

BOROUGH OF WEST LONG BRANCH

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WEST LONG BRANCH, NJ 07764
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February 1, 2016

Wendell A Smith, Esq.
Greenbaum, Rowe, Smith & Davis LLP
P.O. Box 5600
Woodbridge, NJ 07095

Re: ZB 2015-07 Monmouth University Stadium
400 Cedar Avenue
Block 39, Lot 8
Type of Application: D(6) Height Variance Relief, Bulk Variance Relief and
Preliminary and Final Site Plan Approval

Dear Mr. Smith:

For your files, enclosed please find an executed copy of Resolution of the Zoning Board of Adjustment granting approval of D(6) Height Variance Relief, Bulk Variance Relief and Preliminary and Final Site Plan Approval.

Very truly yours,

Martinha Silva
Zoning Board Clerk

Cc. Lori Cole, Borough Clerk
James Miller, Zoning Officer, Code Enforcement Officer
George Cieri, Esq.
Bonnie Heard, T&M Associates

APPLICANT: MONMOUTH UNIVERSITY
APPLICANT'S ATTORNEY: Wendell A. Smith, Esq. and Meryl A.G. Gonchar, Esq.
APPLICATION NO.:
BLOCK 39, PART OF LOT 11

RESOLUTION OF THE
ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF WEST LONG BRANCH

**GRANTING D(6) VARIANCE RELIEF (FOR EXCESS BUILDING HEIGHT),
BULK VARIANCE RELIEF, AND PRELIMINARY AND
FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, MONMOUTH UNIVERSITY, (the "Applicant"), filed an application with the Zoning Board of Adjustment of the Borough of West Long Branch (hereinafter referred to as the "Board") seeking the following:

Preliminary and Final Major Site Plan approval, along with related C and D variance relief, to replace the existing athletic stadium and press box and to construct a new four story 4210 seat outdoor athletic stadium with a press box on a portion of Lot 11 in Block 39, together with appurtenant site improvements which include pedestrian walkways, fences, walkway lighting, drainage and storm water management facilities and utilities.

WHEREAS, the application pertains to a portion of the property designated as Block 39, Lot 11, on the Tax Map of the Borough of West Long Branch, which parcel is owned by the Applicant and is located along the eastern side of Larchwood Avenue in the Borough of West Long Branch (hereinafter referred to as the "Premises");

WHEREAS, all notice and publication requirements under the Municipal Land Use Law were satisfied by the Applicant and all real estate taxes on the Premises were current during the proceeding so that the Board had jurisdiction to hear, consider and approve the Application;

WHEREAS, the Board held public hearings with regard to the application on October 22, 2015 and November 19, 2015; and

WHEREAS, the Board, having given due consideration to the exhibits moved into evidence and the testimony presented at said hearings, does hereby make the following findings of fact:

1. The Premises are located in the I (Institutional) Zone; which zone permits buildings and structures necessary for the use and operation of institutions of learning on the elementary, secondary, or college level. As a result, the proposal described in the application is a permitted use in the subject Zone.

2. The Applicant submitted the following exhibits into evidence:

Exhibit A-1 – Architectural Plans, prepared by registered architect Donald Dissinger consisting of 3 sheets, dated June 4, 2015;

Exhibit A-2 - Architectural Plans, prepared by registered architect Donald Dissinger consisting of 4 sheets last revised on October 7, 2015;

Exhibit A-3 - Site Plan, prepared by William E. Fitzgerald, P.E., P.P. consisting of sheets, dated June 16, 2015 and last revised on October 7, 2015;

Exhibit A-4 - Photocopy of letter of transmittal to Borough Clerk dated September 3, 2015 and photocopies of enclosed checks for escrow and application fees, receipt of which were acknowledged;

Exhibit A-5 - Colored drawings and photo illustrations of offsite views of proposed stadium prepared by architect, consisting of 4 sheets;

Exhibit A-6 – Set of 7 colored photographs taken by Mr. Fitzgerald in March of 2013 illustrating offsite views of existing stadium;

Exhibit A-7 – Tabulation of Primary Buildings on University

Campus prepared by Mr. Fitzgerald;

Exhibit A-8 – Storm Water Management Report prepared

by Mr. Fitzgerald dated October 7, 2015;

Exhibit A-9 - Letter from John Rea re event traffic and parking counts;

Exhibit A-10 – Tabulation of Campus Parking Spaces prepared by Mr. Fitzgerald;

Exhibit A-11 – Miscellaneous monthly summary reports from Ms. Patricia Swannack, Vice President of Administrative Services for Monmouth University re parking on local streets near main campus;

Exhibit A-12 - University Policies and Procedures re playing of music at outdoor venues dated September 21, 2015 copy of which is attached hereto;

Exhibit A-13 - 2013 / 2015 Partial North Elevations (1 sheet) and Partial North 'Silhouette' Areas (1 sheet) prepared by William E. Fitzgerald, P.E., P.P., comparing upper building façade massing for the current stadium proposal with that of the stadium pressbox building approved for this site by the Board in 2013.

3. Dr. Marilyn McNeil, Vice President and Director of Athletics for the Applicant stated that the proposed facilities are extremely important to the development of the University's intercollegiate athletic program and all of its student

body who use the field on a regular basis as well as to recruitment of better student athletes to compete in the National Atlantic Athletic Conference and the Big South Athletic Conference.

4. Ms. Patricia Swannack, Vice-President of Administrative Services for Monmouth University, testified in support of the application at the October 22, 2015 hearing and reiterated many of Dr. McNeil's reasons as to the need for upgraded facilities. She advised that the Applicant proposes to construct a new four story building including a video deck, elevator, concession stand and indoor restrooms together with a new 4,210 seat bowl shaped stadium to replace the existing press box and grandstand. She also indicated that the existing loud speakers would be replaced with a state of the art system recommended by a professional sound consultant with a calibrated volume control system that would have a maximum volume of 65 decibels which would comply with all applicable governmental standards and have several strategically dispersed smaller speakers pointed inwards towards the field in order to minimize the impact of sound intrusion into the adjacent residential neighborhoods. She also testified that the University had established a more stringent policy and would restrict access for the use of the public address system to football and track and field events. Moreover, the only other anticipated use of the new stadium and speaker system would be by the men's and women's lacrosse teams which usually generate approximately 100 spectators per game. Finally, Ms. Swannack opined that the increased seating capacity of over 1,100 seats and proximity of the stadium to the field would eliminate the need for football spectators to stand along the fence surrounding the field and promote more student attendance at the games and also confirmed that no field lighting is part of this application.

