OCEANPORT PLANNING BOARD
MINUTES
February 25, 2014

Vice Chairman Whitson called the meeting to order at 7:30 p.m. and gave the Statement of Compliance with the Open Public Meetings Act: "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 23, 2014, and by the posting of same on the municipal bulletin board and Borough Web Site."

Vice Chairman Whitson led the flag salute.

OATH OF OFFICE
The Oath of Office was administered to:
David Gruskos   Class IV (Regular Member 4 year term)

MEMBERS PRESENT: Mr. Kahle, Mr. Johnson, Mr. Gruskos, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson

MEMBERS ABSENT: Councilman Bertekap, Mr. Savarese, Mr. Fichter, Ms. DeSousa, Mr. Widdis

OFFICIALS PRESENT: Jeanne Smith, Board Secretary, Rick DeNoia, Esq., Board Attorney and William White, Board Engineer/Planner

BOARD BUSINESS:
1. Minutes of the meeting of November 26, 2013 were approved as presented on a motion from Mr. Johnson and a second from Mr. Kleiberg and approved by the eligible Board members.

OLD BUSINESS:
1. PB2014-01 – AcuteCare LLC   **CARRIED from February 11, 2014 MEETING**
Main Street
Block 110, Lot 4
Request for Site Plan Approval

A-7 Signs Exhibit - Site Signage Elevation AcuteCare @ FMERA, dated February 25, 2014 prepared by Kitchen & Associates
A-8 Existing Entrance Photograph AcuteCare @ FMERA, dated February 11, 2014, prepared by Kitchen & Associates
A-9 PACE Center Renovated Entrance & Building Color, AcuteCare @ FMERA
A-10 Traffic Study Report AcuteCare @ FMERA December 16, 2013 prepared by McDonough & Rea Associates; and

Richard McOmber, Attorney for the Applicant, explained that the Applicant sought to renovate the Patterson Army Hospital in two phases, the process completed for review and approval by the Fort Monmouth Economic Revitalization Authority (FMERA), described the application for site plan with variances for free standing signage with Phase I comprised of approximately 24,347 s.f. for the PACE program and 17,760 s.f. for medical suites with Phase II being 59,800 s.f. for which nothing was being sought for at that time.

Mr. McOmber then addressed the Board's concerns expressed at the last meeting for security, access and when fences would come down and advised that it was currently being discussed amongst representatives of FMERA and the State. Mr. McOmber also addressed the Board's question concerning the roadways and that he had indicated that they would not be rebuilt to municipal standards at this time and should FMERA want them to become municipal roads it would be FMERA's or others responsibility to bring to municipal standards and would remain private until then.

Mr. McOmber then continued the hearing with further testimony from Mr. Rosati, the Applicant's Engineer and Planner. Mr. McOmber presented for the record Site Signage Elevation Rendering which was marked as **Exhibit A-7**. Mr. Rosati testified as to the design and features of the signs as revised based on the Board's comments at the last meeting, the location of the signs and the need for a variance as only 1 sign permitted and 2 were proposed, argued that it was his opinion that the 2 signs were 1,000 feet apart and promoted public safety and why.

Mr. Kleiberg asked how the signs would be positioned. Mr. Rosati responded that they were proposed as perpendicular with the road due to location of existing structures as long as they were out of the site lines. Mr. Kleiberg commented that he thought the large sign could be shortened. Mr. Johnson commented that the sign revisions were a big improvement from the previous. Mr. Rosati also testified on the circulation of the site, the turning radius of the site and that it would be safely driven as existing.

Mr. McOmber and Mr. Rosati reviewed the design waivers and variances and the content of the Mandatory Conceptual Review required by FMERA and its subsequent approvals by FMERA. Mr. Rosati including waste removal, lighting of parking areas and pedestrian walkways, the use of light shielding to buffer residential areas, fire hydrants and new water lines for fire suppression and stormwater management using existing onsite system.

Mr. Rosati testimony continued by commenting on the design waivers/exceptions and the general comments made by Mr. White in his letter and testified as to the design waivers that the literal enforcement of the Rules would be impractical and that in his opinion the literal enforcement of one or more of the Rules will exact undue hardship because of particular conditions pertaining to the land in question. Mr. Rosati testified as to each and explained to the Board that with the exception of certain of the general comments, i.e. the location of two out buildings which must be maintained by FMERA until they are no longer needed, both of which are on the Site, the applicant agreed with and would comply with the Oceanport Engineer's comments subject to receiving the requested variances and design waivers.

