

CAUCUS SESSION: 7:00 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

DISCUSSION: Minor Site Plan Subcommittee application

1) Barry D. Elbaum
Block 208 Lot 4

Planning Administrator Marianne Wilensky explained that this application for a generator will not be proceeding tonight as the minor site plan subcommittee members did not think it should proceed due to substandard conditions on site, including lighting, pavement and landscaping. Ms. Wilensky said that the attorney representing the applicant has requested a technical review meeting be scheduled.

2) Ordinances #2275 and 2276

Ordinance #2275

Ms. Wilensky explained that this ordinance amends three section numbers of Section 21-51 of the Land Development Ordinance which were incorrectly numbered.

Ordinance #2276

Board Planner James Higgins, PP explained the proposed changes to the standards for government buildings in residential zones, which includes increasing the maximum permitted building height to 45' and changing the regulations for monument and façade signs. Mr. Higgins said that it makes sense for bigger buildings to be a little taller. It was noted that the proposed Park Avenue Tennis Center, which is considered a government building, would have required a "d" variance for the height. Monument signs may have up to 32 sq ft of electronic message and the hours of operation are limited from 7 AM – 11 PM.

The Board unanimously agreed that both ordinances are consistent with the intent and purpose of the master plan and recommended them for adoption by the Council.

REGULAR MEETING: 7:30 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS

PRESENT: Robert Acerra
Fred Brody
Warren Goode, V Ch
Brian Lefferson
Stephen Levy
John Verrilli
Thomas Means, Chair

MEMBERS

ABSENT: Anthony Andrisano
Joseph DiBenedetto, Alt I
John Duthie, Alt II
Estelle Klose

OTHERS PRESENT:

Sanford Brown, Esquire,
James Higgins, P.P.,
William Fitzgerald, P.E.,
Marianne Wilensky, P.P,
Rachel Montemarano,
Board Attorney
Board Planner
Board Engineer
Planning Administrator
Planning Board Secretary
Recording Secretary

Chairman Means announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice having been sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on July 28, 2015.

CASES CARRIED to July 25, 2016

TOLL NJ I, LLC

Block 35 Lots 6, 7, 8, 10, 11, 13, 14 & 46
West Park Avenue at Green Grove Road
Ocean

Township of Ocean

Block 25 Lots 1 & 2
399 Monmouth Road
Oakhurst

MINUTES FOR APPROVAL

A motion was made by Thomas Means and seconded by Warren Goode to approve the minutes from the special meeting of **May 9, 2016**.

In Favor: Acerra, Brody, Goode, Lefferson, Levy, Verrilli, Means
Opposed: None
Ineligible: None
Absent: Andrisano, DiBenedetto, Duthie, Klose

CARRIED CASES

58 Monmouth Road, LLC
(Juno/ Rook Coffee)

Block 26.04 Lot 2
58 Monmouth Road
Oakhurst
Zone C-1

This is an application for preliminary and final site plan approval with variances in order to keep improvements previously installed.

Attorney for the applicant: Peter S. Falvo, Jr., Esquire

The Board's information packet containing the reports of the Board professionals and in-house departments was marked B-1. Board Planner James Higgins, PP read his report. He said that an earlier report on the application incorporated the comments of the Environmental Commission, noting that additional landscaping is needed. Board Engineer William Fitzgerald, PE commented that in reviewing the Environmental Commission's report, he and Mr. Higgins had similar suggestions with regard to landscaping during a technical review meeting with the applicant's attorney. Mr. Fitzgerald summarized his report, noting that he has concerns for parking and road traffic in that area. He said that he would like to see an easement connecting the lots for shared parking in order to help the businesses along Monmouth Road.

The attorney for the applicant, Peter S. Falvo, Jr., Esquire presented the principal of 58 Monmouth Road, LLC, Mathew Tucci who purchased the property in 2012. Mr. Tucci said that there were no trees along the property line of Gianni's then, but only sea grass. He said that the property was in terrible condition with broken concrete and dirt. He said that he added plantings and pavers in order clean it up. The grass in the front on either side of the walkway was in poor condition so he replaced it with pavers. The Rook building was already there, but he converted the existing salon to a retail boutique.

Mr. Falvo explained what was discussed during a technical review meeting, which included adding an additional planter to mirror the existing planter, supplemental sea grass at the property line, relocating the trash enclosure and creating a no parking area with gravel and a split rail fence by the Rook building.