5. Donald A. Dissinger, AIA, Managing Director of the Ewing Cole Architectural firm and head of its Sports and Entertainment Division accepted as an expert in the field of architecture and has testified at the October 22nd hearing that he was in charge of the design of the proposed stadium and press box facilities encompassed by the Application as well as for the MAC building and the previously approved press box application. He explained the design criteria utilized to meet the needs for increased capacity and to satisfy governmental requirements such as those mandated by the American Disabilities Act, including seating locations for handicapped persons and an elevator and the impact of those requirements on the height and design of the building. Mr. Dissinger also discussed the provision of a separate area and access to the building for premium admission and booster club seating. In addition he pointed out the similar architectural character as the MAC with the same brick façade used for the MAC and other campus buildings. Moreover he pointed out that the sight lines from adjacent properties to the building are impacted by trees which obscure the actual mass of the building.

6. William E. Fitzgerald, P.E., P.P., the Applicant's Professional Engineer and Professional Planner, was accepted as an expert in those fields testified and at the October 22nd and November 19th hearings in support of the application. He reviewed for the Board the site plans submitted regarding this matter, and marked as Exhibit A-3 and advised that the portion of the campus that is the subject of the application is located approximately 200 feet west of Larchwood Avenue, at the westerly border of the main campus. He testified that the main campus is made up of Lots 7, 8, 9, 11, 12.01 and 12.02 in Block 39. He advised the Board that among the variances being sought are those of a technical nature relating to internal lot lines.

Mr. Fitzgerald also addressed a number of comments set forth in the October 21, 2015 letter review by T&M Associates, the Borough Engineer (the "Letter") regarding the Application, including the required "c" variances described therein, and applicable parking requirements, drainage and storm water management issues.

With respect to paragraph 1.2 of the Letter regarding the limitation of one principal structure to a lot, Mr. Fitzgerald indicated that the Applicant was not adding any additional principal structures but only replacing an existing one, and that there are already multiple principal structures on the main campus. As for section 1.3 of the Letter, he stated that the 25 foot wide buffer zone required along all side and rear property lines was not practical with respect to the individual lots comprising the main campus which function as a single parcel but is honored as to the perimeter lot lines for the entire main campus. As to paragraph 1.4 of the Letter, Mr. Fitzgerald opined that the University has numerous accessory buildings already in existence on the main campus and that the application does not contemplate any additional accessory buildings.

After an extended discussion, Mr., Fitzgerald opined that the top of the proposed video deck would have a height of approximately 63 feet which is about 15 feet higher than the top of the existing press box, but just under 3 feet higher than the previously approved press box. He testified as to the manner of calculating the height under the Township ordinances. Based upon a set of 7 colored photographs taken by Mr. Fitzgerald and identified as Exhibit A-6, he opined that the proposed press box structure would not be visually obtrusive to the adjacent and/or nearby homes because of the screening by the mature trees located along the western and northern edges of the main campus. However, he acknowledged that supplementation of the lower levels of existing plantings would be in

order where they had deteriorated, including red barberry bushes in order to supplement the understory and to discourage unauthorized entry into the main campus and vandalism of the perimeter fence.

Mr. Fitzgerald also testified that the building will be 32.6 feet in depth and 138 feet in width, west to east, centered on the south side of the Kessler Field. He indicated further that the grandstand portion of the building is no closer than 115 to Larchwood Avenue, the nearest point of the pressbox portion of the proposed building to Larchwood Avenue is 212.2± feet and the nearest home on Larchwood is more than 320 feet away from the pressbox. He further testified that the building is proposed to be 65 feet, 2 inches to its highest point, which is an increase from the height of the current Press Box of approximately 16 feet and stated that the MAC center is 64 feet in height and is the tallest building on the campus with the exception of the penthouse on top of Wilson Hall which is approximately 70 feet tall.

As for the limitation on the size and number of signs described in paragraph 5 of the Letter, Mr. Fitzgerald explained that there would be four signs. Two,-86 square feet "Monmouth Hawks" identification signs would be located on the north and south facades of the structure and two,-81 square feet logo type "M" signs would be located on the east and west ends of the grand stand.

7. John Rea, a licensed professional engineer and traffic consultant with the firm of McDonough Rea, also offered testimony and was accepted as an expert in the field of traffic engineering. Mr. Rea testified that he had undertaken an investigation regarding the availability of parking at the University and also had performed three separate traffic counts during three home football games, one in the fall of 2012 and two in the fall of 2015.

In addition, he had been present throughout both hearings on the Application. He indicated that there were 2,004 striped parking spaces available on the main campus for football game spectators who drove to the games. Based upon those traffic counts and the number of spectators attending each game, ranging from 1,734 attendees to 4,600 people, he concluded that there would be adequate parking on the main campus for over 4,000 people. Importantly, he indicated that on October 24, 2015, the homecoming game, where 4,591 persons attended the game, there were only 1,731 parked vehicles and that the counts indicated that the higher the attendance at any game the proportion of people that came by car decreased. This led him to conclude that the increase in attendance is related to a greater number of students who live on the campus and attend the games.

8. Mr. James Meehan, a Vice President of Ard Appraisal in Clark, New Jersey, was sworn in and qualified as a real estate appraiser and expert in valuation. Based upon his examination of the site for the proposed structure and surrounding neighborhood, the review of the Multiple Listing System records and the low rate of home sales on Larchwood Avenue over the past five years, the proposed plans submitted with the Application and the 30-40 foot high buffer of trees along Larchwood Avenue, Mr. Meehan concluded that there would be no negative impacts on the value of the homes located on Larchwood Avenue and in close proximity if the proposed structure was approved and built with the proposed height at the identified location.

9. As a licensed professional planner, Mr. Fitzgerald testified in depth that the d(6) height variance for the press box building requested by the Applicant is an essential component of an integral element of an inherently beneficial educational use which promotes the public good and general welfare as recognized under applicable New Jersey

statutory and case law, especially those which are permitted uses in the zone where they are located. He further stated that the Applicant's goals in upgrading the press box building and stadium ranks "pretty high" on the scale of beneficial uses. Mr. Fitzgerald also reiterated that the proposed excess height of the press box building is due in part to the function of the press box and camera requirements and there will be little impact relative to the height of the other nearby structures on the campus such as the MAC building and Wilson Hall. He also testified that both the distance to the nearest residences across Larchwood Avenue and to the property line, as well as the fact that the building side facing the residential neighbors is only 33 feet wide, mitigates potential negative impacts and that the site can accommodate the proper height at this location without impacts. Moreover, there is further separation from the adjoining homes by a street and a substantial planted buffer which will be supplemented in those locations where it has deteriorated. These factors and the architectural compatibility of the proposed structure with existing Campus buildings will mitigate negative impacts according to Mr. Fitzgerald and led him to the conclusion that the benefits to the granting of the height variance would outweigh any detrimental effects of exceeding the height permitted in the zone and that there will be no material adverse impact from granting the height variance relief.