Mr. Rosati also testified with respect to the sign or signs on the Site that the lighting on the sign or signs would be turned off at a reasonable time after all of the occupants of the building had departed. Mr. Rosati also testified that AcuteCare would comply with the Fire Marshall's comments and the storm water management comments and would provide the appropriate easement to the Borough for a Borough storm water line that is located on the Site.

Mr. Gruskos asked about the environmentally sensitive portion of land and if it was clean. Daniel Czermak, responded that the Army had completed the paperwork and was filed. There was discussion about the granting of an easement from FMERA to cross that land until the site was cleared.

Mr. Rosati further testified that the two brick structures on the site near Main Street that would have to stay until FMERA says they can be removed as they are part of the Fort's infrastructure and contain steampipe valves. Mr. Kleiberg asked, if those were still being used, how would the site be heated. Mr. Czermak answered that there wouldn't be reliance on that.

Mr. McOmber stated that the Applicant would pay the $250 fee to revise the tax map as required by Ordinance. Discussion ensued on the difficulty in assignment of blocks and lots without knowing how the plan would be finished or where roads would be so it was addressed with the Tax Assessor.
Mr. Rosati continued testimony concerning the exterior improvements to be made to the site including the driveways, walkways, trash collection area and buildings.

Mr. Kleiberg asked who would have plan review on the site when it was all done – FMERA or Oceanport? Mr. Whte answered he did not know. Mr. Kleiberg commented that the water line proposed was too small and the plumbing inspector Mr. Palmer would agree. Mr. McOmber stated he believed it would be the town and that FMERA would have to bring up to municipal standards.

Mr. White questioned the numbering of the buildings and concern with fire department response knowing where to go. Mr. McOmber answered that it's usually the building # on the street it faces and read from the FMERA guidelines the identity of the site at 1075 Stephenson Ave.

Mr. Rosati further testified that in his expert opinion he felt that the purposes of the land use law would be advanced by the improvements to the site and that the benefits of the variances would substantially outweigh any detriment. He further testified hat the benefits of the grants of the variances and design waivers would substantially outweigh any detriment to the public and that the granting of the variances and waivers would not have an adverse impact or affect the adjoining properties and that the granting of the variances and design waivers would not substantially impair the intent and purposes of the Oceanport Zoning Ordinance or the FMERA Land Use Regulations. He testified that in his opinion that the requested waivers present an extraordinary exceptional situation uniquely affecting this Site and that the strict application of the zoning ordinance would result in practical difficulties and an exceptional undue hardship upon AcuteCare and why he believed the Board could grant the because literal enforcement would not be practical and would have an undue hardship on AcuteCare because of particular conditions on the Site.

Vice-Chairman Whitson asked Mr. Rosati to summarize any exceptions to Mr. White's letter or would they be complying with everything. Mr. Rosati answered that with the exception of the variances and waiver design standards, AcuteCare would comply with Mr. White's comments.

Vice-Chairman Whtison stated then that they were seeking variances and waivers for the signs, the height of the signs, the location of the trash dumpster and the parking space requirement from 6/1000 to 5/1000 and the widths of the driveways.

Mr. Sullivan commented that he didn't think 2 signs were necessary if they placed just one sign in the middle so that when driving by they could go in the next driveway. Mr. Rosati responded that his concern was for the driver that slams on their brakes thinking they've missed it and need to turn around because the facility didn't face Main Street it needed the signage to identify its location.

Mr. Sullivan asked what were the contaminants in the northeast section. Mr. White answered from the report he had read it was an underground storage tank that had leaked.

Mr. Kahle asked if they considered any directional signs on the property and were there plans for any signs on the back side when that area was opened up. Mr. Rosati stated at the moment site was self-contained but they would have to come back for a sign variance if that was desired.

Mr. Johnson commented he liked the new design of the signs and had no problem with 2 as they were 1,000' apart but thought they should be scaled down and asked for the record though project being done in phases both buildings exterior would be improved in phase 1.

