoining lands. Moreover the application shall comply with the Americans with Disabilities Act. She agreed with Mr. Wilkinson's indication that waivers for not mapping adjacent lands 200 ft. beyond the site and a waiver for not showing surrounding zoning uses and residential properties were appropriate, given the fact that this is a fully existing facility and the applicant merely seeks to improve the workings of the facility by adding 27 additional parking spaces. Again, the Board

accepted this testimony and recognized that the site is frequently used and the provision for these parking spaces is appropriate.

9. Ms. Looney testified that her engineering firm and the plans would comply with and complete all of the technical revisions sought in Mr. Wilkinson's correspondence set forth at paragraph C.

10. In questioning by the Board's engineer, the applicant agreed that the plan would show that currently existing pipes on the property be shown on the plan and that any clogged pipes would be cleared. The applicant agreed to same. In addition, the applicant agreed to upgrade the ADA ramps and striping, that more buffering would be provided on the far west side of the property specifically in the lower area of the buffer and that supplemental planting would be done by the applicant.

11. In response to questioning by Mr. Fowler, the Board's planner, the applicant's engineer said that planting additional evergreen shrubs in the northeast corner of the property is not possible because the area is a sight triangle. Mr. Fowler opined that the 24 ft. drive aisle width would be acceptable. Mr. Fowler recommended that bumper stops be place on the north side of the parking lot and the applicant agreed to that. The applicant additionally agreed to the installation of one bike rack and benches outside the facility. Ms. Looney indicated in response to questioning as to whether the applicant could direct employees to park in a remote area of the parking lot, that there is an internal policy for employees to park in that area.

12. As for the specific comments in Mr. Fowler's report, the applicant agreed to comply with the requests set forth in Mr. Fowler's Comments, Section V, paragraphs C, E, F, G, and H. Moreover, Ms. Looney produced testimony that strict application of the Township Zoning Regulations would result in peculiar and exceptional practical difficulties to, or

exceptional and undue hardship upon the developer if the property, and that the purposes of the Municipal Land Use Law would be advanced by deviation from the zoning requirements and that the benefits of such deviation would substantially outweigh any detriment. Moreover, Ms. Looney opined that the variances may be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the Township's Master Plan and Ordinance.

13. In addressing the Fire Marshal's report, the applicant agreed that they would make the changes suggested therein specifically by the installation of approved emergency access swing gates.

14. No members of the public questioned any of the applicant's witnesses nor offered any statements either in favor or opposition to the proposed plan.

11. The Board accepts the testimony of applicant's engineer and the representative of the applicant in support of the requests for the variances and design waivers as set forth in the site plan and through the testimony. As aforementioned, the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning requirements and the benefits thereof would substantially outweigh a deviation from the strict application of the zoning requirements. This proposed development far outweighs any negative impact, which the engineer opined were nil. Moreover, testimony was elicited that there would be no substantial detriment to the public good nor substantial impairment to the intent and purposes of the zone plan and scheme. Thus the requirements for the requested variances have been met, and the Board so finds.

12. Accordingly for the reasons set forth upon the record by the applicant's engineer, the applicant's administrator, and the board's professional staff, the board finds that the Preliminary and Final 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 good 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 26 day of April, 2017 that the application for Preliminary and Final Site Plan approval with variances and design waivers and a conditional use permit is hereby granted 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 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 January 12, 2017, and the Township Planner, Michael Fowler's report dated March 16, 2017, as specifically noted herein and revised in accordance with the testimony and agreements elicited as set forth above.

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.

**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.

R-21-17  
PB -2784(2500)-A-PSP-FSP  
MERIDIAN NURSING & REHABILITATION @ BRICK

April 26, 2017

VOTE ON MEMORIALIZATION

MOVED BY: Councilman Mummolo

SECONDED BY: Mr. Gross

VOTING IN THE AFFIRMATIVE: Ms. Lambusta, Ms. Della Volle, Mr. Nugent, Mr. Aiello,  
Mr. Philipson, Mr. Osipovitch, Councilman Mummolo

VOTING IN THE NEGATIVE:

INELIGIBLE, BUT VOTED: Mr. Gross, Mr. Cooke

IN-CONFLICT:

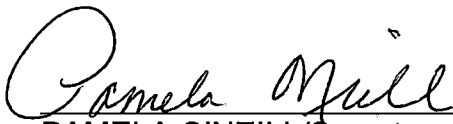
ABSENT: Mr. Clayton, Mr. Occhiogrosso

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 26<sup>th</sup> of April, 2017.

  
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 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.