The site plans consisting of 2 sheets dated March 18, 2015 revised through June 17, 2016 were marked into evidence A-1. The survey dated November 24, 2014 was marked into evidence A-2.

The engineer for the applicant, Patrick Ward referred to A-1 to describe the proposed changes to the site, including the relocation of the trash enclosure. Mr.

Fitzgerald noted that the proposed location does not meet fire code as it would require sprinklers with the proximity to the building. Mr. Ward suggested moving it to the northeast corner of the property to avoid that issue. It was noted that the enclosure must have the required 5' setback from the property line. No parking signs will be placed on the paver areas and new employee- only parking spaces are being designated. Limiting the parking areas makes for better circulation of the site.

Chairman Means said that he wants to see more landscaping on the site, especially at the property lines, subject to Mr. Higgins' approval. Mr. Acerra said that people park in the front on the pavers, but the planters could stop that. Mr. Higgins said that the planter should be a decent size.

Board Attorney Sanford Brown, Esquire asked if the applicant would agree to an easement as suggested by Mr. Fitzgerald. Mr. Falvo said that they are willing to consider it, but it would be conditioned upon all the other properties on Monmouth Road taking part. If they do not, it would self-expire. Mr. Falvo said that he will work on the language of the easement.

With regard to tree location and preservation, Chairman Means said that it is not fair to burden the applicant with such a requirement because the tree removal occurred before he purchased the property. Mr. Higgins agreed.

With regard to lighting, Mr. Ward said that the entrances are illuminated by flood lights. Mr. Fitzgerald said that flood lights are not permitted and that was not what was previously approved for the site. He suggested replacing them with down lighting.

Chairman Means said that he would like to see the revised plans and easement before voting on this application. The Board members agreed.

Jack Kearns, of the Word on the Shore publication, said that he would like to thank the Board for thinking beyond this application in order to improve the surrounding area.

Chairman Means carried this application to July 25, 2016. Revised plans and a draft easement will be submitted by July 15, 2016.

Central Jersey Urgent Care, LLC
Ocean 733 Associates, LLC
(Medical use in Circle Plaza)

Block 140 Lots 105, 106, 107, 109
731 Highway 35
Ocean
Zone C-3

This is an application for preliminary and final site plan approval with variances in order to expand medical uses.

Attorney for the applicant: Rick Brodsky, Esquire

The Board's information packet containing reports of the Board professionals and in-house departments was marked B-1. Board Planner James Higgins, PP read his report dated June 26, 2016. Board Engineer William Fitzgerald, PE summarized his report dated June 27, 2016. He said that testimony is needed from the applicant regarding the operation.

Attorney for the applicant, Rick Brodsky, Esquire said that a total of 4,232 sqft is proposed. 2,370 sqft exists and the proposed space that they are expanding into is 1,862 sqft, which is the existing end unit of the shopping strip. Mr. Brodsky explained that the end unit was difficult to rent, so the owner came back to the Board to approve a restaurant use. A coffee shop occupied the space for a while, but the space is now vacant. The owner agrees to change the approvals to allow either medical or restaurant, but not both in that total 4,232 square footage.

The site plans dated December 3, 2004 revised through June 11, 2012 were marked into evidence A-1.

The principal of Central Jersey Urgent Care and the doctor serving on site, Dr. Chirag Patel, was sworn in. He described the operation as an urgent care facility for walk-in medical attention. There is one doctor and 4-5 staff members which includes technicians, a nurse and a scribe. Weekends in the summer and long weekends are busier so they have an additional staff member working. The facility is open 11 hours each day except for Christmas, New Years Eve and Thanksgiving. Each patient averages 40 minutes from arrival to departure. Dr. Patel said that they would like to expand the waiting room because it is currently very small. Patients may be coughing, making other waiting patients uncomfortable in such a small space. Additional rooms are needed in order to get people out of the waiting room where they would have their vitals taken. A space for meetings is also proposed. Dr. Patel explained that the market is exploding with urgent care facilities and they need to compete with that by making the office more aesthetically pleasing.

Dr. Patel said that he is not anticipating an increase in the number of patients, but the expansion will better serve the existing number of patients. He said that the parking need will be less as they will be able to serve each patient faster. The goal is to decrease the amount of time for the average stay to 35 minutes. No staffing changes are proposed.