10. Three members of the public appeared and offered comments on the Application.

11. The Board finds that the University is a permitted use in the I (Institutional) zone here at issue. The Board finds that d(6) variance relief is required for this project insofar as the proposed new replacement press box building will be 65 feet, 2 inches high, whereas the ordinance limits structure height in this zone to 35 feet and the existing press

box building is 49 feet high. The Board also acknowledges that it has previously approved an application to replace only the press box component to a height of 61.5 feet, which will not be built if this application is approved. The Board finds that the Applicant also requires certain bulk ("c") variance relief, along with major site plan approval for this project.

D(6) Height Variance Relief

12. Insofar as the height of the proposed stadium structure exceeds permitted height by more than 10 feet or 10%, the applicant requires variance relief pursuant to N.J.S.A. 40:55D-70(d)(6). The Board finds that the Applicant has satisfied the "positive" criteria and the "negative" criteria sufficient to support granting the d(6) variance relief here at issue. The Board acknowledges that the University is an inherently beneficial use. The Board accepts the testimony of the Applicant's witnesses and finds that the excess building height is appropriate to accomplish the goal of providing a clear line of sight to the athletic field in a state-of-the-art facility. Exceedance of the Ordinance height limitation is necessary for the building to function as intended and the additional height, over that of the existing facility and over that previous approved by the Board, is appropriate to allow adequate space for all the components of the building and to satisfy various ADA requirements. The building incorporates similar color and design elements of the nearby MAC building, the latter with a height of 64 feet. As a result of these circumstances, the Board finds that the Applicant has demonstrated the "positive criteria" to support granting d(6) variance relief to allow the proposed press box building to exceed the permitted building height.

13. The Board finds that the applicant has also demonstrated the “negative criteria” regarding the proposed height deviation. The Board finds that no material adverse impact will result from granting the height variance here at issue. The Board finds that the press box portion of the building will be set back approximately 212 feet from Larchwood Avenue and more than 320 feet from the nearest residence and that this distance along with the orientation of the building, with the narrower 33 foot wide building face oriented to Larchwood Avenue and the substantial landscape buffer along the University western boundary as it will be supplemented by the Applicant, will mitigate any substantive impact from the excess building height. Further, the Board notes that the height of the new building’s video deck canopy would be less than the height of the nearby MAC building and less than the height of Wilson Hall. As a result of all of these circumstances, the Board finds that with respect to the affirmative criteria for a d(6) variance for excess height, that the site can accommodate any perceived problems associated with allowing a building with a maximum height of 65 feet, 2 inches whereas the maximum permitted height in the I – Institutional Zone is 35 feet. Moreover, the variance relief can be granted without causing substantial detriment to the public good and without causing substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

Bulk (“C”) Variance Relief

14. The Board finds that a number of "bulk" deviations currently exist at the site; these are the following (a) more than two (2) accessory buildings; (b) required a 25 foot wide buffer along all interior side and rear property lines;

currently, such a buffer is not provided along the interior property lines where the lots adjoin other University lands; and (c) more than one principal structure on a lot. The Board finds that "hardship" c(1) criteria) exists as to the deviations for the existing condition that are not being altered by this application. The Board further finds that these conditions are not being altered or intensified and generally resulted from or are related to prior approvals for the site. The Board finds that no adverse impact results from these existing deviations.

15. The Board finds that "bulk" ("c") variance relief is also required for the following proposed deviations at the site: (a) excess story height (4 stories proposed; 2 permitted); (b) proposed two (2) building identification signs and two (2) logo signs, which exceed the permitted 8 square foot size for all signs and the limitation of only one sign per use; (c) no proposed designated loading space, one required that is 12 feet by 35 feet; (d) the required 10 foot wide 6 foot high screening along all the entire perimeter is not provided; (e) remove the southerly most 24" oak tree whereas the removal of a tree 8' in caliper or greater is prohibited; and (f) a vinyl fence 8 feet in height along Block 39Lots 2 and 5, whereas maximum fence 6 feet in height is permitted.

16. The Board finds that design waivers are also required for the following proposed deviations at the site: (a) permit plastic and ductile iron pipe whereas reinforced concrete and corrugated metal pipes are permitted; and (b) to permit no trash enclosure.

17. The Board finds that the applicant has demonstrated the c(2) "flexible c" criteria to support granting relief for the new bulk deviations at the site, insofar as these deviations are related to some degree to existing conditions at the site and/or same otherwise facilitate the development of the handicapped accessible, upgraded proposed

replacement press box building and stadium. The Board further finds, for the reasons set forth herein, that the application furthers the purposes of zoning as set forth in the MLUL, N.J.S.A. 49:55D-2 (g) and (i) in that the grant of the relief requested will provide sufficient space in appropriate locations for a variety of uses, including recreational uses, to meet the needs of the citizens of New Jersey and will promote a desirable visual environment, and that granting variance relief for these items will result in no adverse impact to neighboring properties. The Board finds that this relief can be granted without causing substantial detriment to the public good, and without causing substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

18. The Board finds that relief for the excess number of stories is generally subsumed within the d(6) variance relief granted above, and the Board grants relief for same based upon the findings and circumstances set forth above. The Board finds that while no new structure is being added, multiple principal structures currently exist on the site; such a condition is not unusual for a university campus, and the new structure is a replacement and is permitted as part of the permitted university use in the zone at issue. Regarding signage, the Board finds that it is appropriate to have adequate identification signs and logos for the stadium, and the Board finds that the proposed signs and logos are appropriately sized in relation to the size and dimensions of the building and grandstand.

19. The Board finds that existing campus parking and facilities are adequate to accommodate full occupancy of the proposed facilities in accordance with limits set forth within, and/or determined by, the Uniform Fire Code of the State of New Jersey.

NOW, THEREFORE, be it hereby resolved by the Board that it adopts the aforesaid findings of fact, and based upon same, the Board specifically makes the following conclusions:

1. The Applicant has demonstrated the "positive" criteria and the "negative" criteria necessary for granting the d(6) variance relief here at issue.

2. (a) The Applicant has established and demonstrated that the premises are of such exceptional size or shape, and/or are so uniquely affected by exceptional topographic or physical features, and/or are so uniquely affected by other extraordinary and exceptional circumstances that the strict application of the zoning regulations would result in exceptional practical difficulties or exceptional and undue hardship; and

(b) The Applicant has demonstrated that the purposes of the Municipal Land Use Law and the Land Use Ordinances of the Borough of West Long Branch would be advanced by a deviation from the zoning ordinance requirements at issue, and further that the benefits of any such deviation would substantially outweigh any detriment resulting from a grant of the application

3. Based upon the aforesaid findings of fact, the Board further concludes that granting the approvals 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 zoning plan.