Mr. Kleiberg asked about the signs, FMERA's height limit was 6', was told yes, and stated he was not opposed to the height but thought the width was too much. Mr. Kleiberg also questioned the size of the waterlines being installed and was told that was by NJ American Water. Discussion ensued about the box size and that everything would be above ground, no vaults.

Mr. White asked if that would be landscaped/buffered and was told yes.

Mr. Gruskos asked questions about the roadway widths and would entire site be cleaned up. Mr. Rosati answered yes it would all be done at the same time and that what existed would be improved, where there were currently no curbs, no curbs were being installed.

Vice-Chairman Whitson asked about the location of the dumpster being closest to Main Street.

Mr. McOmber responded that if they could take a moment to discuss it. Mr. Whitson stated yes, at the break.

Vice Chairman Whitson opened the meeting to questions from the public for that witness.

PUBLIC:

Diane Fichter asked questions about the dumpster location being so close to her house and asked why wasn't Phase II being applied for at the same time as Phase I. Mr. McOmber explained that they had wanted to but circumstances had not allowed for it and the intent was to get everything cleaned up first and that they would have to go through the entire process again for phase II which would require them to go back to the Board and the public being noticed. Ms. Fichter asked if Phase I would have residents their 24 hours and what were the hours of operation and was told that another expert would testify to that.

As there was no one else from the public, Vice Chairman Whitson closed that portion of the hearing.

Mr. Kahle commented that the Board needed to take into consideration that future development would be occurring and did they want a street of signs. Mr. McOmber gave a statement that it was FMERA's recommendation for 2 signs.

There was a 5-minute recess of the Board at 9:09 p.m.

Vice-Chairman Whitson called the meeting back to order at 9:19 p.m. with all members previously present and advised that new testimony would be stopped at 10:30 p.m.

Mr. McOmber stated that the Applicant wished to cooperate with the Board's requests on the signage and dumpster locations and proposed 2 signs with both signs being of the smaller design and proposed relocating the dumpster to the west so that the building would be between the dumpster and the street and use of shrubbery for screening.

Mr. Whitson asked about the variance being sought for the number of parking spaces and wouldn't the need for a variance be eliminated if the all the parking spaces were included, i.e., the parking area set aside for the Phase II. Mr. Rosati stated he would have to run the calculations while the next witness testified.

Susan Skola, Executive Director for the PACE Program for AcuteCare, was sworn in, presented her qualifications, explained her role with the Program and provided testimony that described the PACE Program, that it would be run by Beacon Health and Social Services, Inc., while leasing the space from AcuteCare and that the PACE Program would be associated with Monmouth Medical Center. Ms. Scola further explained that the PACE Program was approved by Medicare, Medicaid and the State of New Jersey. Ms. Skola also testified to its purpose which was to allow participants with health care needs to remain in their homes rather than be placed in a nursing home and be brought to the facility for all their health care needs. She stated that the hours of operation were Monday through Friday, 8:00 a.m. to 5:00 or 6:00 p.m., and that the program would eventually serve up to 220 participants. The facility would not function as a hospital or emergency room. Ms. Skola further testified that the participants are provided transportation by a contracted provider, where the vehicles would be stored, that participants do not arrive at the PACE Center by their own personal vehicles and that they will be transported to the Site by eight passenger vans that will arrive at staggered hours between 8:30 a.m. and 10:30 a.m. and leave at staggered hours in the afternoon. She indicated that once the vans had completed transport of the participants to the PACE Center they would leave the Site and park on the property owned by the transportation contractor engaged by PACE and that only possibly one or two vans would remain on the Site during the day to take participants to visits to physicians.

Mr. Gruskos questioned where the participants would be picked up front. Ms. Skola answered that it could be individual homes, centers, etc.

Mr. Czermak added that originally the development was to include housing for those who needed to be housed at the facility but due to technical and financial complexities was not part of Phase I but was planned for Phase II for either residential apartments or other medical components.

Mr. Whitson asked Mr. Czermak that if everyone coming to the facility was bused in and workers why the need for signage. Mr. Czermak answered for the information of the general public, professionals that visit the site, family members that visit participants, etc.

There was brief discussion about the number of acres of the site being 14 or 70 with the actual being 14.

