



*Where Community, Business & Tourism Prosper*

**Neptune Township ~ Planning Board  
Regular Meeting Minutes**

**Wednesday August 23, 2017 - 7:00 PM  
Township Meeting Room 2<sup>nd</sup> Floor**

**ATTENDANCE:**

Present: Richard Ambrosio, Bishop Paul Brown, Keith P. Cafferty, Richard Culp, Dyese Davis, Linda Kornegay, Robert Lane, Mychal Mills (arrived 7:26 PM), Sharon Davis (left at 7:35 PM), Mark Kitrick, Esq. – Attorney to the Board, Peter R. Avakian, PE, PP – Board Engineer, Jennifer C. Beahm, PP, AICP – Board Planner, Lou Luglio, PE, PTOE – Board Traffic Consultant, Robin DeCorso of Torro Reporting, LLC, and Kristie Armour – Board Secretary.

Absent: John Bonney, Mychal Mills (arrived 7:26 PM), Sharon Davis (left at 7:35 PM)

**OPENING:** Meeting called to order by Chair Davis. Ms. Davis advised the public of the fire exits and how the meeting will proceed.

**RESOLUTIONS MEMORIALIZED:** None.

**CORRESPONDENCE:**

Peter Avakian briefly discusses legal notification received regarding application to NJDEP under Coastal Zone Management General Permit #2 and the maintenance activities proposed.

**WAIVER HEARING:**

**PB17/07 – Wells Fargo Bank** – Block 1703, Lot 9 – 100 Fortunato Place – Applicant has submitted an application for Minor Site Plan approval for proposed lighting which is required for security purposes; however, it is necessary to review the various waivers requested/associated with the project prior to the application being deemed complete and/or further consideration by the Board.

Tracy A. Siebold, Esq. appears on behalf of Wells Fargo Bank.

Ms. Siebold indicates the proposed lighting upgrades are for security measures required by the State and Corporate Office, especially in the area of ATM's throughout the State of New Jersey.

The exterior lights are proposed to be upgraded to LED which are eco-friendly and improve safety.

There has been no property survey submitted with this application as height variance is required for 2 of the proposed light pole fixtures we need to be sure the existing fixtures and structures on the property meeting the setback requirements.

**Based upon the information provided to the Board, a motion to grant approval of the requested waivers for completeness with the exception of the property survey which will be required to be provided prior to the next hearing was offered by Richard Ambrosio, moved and seconded by Dyese Davis.**

**Those who voted YES:** Richard Ambrosio, Dr. Mayor Michael Brantley, Bishop Paul Brown, Richard Culp, Dyese Davis, Robert Lane, Keith Cafferty, and Sharon Davis.

**Those who ABSTAINED:** None.

**Those ABSENT:** John Bonney and Mychal Mills

**Those who voted NO:** None.

### **APPLICATIONS:**

**PB14/03 – Rose & Miriam Pierre** – Block 610, Lot 5 – 329 Fisher Avenue – Applicants are proposing a Minor Subdivision. Applicants are represented by Dwight P. Ransom, Esq.

Dwight P. Ransom, Esq. introduces Charles Surmonte, PE, PLS who is sworn in with the Board Professionals.

Mr. Surmonte is accepted by the Board.

Mr. Surmonte indicates the property is located on the west side of Fisher Ave. The Applicant proposes to occupy the bi-level home to be located on the lot in the center.

This proposal is to create 3 equal conforming residential lots.

The existing driveway that serves the house that is approximately 24-25 feet wide. The Board takes no exception to the existing driveway.

**\*\*Mychal Mills arrives at 7:26 PM\*\***

Deed to be filed and the plat referenced.

There are 3 street trees required and the Applicant will comply.

The shed located in the back of the proposed middle lot is 8' x 8' with a 7 foot rear yard setback and is proposed to remain.

Mike Todd of 314 Drummond Ave questions whether there is a builder involved and only 1 home is proposed on each of the new lots? Mr. Ransom indicates once the lots are sold to be built upon they will have to adhere to the current zoning regulations with regard to setbacks and heights.

**Based upon the information and testimony provided to the Board, a motion to grant approval of the Minor Subdivision application as presented was offered by Richard Culp, moved and seconded by Bishop Paul Brown.**

**Those who voted YES:** Richard Ambrosio, Dr. Mayor Michael Brantley, Bishop Paul Brown, Richard Culp, Dyese Davis, Robert Lane, Keith Cafferty, and Sharon Davis.

