

# Borough of West Long Branch

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## PLANNING BOARD MEETING MINUTES OF AUGUST 11, 2015

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Contact:

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Category: PLANNING BOARD MEETINGS

FOR IMMEDIATE RELEASE West Long Branch, NJ - September 10, 2015

REGULAR MEETING  
OF THE PLANNING BOARD  
OF THE BOROUGH OF WEST LONG BRANCH

August 11, 2015

The Regular Meeting of the Planning Board of the Borough of West Long Branch was held on August 15, 2015 at 7:30 PM in Borough Hall.

It was verified that adequate notice of the meeting was published in accordance with the Senator Byron M. Baer Public Meetings Act (N.J.S.A. 10:4-6), known as the Open Public Meeting Law.

Chairman Stephen Bray called the meeting to order at 7:30 PM.

### ATTENDANCE

The recording secretary called the roll for attendance, as follows:

Members Present: Chairman Stephen Bray  
Vice Chairman Joseph Gallo  
Mayor Janet Tucci  
Councilman John Aria  
Mr. Kenneth Walters  
Mrs. Ellen Twigg  
Mr. James Miller  
Mrs. Sarah O'Neill

Members Absent: Mr. Gordon Heggie

Others Present: George Cieri, Esq.  
Claire Petruzzella, P.E.  
Lisa Norman, C.S.R.

### REVIEW AND APPROVAL OF THE MINUTES

Mayor Tucci made a motion to approve the minutes as written for the August 11, 2015, meeting of the Board. Mrs. O'Neill seconded the motion, which was approved by the following roll call vote:

AYES: Councilman Aria, Mr. Miller, Mayor Tucci, Mrs. O'Neill, Mr. Gallo, Mr. Walters, and Mrs. Twigg.  
NAYES: None  
NOT POLLED: None

## SITE PLAN WAIVER COMMITTEE REPORT

Chairman Bray advised the Board that the Site Plan Committee met at 6:30 with the applicants for 200 Wall Street, who wish to open a dry cleaning drop off and pick up store at this location. He reported the following:

200 Wall Street  
B: 20, Lot 1

Attendees: George Cieri, Esq.

Board Members: Stephen Bray, Sarah O'Neill, Jim Miller

Applicant Representatives: David Esses, Esq., Jizhu Jin – Tenant Zhangjie Jin

### Comments:

1. No dry cleaning on premises.
2. Another location in Ocean Township on Rt 35 for cleaning, location in Eatontown similar.
3. Hours of operation 8am-6pm.

Conditions: A handicap ramp will be added and relocation of the handicap spot will be closer.

Vote: AYES: Bray, Miller, O'Neill,

Mr. Miller made a motion to approve the waiver of site plan, which was approved by the following roll call vote:

AYES: Councilman Aria, Mr. Bray, Mr. Miller, Mayor Tucci, Mrs. O'Neill, Mr. Gallo, Mr. Walters, and Mrs. Twigg.

NAYES: None

NOT POLLED: None

RESOLUTIONS: None

### APPLICATIONS:

The first item Ercolino, asked to be heard second so that their engineer could arrive.

New Application: PB2015-06

JSM B:70, L:40.01

216 RT 36 (Walgreens site)

Completeness Waivers, Amended Site Plan and variances

Peter Falvo, Esq., was present on behalf of the applicant JSM at Monmouth Road, LLC.. Mr. Falvo explained to the Board that the applicant is before the Board for modifications and a change in use to an already approved commercial pad, on what is commonly known as the Walgreens site. He explained that the commercial pad was originally approved as a bank and drive-up, then subsequently a retail use. Mr. Falvo explained that the applicant is seeking to construct and open an emergent care medical facility. Mr. Falvo advised that present were the prospective tenant Dr. Joel Ross, Planner Christine Cafone, traffic expert Henry Ney, and engineer Ron Aulenbach.

Mr. Falvo addressed the requested completeness waivers listed in T&M's letter, dated July 22, 2015. Attachment "A" of the letter lists the completeness waivers the engineer has no objections to being granted, as the site and most approvals already exist. Mr. Falvo addressed items B1 of the letter, which he advised would be addressed by testimony, B2 would be given if required, C1- was submitted, C2 was submitted, and C3 the fees were paid.