Mr. Kleiberg asked if the participants were mainly from Monmouth County. Ms. Skola answered yes, and all participants had to be approved by Medicare/Medicaid through a lengthy process.

Vice Chairman Whitson opened the meeting to questions from the public for that witness.

PUBLIC:

Bill Foote, 1 Brookview Drive, asked questions about the hours of operations.

As there was no one else from the public, Vice Chairman Whitson closed that portion of the hearing.

Mr. McOmber then called Mary M. Johannessen, AIA, who was sworn in, presented her qualifications and was accepted as an expert in the field of architecture.

Ms. Johannessen introduced an Existing Entrance Photograph of the building on the Site labeled AcuteCare @ Fort Monmouth, dated 11 February 2014 prepared by Kitchen & Associates which was marked as **Exhibit A-8** She also introduced a Conceptual Sketch of the Renovated Exterior, AcuteCute @ FMERA dated 11 February 2014 which was marked as **Exhibit A-9.**. Ms. Johannessen provided testimony that the entire exterior of the building would receive a facelift and referred to Exhibit A-8 and A-9 of which the Board had copies to observe the existing and the proposed which. Ms. Johannessen described in detail for the Board.

Ms. Johannessen also explained the details of Phases I and II of the project and how Phase I consisting of the PACE Program and suites for medical use and/or medical training was now before the Board and how Phase II would consist of approximately 59,800 square feet which would be the subject of a future application to FMERA and the Board. Ms. Johannessen stated it was her professional opinion that the a new exterior would visually improve the Site, the sight view of the building from all sides including Main Street and be aesthetically pleasing to the project and have a positive impact on the Site and the adjoining properties. Ms. Johannessen also testified that the project would comply with all applicable codes and that the site would have all new heating and air conditioning.

Mr. Gruskos asked if there was asbestos at the site remediated. Ms. Johannessen answered that to the best of her knowledge that had been remediated which Mr. Czermak confirmed.

Ms. Johannessen asked to further comment on the question about fire codes in conjunction with the development of both Phases and that fire wall would be in place between them.

Vice Chairman Whitson opened the meeting to questions from the public for that witness.

PUBLIC:

As there was no one from the public, Vice Chairman Whitson closed that portion of the hearing.

Scott Kennel, Traffic and Transportation Consultant, was sworn in, presented his qualifications and was accepted by the Board as an expert in the preparation of traffic impact studies. Mr. Kennel testified that he had prepared a traffic impact study entitled "Traffic Study Report AcuteCare @ FMERA dated December 16, 2013, prepared by McDonough & Rea Associates which was marked as **Exhibit A-10.** Mr. Kennel's testimony included the process by which the study was prepared, the conditions under which the study was performed including peak hours of travel along Main Street and its intersections with Oceanport Avenue and Route 71, the projected number of trips into and out of the site and his determination and opinion that the Phase I development would not have an adverse impact on the traffic and that once the Fort was fully developed allowing for through traffic, traffic volume on Main Street could be reduced as much as 50%. Mr. Kennel stated that the additional volume of traffic was within the acceptable levels as standardized by the NJDOT.

Mr. Kennel then provided testimony on the Site Plan and the variance relief being sought. Mr. Kennel produced various data on how many parking spaces should be provided for the site including FMERA's recommendation for 6.0 spaces per 1,000 s.f. and the Borough's ordinance for 5 spaces per 1,000 s.f. and why the parking being provided was adequate as the site would be used by several different types of tenants with varying times of use and that PACE participants that would be using any of the medical offices would also reduce that demand as they were transported in. Mr. Kennell continued with his opinion as to why the width of the parking aisles were sufficient for the types of vehicles that would be used by the site and for those reasons believed that granting of those design waivers would not have any negative impacts and would provide for safe and efficient circulation.

Mr. Kennell lastly testified as to the signage variance and that it was his professional opinion that two signs were needed on Oceanport Avenue for the safety of the traveling public and agreed with the comments of Mr. White on Page 7 of Mr. White's letter entitled "Striping and Signage".