**Those who ABSTAINED:** None.

**Those ABSENT:** John Bonney and Mychal Mills (arrived at 7:26 PM)

**Those who voted NO:** None.

**PB17/01 – DeVimy Equities, LLC (Family Dollar)** – Block 808, Lots 5, 6, 7, & 8 – Route 35, Monroe Ave, and W. Bangs Ave (Route 35 & W. Bangs Redevelopment Area) – Applicant is seeking Preliminary and Final Major Site Plan to develop a retail shopping center containing a Family Dollar. Applicant is represented by Jennifer S. Krimko, Esq.

**\*\*RECEIVED E-MAIL REQUEST FROM JENNIFER S. KRIMKO, ESQ. on AUGUST 21, 2017 TO ADJOURN THIS MATTER TO THE OCTOBER 25, 2017 MEETING DATE WITHOUT FURTHER NOTICE BEING REQUIRED, SUBJECT TO THE APPLICANT’S RIGHT TO RENOTICE. \*\***

**PB15/07 – JERSEY SHORE UNIVERSITY MEDICAL CENTER** – Block 1201, Lots 4 & 5 – 19 Davis Avenue & 1919 Corlies Avenue – Applicant is seeking an amendment/modification to the Resolution of Approval in order to permit the opening of the HOPE Tower building for use and occupancy prior to receiving NJDOT Approval. Applicant is represented by Peter S. Falvo, Esq.

**\*\*SHARON DAVIS RECUSES HERSELF DUE TO A CONFLICT 7:35 PM\*\***

Peter Falvo, Esq. indicates the original date of the January 2018 opening of the HOPE Tower is not likely due to not having the NJDOT Permit secured.

The Applicant has met with the Township Traffic Consultant and the NJDOT and revisions have been made to the plans to address both of their concerns and have been resubmitted to NJDOT for approval. In turn NJDOT responded with additional comments which the Applicant has responded to, but at the rate this has been going it does not appear they will have NJDOT approval by January 2018. Applicant has been through 3 rounds with NJDOT thus far.

Chris Cirrotti – sworn in with professionals and accepted by the Board.

Four (4) intersection improvements were proposed including the intersection of Davis Avenue and Washington Street, Davis Ave and Route 33 (NJDOT), Washington Street and Neptune Blvd., and some improvements at Neptune Boulevard and Route 33 (NJDOT). The intersections under Township jurisdiction will be improved as discussed and will begin in the near future as they do not require NJDOT approval; however, Davis Avenue and Route 33, right turn only has been implemented, but NJDOT is requiring additional improvements along Route 33.

Improvements to Route 33 (4 sheets) – Plan sheets 23, 28, 29, and 30 of 31

Exhibit A-1 – Sheet 23 of 31 – submission to NJDOT left turn & straight/right only lanes and no turn on red at the Southbound approach to 33 on Neptune Boulevard – Needs NJDOT Certification.

With this proposal the traffic lights will be replaced and the crosswalks improved. There will be a phased green arrow for those making the left onto Route 33 from the north and southbound sides of Neptune Boulevard where now it is just a green light and you have to wait to make the left. Work cannot be done at this intersection until details are approved by NJDOT.

Exhibit A-2 – Sheet 28 of 31 – Proposed left turn only lane at Wakefield up to the Hospital Entrance per NJDOT request.

Exhibit A-3 – Sheet 29 of 31 – Open to dedicated left turn only lane onto Davis and restrict Stanley to Right In/Right Out Only at Route 33 which will eliminate the left in and left out of Stanley Ave at the request of the Township and NJDOT

Exhibit A-4 – Sheet 30 of 31 – Proposed Striping and Restriping of Neptune Boulevard as previously discussed.

It is indicated that by allowing the opening prior to NJDOT approval traffic in the PM will be more affected than the AM and there will be some delays until all of the road improvements are in place.

Offsite and Onsite work is expected to be completed in the Fall, around late November with punch lists, with the exception of the NJDOT improvements.

Chair Bishop Brown – very concerned about Neptune Boulevard and Route 33.

Mr. Luglio indicates it depends on the proposed phasing and states anything beyond 50% occupancy without all of the road improvements in place is cause for concern.

Chair Bishop Brown has concerns with how this is going to be policed.