BE IT FURTHER RESOLVED by the Board that d(6) variance relief be and is hereby GRANTED to permit the press box building to be 65.2 feet high, as depicted on the plans

submitted into evidence, whereas 35 feet is otherwise the maximum building height permitted in the zone at issue and the existing press box building at the same location is 49 feet high.

BE IT FURTHER RESOLVED by the Board that the following bulk "c" variance relief be and is hereby GRANTED:

1. Variance relief to permit the existing condition of multiple accessory buildings existing on the site;
2. Variance relief to permit the existing condition of the buffer along the perimeter property lines of the main campus to be less than 25 feet wide and to omit the 25 foot wide buffer requirement along the property lines of the interior lots, all as depicted on the plans;
3. Variance relief to permit the existing condition of no designated loading space.
4. Variance relief to permit the proposed new press box building to consist of 4 stories; as depicted on the plans, whereas the ordinance otherwise limits structures in this zone to no more than 2 stories in height;
5. Variance relief to permit the proposed replacement press box building, notwithstanding that exists with more than one principal structure on a lot;
6. Variance relief to permit the 2,-86 square feet proposed identification signs and 2,-81 square feet logo signs as shown on the proposed architectural plans, whereas the ordinance limits the size of such signs to be no more than 8 square feet and further permits only one sign per use;
7. Variance relief to permit the use to not be screened on all sides by a fence or wall 6 feet in height or a compact evergreen wall 10 feet wide.
8. Variance relief to allow the removal of the southerly most 24" oak tree whereas the ordinance prohibits a tree 8" in caliber or greater to be removed.
9. Variance relief to permit an 8 foot high vinyl fence along Block 39, Lots 2 and 5, whereas the ordinance permits a maximum fence height of 6 feet.

BE IT FURTHER RESOLVED by the Board that the following design waiver relief be and is hereby GRANTED:

1. Design waiver to permit plastic and ductile iron pipe, whereas the Ordinance permits reinforced concrete and corrugated metal pipes.
2. Design waiver to permit no trash enclosure.

BE IT FURTHER RESOLVED by the Board that preliminary and final major plan approval be and is hereby GRANTED regarding this matter.

BE IT FURTHER RESOLVED by the Board that any relief not expressly granted by the Board herein, be and is hereby denied.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

General Conditions

1. Subject to the development here at issue being undertaken in accordance with the testimony presented to the Board and the plans submitted to/approved by the Board.
2. Subject to the testimony of all witnesses called on behalf of the Applicant being true and accurate.
3. Subject to the Application, all attachments thereto, and all exhibits offered by the Applicant being accurate depictions of that which they purport to represent.
4. The Applicant shall furnish proof that taxes have been paid through the current quarter and through the quarter in which he receives his initial construction permits.
5. Subject to the Applicant paying in full all application fees, review fees, engineering and consulting fees, and escrows.
6. Subject to the Applicant posting required performance bonds and/or guarantees, as well as engineering and inspection fees, in amounts fixed by the Board and/or municipal Engineers, and in such form as shall be acceptable to the Borough Attorney and governing body.
7. Subject to the Applicant obtaining and complying with the approval of any other reviewing agency having jurisdiction over the Property and/or the Project, including but not limited to the Board of Health, the municipal Fire Official, and any County, State, or Federal agency; provided, however, that in the event that any other agency or authority

shall require any substantive changes in the plans herein approved, then any such changes must be submitted to the Board engineer for review and approval.

8. The action of the Board in approving this Application shall not relieve the Applicant from responsibility for any damage caused by the Project, nor does the Board of Adjustment or the Borough of West Long Branch accept any responsibility for the design or the installation of the Project.

Specific Conditions

1. Subject to the Applicant satisfactorily addressing with any outstanding requirements and recommendations set forth in the Board Engineer's review letter dated October 21, 2015, and any supplements thereto, that have not been addressed and satisfied on the record, in the plans and exhibits or by the terms hereof.

2. Subject to the applicant repairing/replacing to the satisfaction of the Borough Engineer, any curb, sidewalk and/or pavement that is damaged as a result of construction associated with the development here at issue.

3. Subject to the applicant entering into a Developer's Agreement with the Borough, if applicable, (unless the Borough otherwise waives this requirement), which Developer's Agreement, if any, shall be satisfactory in form and content to the Borough governing body, Borough Attorney and Borough Engineer, and which Developer's Agreement, among other things, shall address and incorporate therein the Conditions set forth in this Resolution.

4. Subject to the applicant complying with any requirements established by, and obtaining any necessary approvals/permits (or "letters of no interest") from the following:

- a. Monmouth County Planning Board;
- b. NJ Department of Transportation;
- c. Freehold Soil Conservation District;
- d. Long Branch Sewerage Authority;
- e. Borough Fire Marshal;
- f. Board of Health;

provided, however, that in the event that any other agency or authority having jurisdiction shall require any substantive changes in the plans herein approved, then any such changes must be submitted to the Board engineer for review and approval.

5. Subject to the supplementation of the existing plantings along the fence on Larchwood Avenue with red barberry bushes approximately four feet in height and in such locations as are approved by the Borough engineer.

6. Subject to a written commitment from the University to the current owner(s) of Lot 2, Block 39, that the gate from Larchwood Avenue at the northeast corner of the main campus will be locked on weekends from 4:00 p.m. on Friday to 7:30 a.m. on Monday and that similar closing hours (i.e., from 4:00 p.m. of the prior day to 7:30 a.m. of the following day) will be observed on all national holidays.

7. Subject to compliance with the University adopted noise policy dated September 21, 2015 that was marked as Exhibit A-12, attached hereto.

8. Subject to the replacement of the fence on Block 39, Lots 2 and 5 with a vinyl fence 8 feet in height

9. Subject to the compliance with the traffic and parking conditions (including but not limited to direction of traffic, traffic flow plan and notice) as set forth in the MAC Resolution granted by the West Long Branch Zoning Board of Adjustment dated February 8, 2007, Memorialized March 22, 2007, attached hereto


ROLL CALL VOTE

THOSE IN FAVOR: 3

THOSE OPPOSED: 0

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the zoning Board of Adjustment of the Borough of West Long Branch at its meeting on December 17, 2015.


_____, Secretary

DATED: 12/17/15

MONMOUTH UNIVERSITY POLICIES AND PROCEDURES



Policy Name: Playing of Music at Outdoor Venues Policy

Original Issue Date: September 21, 2015

Revision Date:

Page 1 of 2 Pages

Issued by: President's Cabinet

PURPOSE:

The purpose of this policy is to ensure that Monmouth University abides by local noise ordinances. In addition, the University seeks to maintain goodwill in the local community. This policy addresses the outdoor playing of music, and sets out parameters to ensure that these conditions are met.