Mr. Walters made a motion to grant the eleven (11) waivers as listed in attachment "A" of the letter. Mrs. O'Neill seconded the motion, which was approved by the following roll call vote:

AYES: Councilman Aria, Mr. Bray, Mr. Miller, Mayor Tucci, Mrs. O'Neill, Mr. Gallo, Mr. Walters, and Mrs. Twigg.

NAYES: None

NOT POLLED: None

Exhibits:

A-1 Site Plan consisting of seven (7) sheets dated May 7, 2015, revised through July 14, 2015, prepared by EP Design Services, LLC., under the supervision of Bradford J. Aller, P.E..

A-2 Floor plans and elevations, one sheet, dated July 24, 2015, prepared by Francisco Y. Lado, AIA, of EP Design Services, LLC.

A-3 a portion cut out indicating the alterations proposed to the right only exit on Monmouth Road, for the consideration of the D.O.T.

Ron Aulenbach, P.E., was sworn and accepted as an expert witness. As supervising engineer of the company, Mr. Aulenbach, testified that he is very familiar with the site. He presented a mounted version of page 3 of 7 of the site plan for description purposes. He described the existing site, which fronts on both Monmouth Road and Route 36, and contains the existing Walgreens pharmacy. He explained that the site was originally approved for the Walgreens and a bank branch and drive-up, which was subsequently expanded slightly to a 3,332 SF retail building. He explained that all of the site improvements are essentially installed except for the second building. He testified that the area under consideration for this application is presently a grass curbed area on the site. He testified that the present request was to construct a 3,397 SF medical building. He testified that he has met with the Police department with regard to modifications of the right only exit on Monmouth Road to further discourage traffic movements southbound on Monmouth Road. He testified that they have met with the D.O.T. and have indicated there did not appear to be any issues with this proposal, however, approvals must be sought and obtained for the change from the D.O.T.. A-3 is the conceptual design for this modification. Mr. Aulenbach testified that the applicant would be required to provide 96 spaces on the site for the two uses, and they propose 90. He testified there was one space moved from the back to the side of the prior layout, and a smaller trash enclosure is proposed in the rear of the building. He testified that the medical waste is generally less, no boxes for example, and is collected under strict regulations, and picked up by a licensed hauler. With regard to the T&M; letter, he testified, that they have addressed the concerns about the driveway exit and are in discussions with the D.O.T. and T&M; for resolution; a landscape and lighting plan has been enhanced with additional details and installations; they have noted that any landscaping that has died or is in poor condition will be replaced; grading and drainage will have little or no impacts or changes; and all other items they will satisfy.

A-2, Architectural drawings of the building floor plans and elevations were discussed. Mr. Aulenbach described the gable roofing, which was added to provide for a more aesthetically pleasing building than the prior flat roof. He described the exterior materials as stone veneer with plank cedar shake, and there would be a slightly elevated entrance. He testified that the windows have been eliminated in order to provide privacy in the exam rooms.

Mr. Aulenbach further testified that with regard to the signage, the sign on the entryway complies with the ordinance. The applicant is now proposing two new pylon signs, one on Rt 36, and one on Monmouth Road. The signs will be 20 feet high, both located 5 feet from the property line, variances are required for these signs. He explained that the Walgreens sign was 262 SF and 35 feet high, and the proposed signs were each 48 SF. Mr. Gallo asked why they needed two new signs. Mr. Aulenbach testified that the signs were needed so that there would be sufficient notice to the public of the location of the building so that safe traffic movements could be made at the entrances without passing the location before signage could be seen. Mr. Gallo asked if this would cause any issues with the sight triangles. He was told no.

Dr. Joel Ross, was sworn and advised the Board of his extensive background as a doctor and his research and understanding of the urgent care medical uses. Dr. Ross testified that he has identified a need for an urgent care facility in West Long Branch, to lessen the impacts on the local hospital emergency rooms. Dr. Ross testified that he does not intend on being on staff in the building, but will hire a Board certified physician to run the facility. He testified that the intended hours of operation are Monday thru Friday 8am to 8pm, Saturday and Sunday 8am to 5pm. He testified that they are proposed hours, however, when needed the building will be open longer, such as through flu season. He testified that there will be a licensed physician at the facility at all times. He testified that there would be six (6) full time employees, a physician, a receptionist, an office manager, a lab technician, an x-ray technician, and a marketing person frequently on the road. Councilman Aria asked if all medical insurances are accepted. Dr. Ross said, "Yes".

Henry Ney, P.E., was sworn and accepted as an expert traffic engineer. Mr. Ney testified that he has reviewed the proposal as it relates to the parking variance. He found that visits to the site on two separate occasions determined peak traffic counts and usage of the spaces on the site. He testified that at no time did they find more than 48 spaces of the existing spaces used. He testified that the proposed use has a lower need according to the I.T.E. published studies, than the previously approved uses (banking being the highest

need according to the studies). I.T.E. studies estimate 3.7 spaces per 1000 SF needed. The proposed 14,494 total square footage would require 55 spaces on the weekdays and 52 on Saturday, for both uses. He testified that 38 additional spaces would be available on this site, in accordance with the I.T.E. statistics. He testified that he is confident that the need for this proposed use would not exceed the proposed 90 spaces. He testified that it is his understanding that employees for the Walgreens now park in the drive thru area and at this end of the site, but could be shifted to the underutilized parking spaces in the rear of the building. Mr. Ney also testified with regard to the sign variances, he believed that the new pylon signs were necessary to provide advanced identification on Route 36 and Monmouth Road so that safer traffic movements were made into the site. He testified if the signs were smaller the site might be missed before a safe entry could be made. Councilman Aria asked Mr. Ney about traffic counts. Mr. Ney stated that they did not do traffic counts for the intersection because according to the I.T.E. statistics, this use would not increase movements at the intersection any higher than those existing and previously approved. He testified that he is well aware of the high level of traffic at this intersection, however, this use would actually have less trips into and through the site than the previously approved retail use.

Councilman Aria asked George Cieri if impacts to the intersection were relevant to this application. Mr. Cieri replied that the impacts findings were made at the prior hearings when original approvals were granted, and that unless there was a significant increase proposed by the use, they would not be relevant to this application. Mayor Tucci stated that she had concerns about the traffic impacts at all of the previous hearings, and believes that this use will further exacerbate the traffic and parking at this site. She pointed out that the plans indicate 8 exam rooms as well as 30 seats in the waiting room, and appears to require many more spaces than the statistics and testimony indicates. She questioned the use of the spaces in the rear by employees, citing that these spaces are seldom used today, and wondered who was going to enforce that. Mr. Ney stated that he believed the management of the uses would enforce the requirement for employees to park in the rear, because if there were a parking problem they would lose business. Mr. Walters questioned why they needed 8 exam rooms if there was only one doctor. He was told that with this kind of use they do not generally want sick people sitting next to each other and others accompanying them. He was told that usually there is some form of triage to identify the problem and move patients inside to exam rooms as quickly as possible. Mr. Walters asked if additional doctors would be added if needed, and he was told if the office was busy enough doctors might be added. Ms. Petruzzella advised that the use requires one space per 150 SF, could they reduce the size of the building. She was told that the applicant would prefer a bigger building for the use, but this was as large as they could make it. Mr. Ney stated that generally someone goes to this type of use with someone, so one cannot equate the seats in the waiting room as one seat per car.

Christine Cafone, P.P., stated her credentials and was accepted as an expert Planning witness. Ms. Cafone testified that the use was permitted in the HC Zone. She identified the changes as minimal. She stated that Mr. Ney testified the parking was sufficient. She testified the location of the use on the site was previously approved as another permitted use. The variances requested for a minimal increase in impervious coverage, the two signs, and the parking were all explained and sufficiently addressed in previous testimony. She stated that the variances meet the C-2 criteria for granting, in that the use proposed advances the purposes of the Municipal Land Use Law, as an additional use was always contemplated on this site. She testified that the C-1 criteria was met on the two signs as the hardship is that the location of the use is in the rear of the existing Walgreens and cannot be readily identified at the two entrance locations with signs on the building. She testified that the new use will serve the public good and increase the tax base. She testified that the proposed use would not cause a substantial detriment to the public good or the zone plan. She testified that the benefits outweigh any possible detriments.

Mr. Gallo asked where the HVAC would be located. He was told that if it could not be located inside the gable roof, it would be located in the rear of the building.