Jennifer Beahm states that Code Enforcement should have the knowledge and ability to police the occupancy rate. Would strongly urge the building department to be brought into the fold since there is a disconnection between the Board and the Building Department. Enforcement is going to be the critical component, so whatever we come up with, would have to be a condition of approval, and monitored by Code Enforcement.

Testimony needs to be provided with exactly what they are proposing. The letter requesting the request was for the 4<sup>th</sup> through 7<sup>th</sup> floor for doctors, now the proposal seems to have changed. The Board needs concrete testimony of what is going to be utilized and how much of the building in order to make an informed decision. There cannot be “fluidity”.

Chair Bishop Brown asks if the Board Professionals have been reviewing the correspondence of what has been going back and forth between NJDOT at this time. The Board Professionals indicate “no”.

Chair Bishop Brown wants our Board Professionals to be kept in the loop with regard to NJDOT. Mr. Cirrotti indicates it has been transmitted to the Township Engineer, Leanne Hoffmann. Kristie Armour indicates that all Board correspondence should go through her to be sure it is transmitted to the Board Professionals for their review.

Mr. Culp requests clarification on the timeline for the improvements that are not NJDOT related.

Mr. Cirrotti indicates those improvements should be completed by the end of the year, prior to January 2018.

Ms. Kornegay – Questions whether there is an approximate date of when NJDOT approval will be received and when the work will be completed.

Mr. Cirrotti – Unknown at this time, it has been a year plus already, but hoping within the next 6 months. Most of the work involved once NJDOT approval is received will be a 6-8 week process, because mostly re-striping, not a lot of construction. Certain areas cannot be shut down during peak hours and it will require traffic control.

Ms. Beahm requests clarification on whether or not the applicant is looking for only 50% occupancy at this time or until they receive NJDOT approval?

Peter Falvo indicates he will bring up a representative from the hospital to discuss.

Doug Campbell from Jersey Shore University Medical Center – Sworn in

Andrew Smithson from Jersey Shore University Medical Center – Sworn in

The Hope Tower is the medical building intended to be treating patients on an outpatient basis – no overnight stays – folks would see doctor and receive treatment only.

Hoping for Temporary Occupancy in December into January and wish to begin phasing to occupy the building somewhere in February-March Floors 1-2, then Floors 4,5,6, & 7 – Floor 3 is mechanical, Floor 8 is shelled space, Floor 9 is a simulation center, and Floor 10 is a convention center/meeting area.

Plan is to have infusion areas on floors 1-2 in March-April – then remaining floors 4, 5, 6, & 7 in a 2-3 week process over the course of the following 2-3 months. Move physician practices in with patients. Tenth floor is scheduled sessions and will not be occupied all of the time. The 9<sup>th</sup> floor is a simulation lab which will also be scheduled was discussed.

Jennifer Beahm while understanding the schedule is nervous because they are seeking to occupy the entire building from now until June which is concerning without NJDOT improvements. She insists that there be a breakdown, because she is not certain the Board is comfortable with granting the opening of all of these floors from now until June (with the exception of the 10<sup>th</sup> floor) prior to installing the NJDOT improvements. Need to be more definitive with what is being asked and prioritize.

Peter Avakian – When it comes to a major subdivision we can focus on what the issues are if we were to waive a permit approval, with this we really don't know. We can't evaluate it because there is traffic generated to the site without proper traffic control, signalization, lane widths, and stacking lanes, etc. We were concerned with the initial application submission now we are being asked to evaluate a change in a condition of approval which took us months of deliberation in a short period of time without any real information in front of us. I feel the hesitancy of the Board. They want to work with you very carefully as they have forever. We are worried about the repercussions of this with the NJDOT.

Mr. Cafferty indicates - When initial request was made for doctors' offices on floors 4-7 it was not as much of a concern as now proposing patients. There was indication in the letter we were provided for doctors and furniture to occupy the building. There was no indication of patients occupying the building.

Peter Falvo, Esq. indicates he did not intend to mislead the Board in any way.

Jennifer Beahm indicates that outpatient is almost worse than inpatient because you have patients constantly in and out, they are not staying for a week etc. There is a constant turnover and more trips.

Mr. Cafferty questions hours patients are seen. Patients are seen around 7:00-7:30 AM to generally 5:00-5:30 PM. Applicant is asked whether or not they would be willing to modify their hours during this proposed phase prior to receiving NJDOT approval.

It is indicated they would rather look at the floors and see what they could do about modifying that and timeframe standpoint.

Bishop Brown requests if it would be possible for information be provided to the Board Professionals to come back with some concrete presentation as far as staging, numbers, so that we will have enough information to make a comfortable decision.

Mark Kitrick states he feels that would make sense with the understanding that speaking or providing information to the Board Professionals doesn't replace the need to come back to the Board.

Peter Falvo, Esq. indicates they can come up with a defined plan with what is being proposed and when and supply it to the Planner, Engineer and Traffic Professional and the Board as well and will come back to the Board.

Next meeting is September 27th if you can get the sign package together as soon as possible.

Bishop Brown indicates he thinks we should not complicate this thing with sign package we should nail down and get them operating in some capacity prior to NJDOT approval. It would be to their benefit to get something going.

Dyese Davis – Would you be able to provide an estimation as to how many people will be utilizing each floor?

Richard Culp – requests clarification with regard to 50% occupancy as it was a number that was thrown out there and would like a little bit more of a sense of what the trip generation will be per floor.

Dr. Brantley feels it will be hard to limit the infusion floor, once the physicians are in the building as they need to provide treatment to their patients efficiently cannot limit their treatment times.

**At this time it is decided by the Board to adjourn this matter to the September 27<sup>th</sup> meeting without the need for further notice in order for the Applicant to provide information regarding NJDOT submissions/revisions and a better understanding of the request and operations that will be taking place should the relief of this condition be granted.**

**Motion made by: Dr. Mayor Brantley                      Seconded by: Mychal Mills**

**Those in Favor: Richard Ambrosio, Dr. Mayor Brantley, Bishop Brown, Richard Culp, Dyese Davis, Robert Lane, Mychal Mills, Keith Cafferty**

**Those Opposed: None.**

**Those Abstained: None.**

**Those Absent: John Bonney, Sharon Davis (recused)**

**\*\*BOARD TAKES A BRIEF RECESS AND ALL MEMBERS ARE STILL PRESENT\*\***

**PB17/04 – Neptune Hotel, LLC c/o The Onix Group** – Block 4006, Lot 1 – Applicant is seeking Preliminary and Final Site Plan approval to construct a 5-story hotel in lieu of the previously approved restaurant pad site on the property.

Mark Aikins, Esq. on behalf of the Applicant Neptune Hotel, LLC

Proposing 2<sup>nd</sup> hotel on existing site along Route 66 & McNamara Way in lieu of the originally approved restaurant pad site.

This is a permitted use; however, requires some variances.

Ronald Gasiorowski, Esq. – Representing “Hotels Unlimited” aka Holiday Inn within the community – Mr. Gasiorowski claims the Applicant’s notice is deficient - lack of proper notice. He claims notice should have been provided to the 200 feet surrounding the entire site that was originally approved not just the 4.5 acres being considered with this application.

Mark Aikins, Esq. – earnestly cautions Mr. Gasiorowski with regard to the recent holding of the Appellate Division in Woolwich LL vs. Supermarket Inc. case decided recently specifically where the specific issue, before we get to jurisdictional issues, is one where an objector must have the ability to argue and seek redress of actual grievances with regard to planning and zoning issues and not be a mere economic competitor. Very concerned we have that very issue here. This is a standalone property and is assessed separately. Therefore notice was provided to properties within 200 feet of this property as provided by the Tax Assessor.

It is determined by the Board Attorney, Mark Kitrick, Esq. that the Planning Board has jurisdiction to accept and hear this application and that proper notice has been served after looking into it further and in reviewing the prior application.

Joseph Lalka, Ben Garvin, and John Rea sworn in with Board Professionals.

Joseph Lalka, PE, PP qualified and accepted by the Board.

Exhibit A-1 - Sheet 3 of 11 of Site Plan submitted – last revised 8/9/17

Mr. Lalka describes the current zone and the property in question as well as what is being proposed vs. what had been originally proposed. Parking, lighting, landscaping, drainage improvements have all been installed to support the site. Only thing that had not been done is the construction of the restaurant site.

Exhibit A-2 – Color Rendering of Site Landscaping Plan Enlarged only (taken from Sheet 6 of 11) – reduced version of A-2 is distributed to the Board Members.

Parking spaces are discussed/described. Entrance ways will not be modified. There is a reduction in stormwater runoff compared to the originally approved restaurant. Lighting will be upgraded to LED lights vs. halo lighting and will remain compliant. Crosswalks discussed.