I. Athletic Events

In regards to athletic events taking place on the Monmouth University campus, the following regulations shall apply:

A. Timing of Music

Music shall be started no earlier than ninety (90) minutes before the start of the game (opening whistle, etc.). Music shall only be played during warm ups, half time, and between innings (as applicable). Once the game has concluded, music shall not be played. Music shall not be played during practices.

B. Music Volume and Content

During athletic games, the music volume shall be controlled by the event manager; he/she shall consider the volume of the music in relationship to wind direction, time of day, and the type and scope of the event. For all athletic events, music tapes shall be edited by the Athletics Communication Offices.

C. Compliance with NCAA Regulations

Nothing in this policy shall preclude compliance with any existing policy of the National Collegiate Athletic Association (NCAA) or any affiliated conferences.

II. Student Activity Events

In regards to student activity events taking place on the Monmouth University campus, the following regulations shall apply:

A. Approval for Outdoor Music

Student groups wishing to play music at an outdoor event shall receive approval from the Office of Student Activities and Student Center Operations. This approval shall be secured two weeks in advance of the event in question.

B. Timing and Parameters for Use

The on-site student activities staff shall be responsible for volume control. The staff shall take into account wind direction, time of day, and the type and scope of the event when considering the volume at which music is played. Sound checks for an approved event are permitted one hour in advance of the event's start time. Bands, DJs, and other similar groups shall only be permitted to perform between the hours of 12:00 PM and 9:00 PM.

III. Other On-Campus Events

Clearance for the use of music at an outdoor event by any party other than the University shall be secured through the Office of Conference Services and Special events two weeks prior to the date of the event in question. Specific parameters for individual events shall be discussed and approved on a case by case basis.

IV. Exceptions to this Policy

A. The Monmouth University Pep Band

1. Nothing in this policy shall be construed to limit the participation of the Monmouth University Pep Band in on-campus athletic games, parades, practices and other activities that may fall outside the 12pm-9pm performance timeframe (see II.B.). The Pep Band shall perform at the discretion of event officials in a manner that is compliant with the policies and procedures of Monmouth University, the NCAA, affiliated conferences, and local municipalities, as applicable.

APPROVAL RESOLUTION
ZONING BOARD OF ADJUSTMENT
OF
BOROUGH OF WEST LONG BRANCH, NEW JERSEY

Decided on: February 8, 2007

Memorialized on: March 22, 2007

WHEREAS, Monmouth University (the "Applicant") has applied to the Zoning Board of Adjustment of the Borough of West Long Branch (the "Board") for "d" variances together with bulk variances and preliminary and final site plan approval for certain improvements; and

WHEREAS, the Applicant has requested approval to use the subject property, Block 38, Lots 1, 2, 3, 28, 29, 30, 31, 32, 33 & 34, Block 30, Lots 4, 5, 6, 7, 8, 9, 10 & 11 and Block 39, Lot 11 ("Property"), as shown on the current Tax Assessment Map of the Borough of West Long Branch, New Jersey, to construct a Multi Activity Center ("MAC"), parking area and related improvements ("Project"), as depicted on the site plan documents submitted to the Board (the "Site Plan Documents").

WHEREAS, the Applicant has also requested preliminary and final site plan approval for the Project.

WHEREAS, the Applicant is also requesting the following approvals with respect to the Project:

1. A use variance, pursuant to N.J.S.A. 40:55D-70d, and §18-6.3.e.2 of the Borough of West Long Branch Zoning Chapter XVIII (the "Zoning Ordinance") to permit more than one principal structure on a lot, as described in the Site Plan Documents and the Applicant's legal notice.

2. A use variance pursuant to N.J.S.A. 40:55D-70d, and §18-4 of the Zoning Ordinance to permit the Property to be used as a parking lot, as more particularly described in the Site Plan Documents and the Applicant's legal notice.
3. A use variance pursuant to N.J.S.A. 40:55D-70d, and §18-8.1 of the Zoning Ordinance to permit expansion of a nonconforming use within the R-22 zone, as more particularly described in the Site Plan Documents and the Applicant's legal notice.
4. A variance, pursuant to N.J.S.A. 40:55D-70d, and §18-5 of the Zoning Ordinance to permit the MAC to exceed ten (10) feet or ten (10%) percent of the maximum height permitted in the zoning district and to allow a three (3) story structure, as described in the Site Plan Documents and the Applicant's legal notice.
5. A variance pursuant to N.J.S.A. 40:55D-70c, and §§18-4.1.a and 18-6.5.e of the Zoning Ordinance to permit parking areas and pertinent improvements and a portion of a truck driveway associated with the University, as described in the Site Plan Documents and the Applicant's legal notice.
6. A variance pursuant to N.J.S.A. 40:55D-70c, and §18-6.5.b of the Zoning Ordinance to permit landscaping and open spaces to be located in more than one zone, as described in the Site Plan Documents and the Applicant's legal notice.
7. A variance pursuant to N.J.S.A. 40:55D-70c, and §18-7.2.i of the Zoning Ordinance to permit the supporting members of the fence to face neighboring properties, as described in the Site Plan Documents and the Applicant's legal notice.
8. A variance pursuant to N.J.S.A. 40:55D-70c, and §18-7.4.b.1 of the Zoning Ordinance to provide three (3) loading and unloading spaces for the building expansion where nine (9) such spaces are required, as more particularly described in the Site Plan Documents and the Applicant's legal notice.
9. A variance pursuant to N.J.S.A. 40:55D-70c, and §18-6.2 of the Zoning Ordinance to permit relief from the requirement that open space be located in the same zone as the principle use, as more particularly described in the Site Plan Documents and the Applicant's legal notice.
10. A use variance, pursuant to N.J.S.A. 40:55D-70d and §§18-4.1.a and 18-6.5.e of the Zoning Ordinance, to permit the Property to be used by the University as more particularly described in the Site Plan Documents and the Applicant's legal notice.

11. As needed, a variance, pursuant to N.J.S.A. 40:55D-70c and §18-7.4.a.8 of the Zoning Ordinance, to permit 234 new parking spaces where 1,374 parking spaces are required pursuant to the ratio of one (1) parking space for every three (3) seats of the MAC, as described in the Site Plan Documents.
12. As needed, a variance, pursuant to N.J.S.A. 40:55D-70c and §18-6.3.f.3 of the Zoning Ordinance, to permit more than twenty-five percent (25%) of the Property to be occupied by accessory uses and structures, as described in the Site Plan Documents.
13. As needed, a variance, pursuant to N.J.S.A. 40:55D-70c and §18-6.5.d of the Zoning Ordinance, to permit the existing buffer zone along the perimeter of the tract to be less than the required minimum of twenty-five (25) feet.