Mr. Bray asked if anyone in the public would like to ask questions or make comments. Ellen Whitford, Chairwoman of the Shade Tree Commission, asked why they were not proposing any windows. She stated that it was her experience that exam rooms have windows with blinds for privacy, and this was going to create a long blank wall from the outside. Councilman Aria agreed and asked why they don't at least put some kind of treatment on the outside to break up the flat wall. He was told that could be done.

Peter Falvo concluded the testimony by summarizing the testimony and asked if the Board would vote to approve the use and variances.

Mr. Walters asked that the change in the exterior with some treatment to break it up be a condition of any approval. Mrs. O'Neill stated she thought it was a much needed use, and was happy with it. Councilman Aria stated that he had concerns about the traffic and parking, but the testimony addressed most of his concerns. Mayor Tucci stated that she did not believe that this use was a good idea at this intersection and on this site. She believed that it would exacerbate an already heavily impacted area, with more traffic and not

enough parking. Mr. Gallo stated that he also had concerns about the traffic impacts, but was satisfied with the testimony provided. Mr. Miller also stated he had concerns about the impacts to the site, but was satisfied by the testimony. Mr. Bray listed what he believed to be conditions agreed upon by the applicant. He stated that they have agreed to comply with T&M's letter, and address the fire and police concerns and requirements; employee parking would be in the rear of the building; architectural features would be added to the façade to break up the walls; and the applicant will seek approval to improve the right turn only exit on Monmouth Road as discussed.

Mrs. O'Neill made a motion to approve the variances and changes with the above listed conditions. Mr. Gallo seconded the motion, which was approved by the following roll call vote:

AYES: Councilman Aria, Mr. Bray, Mr. Miller, Mrs. O'Neill, Mr. Gallo, Mr. Walters, and Mrs. Twigg.

NAYES: Mayor Tucci

NOT POLLED: None

New Application: PB 2015-01

Ercolino – B: 29, L:1

74 Brookwillow

Completeness Waivers - Minor Subdivision/Variations

Councilman Aria excused himself and left the meeting, as he has a conflict of interest in the matter.

Exhibits:

A-1 Minor Subdivision Plan, prepared by Charles Surmonte, P.E., & P.L.S., dated revised through 5-27-15.

A-2 Photo of the site.

Kevin Bransley, Esq., was present on behalf of the applicant, Mario Ercolino, to obtain minor subdivision approval for a property at 74 Brookwillow Avenue. The applicant is seeking two variances for lot size, lot area, and lot width.

Completeness waivers were requested as described in the letter from T&M.; Mrs. O'Neill made a motion to approve the waivers as requested, which was seconded by Mr. Walters, and approved by the following roll call vote:

AYES: Mr. Bray, Mr. Miller, Mayor Tucci, Mrs. O'Neill, Mr. Gallo, Mr. Walters, and Mrs. Twigg.

NAYES: None

NOT POLLED: None

Mario Ercolino, Jr., was sworn, and testified as to the proposal. He testified that the existing home on the lot is in a dilapidated condition, which will require demolition. He stated that the building has been broken into and the copper wiring stolen as well as the mantelpiece on the fireplace. The assessor recently lowered the assessment agreeing that the home should be demolished, and the value was in the land. A photo of the condition of the property was Marked as A-2 and submitted to the Board. Mr. Ercolino stated that he purchased the property 2 ½ years ago. He stated that he also purchased the lot next door and developed it with a new single family home. He stated that the lot is significantly larger than those in the area. Mr. Bransley stated that James Higgins the Planner would speak more about the character of the neighborhood. Mayor Tucci asked if the property was purchased at the same time as the one he developed. Mr. Ercolino stated that it was not, there had been a title issue with this property at the time they purchased the one adjacent.

Charles Surmonte, P.E., P.L.S., was sworn and accepted as an expert witness. Mr. Surmonte testified that the lot is an oversized lot on the corner of Hollywood and Brookwillow Avenues. He testified that the proposal is to subdivide the two lots so that one driveway is coming in from Hollywood Avenue and the other will enter off of Brookwillow Avenue. They intend on replacing the existing broken asphalt sidewalks along both streets, and add the depressed handicap curbing, as recommended by the police department. Mr. Surmonte described for the Board the proposed lot sizes at 19,487 SF and 18,049 SF, whereas 22,500 SF is required. Proposed Lot 1.01 is 129.95 FT in width, and Lot 1.02 120.33 FT in lot width, whereas 150 FT is required. Mr. Surmonte advised that he has received the Shade Tree Commission report and has added details to the plan. The applicant intends on saving as many trees as they can. They will comply with the ordinance on replacement of any trees removed. Mr. Surmonte addressed some of the issues in the T&M; letter; services can be provided to both lots, and information was added to the key map on the plan. Also, there was a question about the setback between the two homes. According to the ordinance the distance between the homes when back to side as configured, must be 50 feet, not 20 feet on each as proposed (40'). The applicant did not want to request another variance, so they will reconfigure the