There were a number of variances and waivers that were granted with original application that will remain including light poles and mounting heights and parking islands.

All deliveries are proposed via box truck not tractor trailer. Typical timing of deliveries come midday when you have the least occupancy or activity within the site. Circulation plan did study the garbage truck to collect refuse and the ladder truck of the template prescribed by Neptune Fire Department were utilized and indicate a clean operation without obstruction. Ordinance has been revised to allow parking in the front yard area therefore that variance can be eliminated.

Buffer areas are discussed and it is indicated there is a natural buffer to the side where residential apartments exist.

Peter Avakian and Jennifer Beahm's review letter dated 8/21/17 is reviewed in detail with regard to variances and waivers required and requested.

Revisions required to be made to the plans are discussed. Will make changes and resubmit before the next meeting.

Refuse enclosure area discussed – no fences are permitted – Neptune prefers to see a masonry enclosure. Trying to avoid a lot of bags of garbage loose in the enclosure. Mr. Lalka indicates he can accommodate this request.

Mr. Culp requests clarification on proposed direction signs – further explained by Mr. Lalka.

Ben Garvin, AIA – qualified and accepted.

Exhibit A-3 – Reduced Rendering of Elevations dated 5/24/17.

The new building is proposed to be 5 stories tall. Proposed signs are discussed. Each of the hotels is proposed to be targeted for a different type of guest. "Home 2 Suites" Hilton – colors are complimentary of existing building there but somewhat following the brand standards. The colors are similar to what it will be still waiting on final approval from Hilton.

Type of materials are discussed – similar to Hampton Inn.

Signage discussed – a variance will be needed for the number of façade signs. Jennifer Beahm does not see the necessity for the interior façade sign.

Jennifer Beahm requests if there is operational testimony proposed. Would like to know the difference between the two (2) hotels. If this new hotel is extended stay people are going to a destination and not just stopping by. She does not feel all of the signage being proposed is necessary.

The package being presented is typical of a Home 2 Suites by Hilton. A more detailed sign package will be provided.

Jennifer Beahm indicates the size is not necessarily the concern here, it is the number of signs being proposed is concerning, especially the south façade, doesn't see the need for it. She also indicates her concern with the north façade that faces Route 66, feels it is the least interesting. It appears to be an institution, barely any windows a blank wall and it is not appealing. She indicates they have done a lot of work on the balance of the facades, but that façade is basically going to be your image as people drive in on 66 in Neptune is the least interesting compared to interior façade and in her opinion what's being seen from the road is boring and institutional.

Her concern is the Town has taken great care with regard to curb appeal on Route 66 coming off of the Parkway in particular and to her this façade needs help, it is just a blank wall.

Remainder of the exterior is discussed.

Exhibit A-4 – enlarged floor plan layout – Sheet A101A unrevised.

Jennifer Beahm requests clarification of food area and deliveries of food. It is testified that deliveries as described will not change and there is no food prep. It is a continental type breakfast served.

Jennifer Beahm, PP, AICP indicates the need for functional testimony and testimony regarding the operations of the newly proposed hotel because a lot of testimony provided is based upon how it functions.

Exterior materials of the building are discussed. Dr. Brantley questions "simulated stucco". It is described as an acrylic by Mr. Gavin. Dr. Brantley asks if it is a Styrofoam that can be punctured. If so, he would prefer to have something more permanent towards the bottom of the building so that it cannot be damaged as easily. Mr. Gavin discusses alternate materials for the lower portion of the building to provide durability.

Bishop Brown requests where Home 2 Suites are predominantly located in this country as this is the first time he has heard of it. It is indicated by Peter Avakian there is one in the Rahway area. The Architect indicates there are some in Baltimore, D.C., and spread out across the country.

It is recommended to provide at least 1 loading zone/area by the Board for the various deliveries.

**At this time it is decided by the Board to adjourn this matter to the September 27<sup>th</sup> meeting without the need for further notice in order for the Applicant to provide additional information specifically regarding functional and operational procedures, architectural and more sign detail for each of the signs and their relationship to the building.**

Next scheduled meeting will be our Regular Meeting on Wednesday, September 27, 2017 at 7:00 PM.

With no further business before the Board a motion to adjourn was offered by Dyese Davis, moved and seconded by Mychal Mills, all in favor. Meeting closed at 10:17 PM.