WHEREAS, the Board has determined that the Applicant has complied with all of the rules, regulations and requirements of the Master Plan and the Zoning Ordinance; and

WHEREAS, public hearings were held before the Board on May 25, 2006, June 15, 2006, June 22, 2006, August 24, 2006, August 31, 2006, October 26, 2006, November 16, 2006, December 14, 2006, January 25, 2007 and February 8, 2007 (collectively, the "Public Hearings") during which the Board considered this matter in depth; and

WHEREAS, on December 14, 2007, the Board voted to deny the Application as set forth in the Board's Resolution of Denial memorialized on March 22, 2007; and

WHEREAS, the Applicant subsequently filed with the Board a Petition for Reconsideration, requesting the Board to re-open the Public Hearings and reconsider the Application; and

WHEREAS, on January 25, 2007, the Board considered the Applicant's Petition for Reconsideration and determined that because there were mistakes of fact in the proceedings, the Public Hearings should be re-opened and that the Applicant should be entitled to present certain additional limited testimony; and

WHEREAS, on January 25, 2007, the Board granted the Applicant's Petition for Reconsideration; and

WHEREAS, the Board has reviewed all of the plans submitted to it, revisions thereto, and all of the exhibits, reports and other materials submitted to the Board, including the site plans prepared by the Applicant's engineer, William E. Fitzgerald, as follows:

Sheet #	Title	Date	Last Revision
1	Vicinity Map / Project Information	1/20/2005	4/11/2006
2	Overall Development Plan	1/20/2006	4/11/2006
3	Existing Conditions - 1	1/20/2006	4/11/2006
4	Existing Conditions - 2	1/20/2006	4/11/2006
5	Layout And Circulation - 1	1/20/2006	4/11/2006
6	Layout And Circulation - 2	1/20/2006	4/11/2006
7	Grading, Drainage And Construction - 1	1/20/2006	4/11/2006
8	Grading, Drainage And Construction - 2	1/20/2006	4/11/2006
9	Site Lighting - 1	1/20/2006	4/11/2006
10	Site Lighting - 2	1/20/2006	4/11/2006
11	Planting Plan - 1	1/20/2006	4/11/2006
12	Planting Plan - 2	1/20/2006	4/11/2006
13	Construction Profiles	4/11/2006	
14	Construction Profiles	1/20/2006	4/11/2006
15	Erosion And Sediment Control - 1	4/11/2006	
16	Erosion And Sediment Control - 2	1/20/2006	4/11/2006
17	Erosion And Sediment Control - 3	4/11/2006	
18	Construction Details	1/20/2006	4/11/2006
19	Construction Details	1/20/2006	4/11/2006
20	Construction Details	1/20/2006	4/11/2006
21	Construction Details	1/20/2006	4/11/2006
"1/2"	Supplemental Information - Existing Trees		4/11/2006
"2/2"	Supplemental Information - Existing Illumination Levels		4/11/2006

WHEREAS, the Board also considered the Applicant's architect's plans, as set forth on Attachment A.

WHEREAS, T&M Associates, the Board's engineer and traffic engineer, participated in the Public Hearings and the Board has considered the Board's engineer's recommendations; and

WHEREAS, the Board has considered in full comments by members of the public; and

WHEREAS, the Board has further considered all other documents submitted by the Applicant as reflected in the Board's files, the testimony, evidence and reports submitted by the Applicant and the Applicant's engineer and planner; and

WHEREAS, all fees required by the Zoning Ordinance have been paid; and

WHEREAS, the Board has made the following findings of fact based on the evidence presented at the Public Hearings:

1. The Applicant was, at all pertinent times, the owner of the Property.
2. The Property is located in the R-22 Zone and the I-Institutional Zone.
3. The Applicant submitted to the Board and the Board has reviewed the Site Plan Documents, along with the following other documents which are on file with the Board, namely:
 - (A) Application for use and other variances;
 - (B) Affidavit of Proof of Service of Notice of Hearing; and
 - (C) Variance Petition.
4. The Board entered a number of items into evidence, all of which were reviewed and considered by the Board and are on file with the Board and are attached to this Resolution as Attachment B.
5. During the course of the Public Hearings, the Applicant presented and the Board considered the testimony of (a) William E. Fitzgerald, P.E., a licensed professional planner and engineer; (b) Patricia Swannack, Vice President for Administrative Services, Monmouth University; (c) David Shropshire, P.E., licensed traffic engineer; (d) Donald Dissinger, licensed architect; (e) Paul Phillips, P.P., a licensed planner.

WHEREAS, the Board has made the following additional findings of fact and conclusions of law regarding the Applicant's specific requests:

I. VARIANCES AND APPROVALS

- (a) **Use Variances pursuant to N.J.S.A. 40:55D-70d and §§18-5, 18-6.3e.2 and 18-8.1 of the Zoning Ordinance**
1. Mr. Phillips presented substantial testimony in support of the requested use variances to allow the MAC and the surrounding parking lot to be built as described in the Applicant's development application. Mr. Phillips testified and the Board found that there is a present need for the proposed facilities, stressing that only the proposed parking area, loading area and walkway was not permitted in the zone.
 2. Mr. Phillips testified and the Board found that (i) the proposed application constitutes an inherently beneficial use and advances several purposes of zoning as defined under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., including N.J.S.A. 40:55D-2a, N.J.S.A. 40:55D-2c and N.J.S.A. 40:55D-2g, (ii) the addition of the proposed facilities to serve the University cannot be achieved by any other reasonable alternative means; (iii) the proposed development will not have a substantial detrimental impact on the surrounding area or community; (iv) the proposed use would not result in substantial detriment to the public good, nor would the proposed development substantially impair the intent and purpose of the master plan and zoning ordinance; and (v) the Property is particularly suited for the proposed use.
 3. Mr. Phillips testified and the Board found that, from a planning perspective, both regarding the use and the height of the proposed structures, the project would not have a substantial detrimental impact on the surrounding area or community.
 4. Mr. Shropshire and Mr. Phillips testified and the Board found that the University had taken necessary precautions through traffic management and parking management plans to ensure that traffic would not have a substantial detriment on the surrounding community. The Board's traffic consultant, T&M Associates, concurred with Mr. Shropshire's findings.
 5. Mr. Fitzgerald testified and the Board found that, from an engineering perspective (i) the proposed project will not have a substantial detrimental impact on the surrounding area or community (ii) the proposed use would not result in substantial detriment to the public good (iii) the Property is particularly suited for the proposed use and (iv) the proposed MAC facility would not be the tallest structure on the University's campus.
 6. The Board presented a witness, Captain Larry Mihlon, of the West Long Branch Police Department ("WLBPD"). Captain Mihlon testified that the Applicant and the WLBPD have conferred about an enhanced "Joint

Traffic and Parking Plan” (“Joint Traffic and Parking Plan”).” Captain Mihlon testified and the Board found that the Joint Traffic and Parking Plan is sufficiently dynamic to permit both the WLBDP and the Applicant to collaborate and make appropriate changes to the plan in preparation for specific upcoming MAC events. Captain Mihlon also testified and the Board also found that implementation of the Joint Traffic and Parking Plan provided adequate safeguards and precautions to ensure that traffic would not have a substantial detriment on the surrounding community.