On average, they see about 40 patients per day and approximately 4 patients per hour. It could increase to about 50 patients in the busier months. The peak hours are in the mornings and evenings, with a lull in the afternoon between 2 PM – 4 PM. Chairman Means says that the morning peak hours concern him. Dr. Patel said that he has no parking issues at his other locations. He said that there are never more than 12 patients there at one time, that may only happen 3 or 4 times a year.

The architectural plans were marked into evidence A-2. The architect for the applicant, James Monteforte, described what currently exists and what is proposed. He said that there will be 10 exam rooms. Mr. Monteforte is also the adjacent property owner and said that he has no concerns with parking.

Mr. Brodsky said that the expansion is designed to better serve the existing customers. With no appointments, you cannot predict demand. He described that if 40 people get sick in the vicinity, they would be going to this facility regardless of the expansion.

Stephen Levy asked if they would consider adding another doctor. Dr. Patel said that another doctor is not needed as he has a scribe to assist him. He explained that the staff is instructed to start triaging patients based on certain symptoms before the doctor even sees them. Board Attorney Sanford Brown asked if they wanted to restrict the use to one physician at a time. Dr. Patel said that it would be counterproductive to add that restriction because of possible pandemics when another physician would be needed to get patients in and out quicker.

Mr. Higgins said that he is concerned with the definition of the urgent care versus a medical office and the impact on parking. Mr. Brodsky said that the approval will be limited to urgent care, specific to the description in his letter dated February 9, 2016, which is included in the Board's packet.

A motion to close the public hearing was made by Thomas Means and seconded by Stephen Levy.

In Favor: Acerra, Brody, Goode, Lefferson, Levy, Verrilli, Means
Opposed: None

A motion to approve the application was made by Thomas Means and seconded by Fred Brody.

In Favor: Acerra, Brody, Goode, Lefferson, Levy, Verrilli, Means
Opposed: None
Ineligible: None
Absent: Andrisano, DiBenedetto, Duthie, Klose

The Board took a break at 9:20 PM, resuming at 9:25 PM.

NYSMSA Limited Partnership
d/b/a Verizon Wireless

Block 26.04 Lot 6
68 Monmouth Road
Oakhurst
Zone C-1

This is an application for minor site plan approval with variances in order to construct an equipment compound at grade to support two proposed roof wireless antennas.

Attorney for the applicant: Richard DeLucry, Esquire

The Board's information packet containing the reports of the Board professionals and in-house departments was marked B-1. Board Planner James Higgins, PP summarized his report, noting that his only issue is that they are reducing the landscaping. Board Engineer William Fitzgerald, PE summarized his report, noting that he has no issues with the application, but would like to see an access easement for shared parking. He also said that the driveway and lighting is not adequate and would like to see that updated in order to improve the viability of the site on Monmouth Road.

A packet of photographic simulations was marked into evidence A-1.

The attorney for the applicant, Richard DeLucry, Esquire said that they have a radio frequency engineer that confirms that the antennas comply with FCC standards.

Board Attorney Sanford Brown asked if the applicant is agreeable to an access easement. Mr. DeLucry said that since they are only a tenant, they would need approval from the owner of the property. He noted that this applicant would not be a traffic generator for the site, but that they could come up with a planting plan. He said that he will reach out to the property owner with regard to the easement and the landscaping.

Robert Acerra asked about the antennas. Planning Administrator Marianne Wilensky explained that there was a change in the law about two years ago that allowed antennas on buildings to be approved administratively as long as they did not violate the zoning requirements. This is the first case in town where it has not been able to be approved that way due to the compound being located on the ground.

The engineer for the applicant, Margaret Lyons, PE referred to an exhibit showing the existing sites and coverage areas which was marked into evidence A-2. She described the antennas as a small network node to meet a capacity in the area. They are 2' high cans that blend in with the building. She said that the site acquisition team looks at several sites and this one ranked first in volume of calls and the need to capture that traffic.

Chairman Means asked Mr. Brown to prepare a positive resolution for next month's meeting. Mr. DeLucry will reach out to the property owner to discuss the easement and site improvements. Chairman Means carried this application to July 25, 2016.

Meeting adjourned at 9:45 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary