

**APPLICANT: JERSEY SHORE UNIVERSITY
MEDICAL CENTER**

APPLICATION NUMBER: ZB13/06A

BLOCK: 3000

LOT: 8

ADDRESS: 81 DAVIS AVENUE

ATTORNEY FOR APPLICANT: RICHARD BRODSKY, ESQ

RESOLUTION NUMBER: ZBA14/06



**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF NEPTUNE
FOR AMENDED BULK VARIANCES (SIGNS)**

WHEREAS, BOARD MEMBER JAMES GILLIGAN, offered the following Resolution moved and seconded by BOARD MEMBER DIANNA HARRIS:

WHEREAS, JERSEY SHORE UNIVERSITY MEDICAL CENTER, by and through their Attorney, RICHARD BRODSKY, hereinafter referred to as the “applicant” filed an application with the Zoning Board of Adjustment of the Township of Neptune, (hereinafter referred to as the “Board”) seeking the following relief:

Applicant, in conjunction with the existing hospital campus facility, seeks approval for (1) one freestanding sign and four (4) awnings with signage at the building entrances to 81 Davis Avenue. The following variances and/or waivers are being requested:

- Section 416.07.A.4 – For the lack of landscaping at the base of the proposed monument sign; whereas freestanding signs are required to be located in landscaped areas;
- Section 416 and Zoning Schedule A – for the installation of 4 awnings at the entrances to the building whereas no awnings are permitted for medical office use. To the extent the proposed awnings and signage do not meet the Ordinance standards in zones where they are permitted, variances are requested for the height of the awnings, size of lettering, letter height and width, number of colors on the signs and any other variation from the Ordinance requirements deemed necessary by the Township Professionals.

WHEREAS, the application pertains to premises known and designated as Block 3000, Lot 8, on the Tax Map of the Township of Neptune, which premises are located at 81 DAVIS AVENUE;

WHEREAS, all notice requirements were satisfied by the applicant and the Board has jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following date: JANUARY 8, 2014.

WHEREAS, the following items were entered as Exhibits at the hearing:

EXHIBIT A-1 FOR IDENTIFICATION ONLY:

Landscaping photo

Landscaping design for this type sign

WHEREAS, The Board listened to the Testimony of the following:

ROBERT ADAMS, Vice President of Jersey Shore University Medical Center

WHEREAS, The Board took Questions from the following member of the Public as to the witnesses presented:

NONE

WHEREAS, The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

NONE

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. Four services to be housed in this center. Specialty child care center, child evaluation center, dentistry, sports medicine.
2. There are painted stars on parking lot/walkway which coordinate to sign colors to each of the four services.
3. The sign is being raised 12 inches for landscaping and requires an additional variance for height of the sign. Landscaping and sign will be installed simultaneously.
4. Board would want the “stars” freshly painted, at least every year and to keep the landscaping fresh.
5. The painting of stars and maintenance of landscape is agreed upon by Applicant and shall be made part of this Resolution.
6. Beahm: questions why awnings project 2 feet over sidewalk as opposed to flush mount.
7. Gilligan: Maintenance of awnings would be required by JSUMC and this provision shall be in the Resolution.
8. Dunlap: The sign area should be kept as visually appealing as possible.
9. Matt Shafai: Keep awnings around the same size as the aluminum wrap on the building. However, the awnings need to look consistent.
10. Gilligan: The awnings should be consistent with other archways. The awnings should be “pulled back up” to the aluminum facade on building.
11. Dunlap: The awnings should look like the awning marked as “d” and should be curved, not cut into angles. The awnings should all be the same.
12. Gilligan: Awning c should be wrapped around building.
13. The Board advises that the Board Planner and Board Engineer (Beahm and Shafai) can work with applicant for design for wrap and curve.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance can be granted without substantial detriment to the public good and that the granting of the variance does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Neptune that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
 - i. The applicant has demonstrated that the proposed use of the property in question is substantially the same kind of use as that to which the premises were devoted at the time of the passage of the zoning ordinance.
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Township of Neptune.
- c. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

BE IT FURTHER RESOLVED, by the Board of Adjustment of the Township of Neptune that the following be and are hereby **GRANTED**:

Approval for one (1) freestanding sign and four (4) awnings with signage at the building entrances to 81 Davis Avenue. The following variances and/or waivers are hereby granted, subject to the conditions listed below:

- Section 416.07.A.4 – For the lack of landscaping at the base of the proposed monument sign; whereas freestanding signs are required to be located in landscaped areas (landscaped area is provided and shall be maintained by JSUMC. Shrubs and grasses, at time of planting, shall be medium in size, if not mature, based on the size of the sign)
- Section 416 and Zoning Schedule A – for the installation of 4 awnings at the entrances to the building whereas no awnings are permitted for medical office use. To the extent the proposed awnings and signage do not meet the Ordinance standards in zones where they are permitted, variances are granted for the height of the awnings, size of lettering, letter height and width, number of colors on the signs and any other variation from the Ordinance requirements deemed necessary by the Township Professionals. (Awnings shall be scaled back and designed as suggest by Board and are subject to the approval of Board Planner and Engineer upon re-design of drawings).
- Variance for sign height is granted, based upon 12” elevation of landscaping bed.
- Sign, Landscaping Bed, Awnings, “Stars” painted on parking lot and walkways as well as striping in parking lot and directional arrows, or other items referenced in this application, are to be maintained and/or repainted as necessary on a yearly basis by JSUMC and their maintenance shall be set forth in accompanying Developer’s Agreement for maintenance of site improvements.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
 - a. All Plans must be approved by Township Engineer and Code and Construction Departments for the issuance of Permits;
 - b. MONMOUTH COUNTY PLANNING BOARD;
 - c. FIRE MARSHALL;
 - d. BOARD OF HEALTH;
 - e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
 - f. AFFORDABLE HOUSING CONTRIBUTION (ORD. 04-22)
 - g. BOARD OF ADJUSTMENT PLANNER (Per Report dated....)
 - h. BOARD OF ADJUSTMENT ENGINEER (Per Report dated...);
 - i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
 - j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
 - k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.
 - l. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.
- (2) SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE
- (3) Sign, Landscaping Bed, Awnings, "Stars" painted on parking lot and walkways as well as striping in parking lot and directional arrows, or other items referenced in this application, are to be maintained and/or repainted as necessary on a yearly basis by JSUMC and their maintenance shall be set forth in accompanying Developer's Agreement for maintenance of site improvements.
- (4) Awning design specifically subject to approval by Board Engineer and Board Planner based on direction from the Board as indicated in Findings of Fact above.

MOTION TO APPROVE:

Offered by: James Gilligan Second By: Dianna Harris

THOSE IN FAVOR: Paul Dunlap, William Frantz, James Gilligan, Dianna Harris, Thomas Healy, Joe Sears, Clifford Johnson

THOSE OPPOSED: None.

ABSENT: Barbara Bascom, Roger Eichenour

ABSTAINED: None.

MEMORIALIZATION VOTE:

Offered by: Second By:

THOSE IN FAVOR:

THOSE OPPOSED:

ABSENT:

ABSTAINED:

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Township of Neptune at its meeting on **January 8, 2014** and memorialized at the meeting held on **February 5, 2014**.

Date:

Kristie Armour, Administrative Officer of the
Zoning Board of Adjustment Township of Neptune