7. The Applicant proposed and the Board considered conditions to mitigate any potential adverse impact on the surrounding area, including but not limited to, implementation of the Joint Traffic and Parking Plan.
8. A copy of the Joint Traffic and Parking Plan is attached hereto as Attachment C.

(b) Variances pursuant to N.J.S.A. 40:55D-70c and §§18-4.1a, 18-6.2, 18-6.5e and 18-7.2i of the Zoning Ordinance

1. The Applicant requested variances to permit landscaping and open space to be located in more than one zone, and to permit the supporting parts of the fence to face the neighboring properties.
2. Mr. Phillips testified and the Board found that granting the variances would not result in substantial detriment to the public good, nor would the proposed improvement substantially impair the intent and purpose of the master plan and zoning ordinance.
3. Mr. Phillips also testified and the Board found that the benefits of granting the variances outweighed the detriments, if any.

(c) Variances pursuant to N.J.S.A. 40:55D-70c and §§ 18-4.1a, 18-6.5e and 18-7.4b.1 of the Zoning Ordinance

1. The Applicant requested variances to permit parking areas and a portion of a truck driveway and for relief from the required parking spaces for loading and unloading.
2. Mr. Phillips testified and the Board found that the parking area and truck driveway would not result in substantial detriment to the public good, nor would the proposed improvements substantially impair the intent and purpose of the Master Plan and Zoning Ordinance.

(d) **Other Variances**

1. Mr. Fitzgerald testified and the Board found that, pursuant to N.J.S.A. 40:55D-70c and § 18-7.4.a.8 of the Zoning Ordinance, the benefits to permitting 234 new parking spaces, where 1,374 spaces are required, outweighed any detriments to such variance.
2. Mr. Fitzgerald testified, and the Board found, that the benefits of granting a variance pursuant to N.J.S.A. 40:55D-70c and § 18-6.3.s.3 of the Zoning Ordinance, to permit more than twenty five (25) percent of the Property to be occupied by accessory uses and structures, outweighed any detriment to granting such variance.
3. Mr. Fitzgerald testified, and the Board found, that the benefits of granting a variance pursuant to N.J.S.A. 40:55D-70c and § 18-6.5.d of the Zoning Ordinance, to permit the existing buffer zone along the perimeter of the tract to be left under required minimum width of twenty five (25) feet, outweighs any detriment to granting such variance.

(e) **Other Findings.**

1. The Board determined that the Applicant shall continue the University's "Bus Idling Policy." The Applicant stipulated that it shall continue such policy, in accordance with N.J.A.C. 7:27-14.3 and N.J.A.C. 7:27-15.8.
2. The Board determined that it will not require the Applicant to provide sidewalks on Larchwood Avenue and Cedar Avenue.
3. The Board waived the requirement for foundation plantings.

Based upon all of the above data, the testimony and evidence submitted, all as reflected in the Board's file, the Board concluded that the use variances, preliminary and final site plan approval and other approvals requested by the Applicant should be granted, subject to the following conditions:

1. Use.

- The MAC shall be used for only university or community events, or uses that are beneficial to the community and which are not commercial.

2. Seating.

- The Applicant will reduce the total number of seats by 720, resulting in a total seat count of 4,122.
- Attached to this Resolution as Attachment D is a seating chart, depicting the 4,122 seats. The Applicant shall submit to the Board revised architectural drawings reflecting the number of seats in accordance with Attachment D.

3. Capacity Events.

- There will be no more than twelve (12) capacity events (“Capacity Event”) in the MAC facility in any calendar year.
- There shall be no coincidental University scheduled uses of any significance when there is a Capacity Event at the MAC. Capacity Events shall be held during the Fall and Spring semesters when classes are not in session, in between semesters or during the summer months.
- “Capacity Event” shall mean an event having at least 4,000 attendees.
- “Capacity Event” shall not include any high school graduation ceremonies, non-Monmouth University education events or non-Monmouth University athletic tournaments all of which would require the prior approval from the West Long Branch Borough Council, or its designee.
- In the event the West Long Branch Borough Council, or its designee, refuses to hear or denies such requests for a non-Monmouth University capacity event, such events shall not be held. Such denial or failure to hear such request shall not affect the Applicant’s right to use the MAC facility for Monmouth University related events, as permitted by this Resolution.

4. Parking and Traffic Management.

- In every case where Monmouth University sells or anticipates the sale of at least 3,000 tickets for an event to be held in the MAC facility, it will notify the West Long Branch Police Department (“WLBDP”) no less than seven (7) calendar days in advance and follow the parking and traffic control protocols established by the WLBDP (“Controls”).
- “Controls” shall include, without limitation, the posting of “No Parking” signs on streets designated by the WLBDP and, as authorized in advance by the parties, the payment of compensation for and/or the provision of additional WLBDP and/or Monmouth University police officers or security personnel needed for

traffic control purposes, as more particularly described in the Joint Traffic and Parking Plan.

- Within five (5) days after an event for which the Joint Traffic and Safety Plan is implemented, the WLBDP and the Monmouth University Police Department shall jointly discuss the event for the purpose of determining possible improvements that may be implemented for future events.
5. The University Police Department and the WLBDP will file with the Borough Council an annual report on traffic and parking issues.
 6. The MAC will be available for use by organized citizen groups of West Long Branch as requested by the West Long Branch Borough Council for activities agreed to by the West Long Branch Borough Council and the University.
 7. The Applicant shall be responsible for funding speed humps in the public roads proximate to the MAC facility, as may be approved by the Borough Council and as permitted by applicable law.
 8. For MAC events where over 3,000 tickets are sold, the Applicant shall reimburse Borough of West Long Branch for:
 - (a) Costs required, as established by the WLBDP, to place additional WLBDP officers, or officers from other municipalities, on duty to handle MAC events;
 - (b) Additional costs of the Borough required for increased police officer staffing, for supplementing additional shifts only .
 9. The Applicant shall provide each commuter student with a parking sticker.
 10. The Applicant shall post a pro rata, fair share contribution to the Borough for the improvements to Larchwood Avenue only as part of the 2006 Capital Improvements Program.
 11. There shall be no roof mounted equipment, such as antennas or HVAC equipment on the MAC building.
 12. An operation and maintenance manual that specifically addresses maintenance techniques and schedules for the various stormwater facilities shall be submitted to the Borough for review and approval.
 13. The "Skills Center Trailers" at the Property will be removed.
 14. The Borough and the Applicant shall enter into a Developer's Agreement.