Mr. Gruskos commented on the narrowness of the access roads which would be used by large transport vans. Mr. Kennell stated it was still his opinion that the access was adequate. Mr. Gruskos asked if his opinion would change were the entire site being considered and larger volumes of participants. Mr. Kennell answered no, that the transport drivers would be regular users of the site and familiar with the low speeds. Ms. Skola added her observations based on other sites and that vans typically were not filled to capacity as to accommodate wheel chairs etc. Mr. Johnson posed the question what if 10 vans were there all at once. Ms. Skola responded that the drop-offs were coordinated and staggered and typically were not at the same time.

Mr. White commented that while he had some concerns on trip generate but after hearing the testimony he was satisfied with the trip generation provided in the report and could revisit the issue with the Phase II.

Mr. Whitson asked the traffic volume was the same in august as it was in October and was told that the difference was only about 1-2%.

Mr. Whitson asked if Mr. Kennel would say that an 8' high sign was as safe as a 6' high sign. Mr. Kennel responded that it was his opinion that safety was enhanced when notification was given earlier. Mr. Whitson expressed concern with setting a precedent of number of signs and impact on future developments.

Mr. DeNoia asked what other municipalities hosted the PACE program. Ms. Skola answered Trenton, Camden and Jersey City. Discussion ensued on how Monmouth County became an approved area for the program compared with larger urban areas.

Mr. Czermak commented that there was a limit on the service area and that the maximum travel time was 30 minutes.

Vice Chairman Whitson opened the meeting to questions from the public for that witness.

PUBLIC:

Diane Fichter, Main Street, asked how they would address the deer on the property once the fence was taken down. Mr. McOmber and Mr. White advised that the matter was under discussion and that several options were being pursued.

Ms. Fichter asked Mr. Kleiberg about his comments on the boxes that the water company would be using instead of underground. Ms. Fichter expressed distaste for that possibility. Discussion ensued on where box locations would be in the vicinity of Main Street.

Mr. Rosati returned with response to the question on the need for a variance for the parking and confirmed that technically a parking variance was not necessary when considering all of the parking area.

Mr. McOmber asked Mr. Czermak questions about what Phase I would consist of and was answered medical offices, services to address the community and the PACE program participants. Mr. McOmber asked how long it was anticipated that construction would take and was answered that they were hopeful to complete the work and the PACE program operating by end of summer, early Fall. Mr. McOmber asked Mr. McOmber about the timeline for Phase II and was answered that those details were not settled at that time but expected to be back before the Board later in 2014 for Phase II.

As there was no one else from the public on that witness, Vice Chairman Whitson closed that portion of the hearing.

Vice Chairman Whitson then opened the meeting to the public for statements or comments from the public.

Diane Fichter, Main Street, was sworn in and then made a statement concerning the location of the garbage and asked the Board to consider that.

As there was no one else from the public that wished to be heard, that portion of the hearing was closed.

Mr. McOmber concluded the Applicant's application summarizing the needed relief and why the proposed development would be an improvement to the community and why the monument signs were consistent with other developments in the area.

Mr. Sullivan made a motion to approve the application which was seconded by Mr. Johnson and received the following roll call:

AYES:	Mr. Kahle, Mr. Johnson, Mr. Sullivan, Mr. Kleiberg, Mr. Whitson
NAYES:	None
ABSTAIN:	None
ABSENT:	Councilman Bertekap, Mr. Savarese, Mr. Fichter, Ms. DeSousa, Mr. Widdis
INELIGIBLE:	Mr. Gruskos

Ms. Smith stated the motion carried.

RESOLUTIONS:

2. PB2014-02 Spengeman, William - As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Sullivan made a motion

to approve the resolution which was seconded by Mr. Johnson and received the following roll call:

AYES:	Mr. Kahle, Mr. Johnson, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson
NAYES:	None
ABSTAIN:	None
ABSENT:	Councilman Bertekap, Mr. Savarese, Mr. Fichter, Ms. DeSousa, Mr. Widdis
INELIGIBLE:	Mr. Gruskos

Ms. Smith stated the motion carried. **PR-14-05**

PETITIONS FROM THE PUBLIC: Vice Chairman Whitson opened the meeting to Petitions from the Public and as no one from the public wished to be heard, Vice Chairman Whitson closed that portion of the meeting.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 10:48 p.m. on a motion by Mr. Sullivan which was seconded by Mr. Johnson and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary