

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10603923

R-20-03

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

Resolution R- 20 -03

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Case No. PB-2423-PSP-FSP-V-10/02

March 5, 2003

WHEREAS, M. GORDON CONSTRUCTION CO., having a mailing address of 1436 East Elizabeth Avenue, Linden, New Jersey 07036 as applicant; and **MERIDIAN HEALTH REALTY CORP.**, 1450 Campus Drive, Wall, New Jersey 07753 as owner, 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

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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 February 12, 2003 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 14.01 and 14.02 on the Municipal Tax Map.

2. The property is located in the HS (Hospital Support) Zone and is comprised of 2.66 acres of Lot 14.01 (and 2.93 acres for Lot 14.02, overall area 5.59 acres) fronting on State Highway Route 88 West bound opposite the Edge Street/New Jersey State Highway 88 intersection. The applicant proposes construction of a three-story 24,090 square feet Medical Arts Building (#2) which is adjacent to the Brick Medical Arts Building (#1) which was recently built. The subject site also abuts parking areas for the Medical Center of Ocean County (Brick Hospital). This subject application is Phase 2 of the two-phase Medical Arts Building Project.

3. The applicant requests a number of variances, including: (1) minimum side yard setback (190-129D) which requires thirty (30) feet, and applicant proposes 8.58 feet; (2) a variance for maximum impervious coverage (190-129G) which requires that coverage shall not exceed seventy (70%) percent, and applicant proposes 76.4%; (3) a variance for aisle access width (190-161J) which requires twenty-five (25) feet, applicant proposes twenty-four (24) feet; (4) A variance for parking stall width (190-161J) which requires 10' x 20' feet and applicant proposes 9' x 18' feet. Applicant further requests, (5) a variance for directional signs, which require permanent directional signs of three (3) square feet or less, and applicant proposes directional signs 8 feet from the ground and 8 square feet in area. The proposed preliminary and final site plan is shown on plans entitled, "Preliminary and Final Major Site Plan, Brick 2 Medical Arts Building, Township of Brick, Ocean County, New Jersey", Block 1170, Lots 14.01 and 14.02, dated 10/07/02 and last revised 11/06/02, consisting of thirteen (13) sheets, as prepared by Menlo Engineering Associates, Inc./Julius T. Szalay, P.E./L.S.

4. T&M Associates, Robert W. Bucco, P.E., C.M.E., prepared a report to the Board dated December 24, 2002. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

5. Michael P. Fowler, A.I.C.P./P.P., Municipal Planner, prepared a report to the Board dated February 11, 2003. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

6. The Bureau of Fire Safety, Kevin C. Batzel, prepared a report to the Board dated December 10, 2002. The Board hereby adopts the findings in that report and incorporates that document into this resolution by reference.

7. The Shade Tree Commission, Dottie La Posa, prepared a report to the Board dated December 16, 2002. The Board hereby adopts the findings in that report and incorporates that document into this resolution by reference.

8. Officer Robert Appello, Traffic Safety Officer, Brick Police, prepared a report dated December 10, 2002. The Board hereby adopts the findings in that report and incorporates that document into this resolution by reference.

9. Victor Angeline III, Esq. appeared on behalf of the applicant, explained the application, and introduced applicant's professionals. Mr. Salvatore Inciardi, a vice president of Meridian Health Realty Corp., (real estate/acquisition arm of Meridian Health Corporation/Medical Center of Ocean County), testified that the Brick 2 Medical Arts Building is an extremely important project, because more and more patients request the convenience of treatment by health care professionals whose offices are close to the Hospital. Additionally, physicians, including cardiologists, neurologists and other specialists, as well as other health care providers, want to be in close proximity to

the Hospital and other physicians, for ease of access to diagnostic facilities, and referrals. Mr. Inciardi further recited the recent success of the Brick I Medical Arts Building and the condo ownership interest that makes this proposed office space attractive to physicians and others. He opined that was one of the reasons that Brick I Medical Arts Building was sold out prior to its recent completion.

Mr. David Buckman, A.I.A., architect with Buckman Architectural Group, applicant's architectural firm, testified that it was applicant's desire to match the existing Medical Arts Building I and the Medical Center of Ocean County as to its materials of brick/earth tones design. Mr. Buckman recited that the building is designed to be "fully sprinkled" for safety and the applicant will work with the Bureau of First Safety and Board's Engineer and Planner to ascertain that the proposed canopy at the front of the building is of sufficient height to permit access to emergency vehicles. Mr. Buckman recited that the entrance area would have an aluminum/glass wall element; and every effort would be made to work with the Board and its architectural committee in applicant's final selection of materials.

Mr. Julius T. Szalay, L.E., L.S., of Menlo Engineering 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. Robert W. Bucco, P.E., C.M.S., and agreed with many concerns, (including parking), so applicant agreed that they would not seek to obtain a building permit on this project until the Medical Center of Ocean County's parking deck is complete and operational, which was anticipated to be approximately June 2003. Further concerns as to the quality of grading/drainage, landscaping,

traffic circulation and environmental impact have all been recognized and agreed to by applicant. The applicant's acceptance of these changes is indicative of the willingness of applicant to participate in good faith on this project. Additionally, Mr. Szalay testified that the detention basin was designed to be sufficient for both the existing Medical Arts Building 1, as well as the proposed Medical Arts Building 2. Mr. Szalay also recited that there were various agreements as to cross-access and parking, which easements have been already recorded and utilized at the site.

Mr. Eric Keller, P.E., P.P., Omland Engineering Associates, Inc., testified as to the site's traffic patterns and applicant's plan. He recited that the 9' by 18' stall size match what is present in parking adjacent to this site, and is generally accepted. He further testified that the parking needs of the applicant are met by this configuration and that it is an efficient use of open space as well as maximizes applicant's available and necessary need for traffic circulation, and parking. He further recited that his firm's trip generation studies revealed that this site will have more than enough parking – once all spaces are available.

Mr. Keller further recited that there is no significant traffic generated by this application, and that traffic can be adequately handled by this plan. However, responding to Board's concerns as to parking and traffic circulation applicant agreed to expand parking stall width size to 10' by 18' in a number of "oversized spaces" and add hairpin striping to all of the 9' x 18' spaces.

With the exception of the variances 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 health care

needs of the Township of Brick, the Board is satisfied that the applicant's plan is reasonable and consistent with its desire to serve the 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 26th day of February, 2003, that this application be approved subject to the following conditions:

1. The applicant shall comply with all standard Planning Board conditions for preliminary major subdivision 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 shall comply with the comments contained in the report from Michael P. Fowler, Municipal Planner, dated February 11, 2003, including: V:

A. Applicant explained the recommended travel route for vehicles

entering the site from Route 88 and addressed the truck route for deliveries.

B. Applicant agreed to a fifteen-foot separation between trash enclosure and building.

C. Applicant agreed to a 3 foot berm along Route 88 frontage. Further, applicant agreed to landscape varieties (to the satisfaction of Board's Engineer and Planner) to be planted along berm including a combination of shade trees and evergreen shrubs.

D. Applicant agreed to two (2) additional handicap parking spaces within the row of four (4) parking spaces proposed on southwest side of building (in addition to six (6) handicapped spaces already provided). Further, applicant agreed to expand fourteen (14) other spaces as "oversized spaces" which would be ten (10) feet wide and eighteen (18) feet long.

E. Applicant agreed to provide architectural details that recite a change in the elevation to the façade and roof line which will add more character to building.

F. Applicant agreed to provide stop signs and stop bars at the end of every row of parking stalls and every main access aisle intersection.

G. Applicant agreed not to remove topsoil from site or use same as spoil. Applicant further agreed to use redistributed topsoil throughout site.

H. Applicant presented testimony to Board as to applicant's position that the variances and design waivers requested at site are reasonable and that the benefits of deviation from the ordinance are outweighed by the benefits.

4. The applicant shall comply with the comments contained in the report of

T&M Associates, Robert W. Bucco, P.E., C.M.E., Board Engineer, dated December 24, 2002.

Planning & Zoning

1.1 Section 190-129D of the Ordinance states that the minimum side yard setback shall not be less than 30 feet, whereas, the applicant proposes 8.58 feet.

1.2 Section 190-129G of the Ordinance states that the maximum impervious coverage shall not exceed seventy percent (70%), whereas, the applicant proposes 76.4 percent.

1.3 Section 190-161J of the Ordinance requires the applicant to provide an access aisle width of 25 feet, whereas, the applicant proposes 24 feet.

1.4 Section 190-161J of the Ordinance requires the applicant to provide parking stall width of 10 x 20 feet, whereas, the applicant proposes 9 x 18 feet. (Applicant further agreed to hairpin striping on all 9' x 18' parking spaces)

Off-Tract & Off-site Improvements

2.1 The property fronts along State Highway 88 and Jack Martin Boulevard. No off-site or off-tract improvements are warranted for this application.

Traffic Circulation/Layout

3.1 The Traffic Assessment Study and layout is acceptable from an engineering standpoint, however, the study shows a significant increase in weekday daily traffic. The applicant provided the Board with testimony from its Traffic Engineer who recited that any increase in traffic flow can be handled adequately.

Grading and Drainage

4.1 The applicant proposes to construct a three story medical building and associated parking facilities within an existing medical complex. The applicant proposes to utilize the existing on-site detention basin to accommodate the proposed development. (Applicant presented testimony that basin was pre-designed for both buildings).

4.2 Board's Engineer cross-referenced the current drainage report with a record copy of the original basin design dated March 10, 2000, revised through December 22, 2000. It appears the original basin was designed and built to accommodate the future development of this parcel. The proposed plan maintains the impervious coverage shown in the original basin design report, and same is acceptable.

4.3 The applicant should provide an analysis to demonstrate the impact of the existing 15" RCP at the basin outlet on the function of the basin outlet control structure.

Landscape

5.2 All mulching shall be four (4) inches thick. Planting notes and details should correspond.

5.3 Deciduous tree planting detail shall include shredded hardwood mulch, not shredded pine bark mulch.

5.4 A root barrier product should be incorporated into the deciduous tree planting detail for trees that are to be installed within ten (10) feet of new or existing sidewalks and curbs.

Lighting

6.1 From an engineering standpoint, Board's Engineer has no objection to the proposed lighting.

Environmental Impact Statement

7.1 The Introduction states that the document was prepared pursuant to the Township of Brick's Land Use Ordinance, Chapter 190, Section 188c. Applicant's professional should verify that the most recent publication of this document was referenced during preparation of the EIS to ensure compliance with Township regulations.

7.2 On Page 9 of the document under Topography, Soils and Geology, the applicant's professional states that "Mitigation Guidelines for Acid Producing Soils have been prepared and will be utilized on site if conditions warrant." The site is underlain by the Kirkwood Formation; a coastal geologic formation of New Jersey with known association with acid producing soils. The document should provide confirmation as to the presence/absence of acid producing soils. This section should also provide additional details pertaining to Mitigation Guidelines should acid producing soils be encountered. Refer to Section 1-1 in the Standards for Soil Erosion and Sediment Control in New Jersey for the management of high acid producing soils.

7.3 On Page 10 of the document under Water Quality, the applicant's professional states that "runoff exposed to non-vegetated and possibly acidic soils has the potential to pollute downstream waters." The potential for pollution should be characterized and impacts to receptors discussed.

7.4 As per Chapter 190, Section 188c (1)(a)(1), the EIS shall include a detailed impact analysis to Natural Resources. This may include, but not

be limited to: the displacement of wildlife, habitat loss, and loss of vegetation as a result of the proposed development.

7.5 As per Chapter 190, Section 188c (1)(a)(6), the EIS shall include a discussion of the probable effects of the proposed development upon ambient noise levels in the vicinity of the site.

7.6 As per Chapter 190, Section 188c (1)(b), the EIS shall include a discussion of alternative proposals for the proposed development to reduce or eliminate any adverse on-site or off-site environmental effects.

7.7 On Page 17 of the document, the applicant's professional states that "...river birch, ash, American sweetgum, and red maple are planted throughout the site." These species are not included on the existing vegetation list appended to the back of the document. If these species are to be included in the Landscaping Plan, attention should be paid to water requirements for such plantings to ensure survivability. This especially pertains to river birch plantings.

7.8 The applicant shall list all state and municipal permits required for the proposed development. The applicant shall also provide the review status of all applicable permits already submitted to those agencies having jurisdiction over the proposed development.

General

8.1 It appears that a portion of the existing parking lot for Medical Building-1 will be re-graded. Therefore, the plans should be revised to show the limits of reconstruction.

5. The applicant shall comply with the comments contained in the report from the Bureau of Fire Safety dated December 10, 2002:

A. Applicant will indicate fire lanes, signs and striping as shown on drawing GE-1. In addition loading zone along existing two story medical building to be re-striped as indicated, having half of loading zone striped as a fire zone to allow access to fire department connection and emergency access doors to building.

B. Applicant will provide 6 inch DIP water line to be increased to 8 inches and fire hydrant installed adjacent to the proposed loading area as indicated on sheet GU-1.

C. Applicant will provide curb cut to be provided on emergency access driveway on State Highway 88 as indicated on sheet GE-1. (Should this present a problem with the NJ DOT or any other outside agency, applicant will notify Planning Board and return for an informal meeting for directions of Board.)

D. Applicant will indicate all fire lane pavement markings, signs and striping to be in accordance with Brick Township Chapter 151, (not 102-71).

6. The applicant shall comply with the comments contained in the report from Shade Tree Commission dated December 16, 2002.

7. Applicant shall comply with the comments contained in the report dated December 10, 2002 of Officer Robert Appello, Traffic Safety Office, Brick Police. (Applicant agreed to prohibit left turns into subject site from Cedar Bridge Avenue).

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8. Applicant agreed not to obtain building permit/commence construction of subject building until the (currently under construction) parking deck of Medical Center of Ocean County, is in use and operation. Applicant acknowledges parking is difficult without the increased number of spaces the parking deck will provide, and does not want to exacerbate the parking problem.

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MOVED BY:

Mr. Scherer

SECONDED
BY:

Mr. Kelly

VOTING IN THE
AFFIRMATIVE:

Mr. Kelly, Mr. Dockery, Mr. Petoia, Mr. Vespi

Mr. Scherer

VOTING IN THE
NEGATIVE:

INELIGIBLE TO
VOTE:

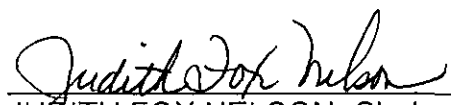
ABSTAINING:

ABSENT: Councilman Underwood, Mrs. LaDuke, Mr. Aiello, Mr. Reilly,
Mr. Fredo, Mr. Higgins

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 5th day of March, 2003.

IN WITNESS WHEREOF, I have set my hand this 11th day of March, 2003.


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.