homes locations in order to comply with the ordinance. They propose to address grading and drainage on each individual lot, instead of providing the information at this time. Item 4.1 of the letter discusses compliance with the tree replacement ordinance. They are proposing to remove 20-25 trees on the site greater than 8", or 123", therefore they will replace and show 8 replacement shade trees on the plan. They propose that if additional trees are removed replacements will be added to the plot plans. Mr. Surmonte testified that the Shade Tree Commission's letter suggests that they locate the new driveways where the least amount of trees will be effected. He testified that the applicant intends on making every effort to remove as few of the large trees as possible. Ellen Whitford, Eileen Cieri, and Carolyn Serenbreny of the Shade Tree Commission, were present. Ellen Whitford asked if they would take into consideration the age and size of old valuable trees on this property and make every effort to preserve them. Mr. Surmonte advised that he will provide a tree preservation plan. Mr. Surmonte will mark the trees to be removed on the site. Mr. Surmonte stated that the applicant intends to file by Deed.

James Higgins, a licensed Planner was sworn and accepted as an expert witness. Mr. Higgins testified that he has reviewed the zoning ordinance, Master Plan and visited the subject property and neighborhood. He testified that the existing lot is oversized for the zone, and the proposed lots are not overly undersized in comparison to those in the neighborhood. There is a similar sized lot adjacent to the proposed subdivision, he stated. He described several lots in the neighborhood that were not conforming in lot width. He testified that the lot area requested would be imperceptible visually. He testified that the variances could be granted under the C-2 criteria, as the lots will advance the purposes in the Municipal Land Use Law, as the dilapidated home will be removed and two new homes constructed, enhancing the visual environment. He testified that the clearing of the corner will promote the public safety as the sight triangle will be cleared, and new sidewalks installed. He testified that the benefits outweigh any detriments and there will not be a substantial detriment to the public good or the zone plan. Mr. Higgins testified that he did not believe there were any negative impacts as a result of the proposal. Mayor Tucci stated that she felt that there was a lot of work put into the Master Plan and Zoning ordinances and she believed that there were many more lots in the neighborhood that exceeded the requirement. She further stated that she did not think smaller lot sizes were the direction in which the Board should go.

Mr. Bransley summarized the testimony and asked that the Board approve the proposed minor subdivision and variances.

Mrs. Twigg was concerned about the removal of valuable mature trees, and asked that the applicant preserve as many as possible, to preserve the environment. Mr. Walters stated that he believed the proposal was better than the existing condition of the property, and outweighs the detriments. Mrs. O'Neill was concerned about allowing smaller lot sizes. Mayor Tucci again stated her concerns about allowing smaller lot sizes, and did not see the benefit to the Borough. Mr. Gallo was concerned about the lot sizes being less than the requirement, but thought the difference was minimal, and the new house next to this lot looked very nice in the neighborhood. Mr. Miller stated that he would like to see the corner sight triangle cleaned up as soon as possible. Mr. Bray stated that he thought the configuration as shown was better than flipping driveways to avoid the variance in the middle. Mr. Bransley stated he did not want to request another variance, and would comply with the setback requirement.

Mr. Walters made a motion to approve the minor subdivision and variances conditioned upon the applicant preserving the trees where possible, complying with the T&M; letter, clearing the sight triangle, and repairing the sidewalks. Mr. Miller seconded the motion, which was approved by the following roll call vote:

AYES: Mr. Bray, Mr. Miller, Mrs. O'Neill, Mr. Gallo, Mr. Walters, and Mrs. Twigg.

NAYES: Mayor Tucci

NOT POLLED: None

There being no further business the meeting was adjourned at 9:58PM.

Respectfully submitted,

Anna R. Wainright, Board Secretary