15. The Applicant shall post all necessary performance bonds, maintenance bonds, and escrow, and inspection fees.
16. All easements, including but not limited to drainage and sight triangle easements, must be reviewed and approved by the Board Attorney, Borough Attorney and the Borough Engineer and, as appropriate, shall be recorded in the County Clerk's office.
17. If required by law, the Applicant shall obtain approval from any and all governmental or quasi-governmental entities having jurisdiction over the Project, including, but not limited to, Board of Health, Fire Marshall, Monmouth County Planning Board, Traffic Safety Officer, Freehold Soil Conservation District, Northeast Monmouth Regional Sewerage Authority, New Jersey Department of Transportation and New Jersey Department of Environmental Protection (Treatment Works and Potable Water). Copies of all permits must be submitted by the Applicant to the Borough, as well as, to the Borough's engineer.
18. The Applicant shall use best efforts to separate the proposed construction from the remainder of the on-campus activities. Where possible, temporary construction fencing and trailers shall be utilized.
19. Insofar as any express obligations of, or agreements required from, the WLBPD and/or the Borough Council under this Resolution, only if required by law, such obligations and/or agreements shall be subject to the approval of the Borough Council; provided, however, failure to obtain such approval shall not affect the Applicant's right to use the MAC facility, as set forth herein, and shall not require the Applicant to return to the Board or any other governmental agency, to implement the uses permitted under this Resolution.
20. Existing, onsite trees shall be preserved and relocated to other properties owned by the University to the maximum extent practicable.
21. There shall be no construction (site and/or building) until all conditions precedent hereto have been met; provided, however, parking lot and site improvement construction may commence and be phased subject to approval of a phasing plan approved by the Borough's Engineer and the obtaining of all necessary permits or approvals, the posting of all bonds and inspection fees, recording of all easement documents, an executed developers agreement(s) and the approval and signature of final site plans and architectural plans by the Borough Engineer and Zoning Board.
22. To the extent agreed to by the Applicant in the course of the Public Hearings, the Applicant shall revise the Site Plan Documents to reflect the comments outlined in the Board's engineer's review letters dated February 10, 2006, April 24, 2006, May 5, 2006, August 31, 2006 and September 21, 2006, and comments outlined in this Resolution and the revisions requested by the Board during the course of testimony,

WHEREAS, on a motion to grant the use variances, preliminary and final site plan approval and other approvals requested by the Applicant, the Board voted as follows:

YES: Chairman Christopher, Mr. Aria, Mr. Guidetti, Mr. Meola, Mr. Miller

NO: Mr. Bostwick, Ms. Anfuso

ABSTAINED:

ABSENT:

DATED:

NOW THEREFORE BE IT RESOLVED that on this 22 day of March, the Board does hereby grant the use variances and approvals requested by the Applicant.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution.

YES:

NO:

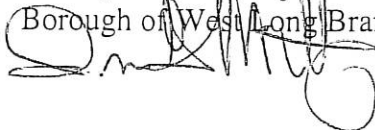
ABSTAINED:

ABSENT:

DATED:

The undersigned, Secretary of the West Long Branch Zoning Board of Adjustment, hereby certifies that the above is a true copy of a Resolution adopted by the Board on

Irven Miller, Secretary
West Long Branch
Zoning Board of Adjustment
Borough of West Long Branch



ATTACHMENT B

May 25, 2006

Monmouth University MAC application

Mr. Wendell Smith, representing Monmouth

Mr. Marc Policastro, representing Monmouth

Mr. Bill Fitzgerald, P.E. site engineer, testified for Monmouth

Mrs. Swannack, VP Monmouth, testified for Monmouth

Exhibits:

- A-1 D Variance & Preliminary & Final Site Plan, dated 1/20/05, sheets 1 to 22
Revised 4/11/06
 - A-2-1 Traffic Impact Study, Shropshire Assoc LLC
 - A-2-2 Parking Assessment, Shropshire Assoc LLC
 - A-3 Monmouth University Campus and Area Map (Monmouth University will provide a foldable paper copy for the file at a later date)
 - A-4 Monmouth University Parking Management Plan
 - A-5 Architectural plans consisting of 25 pages
 - A-6 Color floor plan of MAC event level
 - A-7 Architectural rendering
 - A-8 Concourse level
 - A-9 Photo rendering of indoor track (to be supplied in 8.5x11 format)
 - A-10 Photo rendering of Hall of Fame (to be supplied in 8.5x11 format)
 - A-11 Photo rendering of fitness center (to be supplied in 8.5x11 format)
 - A-12 Photo existing field with computer rendering
 - A-13 Photo existing track with computer rendering
 - A-14 Photo existing football field
 - A-15 Photo existing football field with computer rendering
 - A-16 Photo of Larchwood Ave with computer rendering (to be supplied in 8.5x11 format)
 - A-17 Photo of Palmer Ave looking toward the MAC computer rendering (to be supplied in 8.5x11 format)
 - A-18 Architect's letter certifying seating Daniel Gulbins, Ewing Cole
 - A-19 Seat Count for Arena
 - A-20 Seat Count for In Stage Configuration, 2 pages
 - A-21 Projected MAC use on a Yearly Basis
 - A-22 Projected MAC use for the academic year
 - A-23 Shropshire Associates letter to Ms. Patricia L. Swannack regarding reduced seating at the MAC
 - A-24 Revised seating plan showing the 720 seat reduction 2.8.07
- OH-1 Audio CD of a Monmouth University web video announcement of the MAC

OH-2 Screen capture print of the interior of the proposed MAC, set of 2
OH-3 Asbury Park Convention Hall web site screen capture
OH-4 John Berrian's proposed traffic table #
OH-5 Parking Calculations-Typical Event Shropshire Assoc.
OH-6 John Berrian's Parking Calculations (Revised)
OH-7 John Berrian's chart on parking counts taken from parking report

B-1 West Long Branch & Monmouth University Joint Traffic & Parking Plan

June 15, 2006

Mr. Wendell Smith, representing Monmouth
Mr. Marc Policastro, representing Monmouth
Mr. Shropshire, Shropshire & Assoc. traffic engineer

Mr. Leigh Klein, T&M Engineering represented West Long Branch as a traffic expert

Mrs. Swanick continued her testimony

Mr. Shropshire testified regarding traffic

June 22, 2006

Mr. Wendell Smith, representing Monmouth
Mr. Marc Policastro, representing Monmouth
Mr. Donald Dissinger, Architect

August 24, 2006

Mr. Wendell Smith, representing Monmouth
Mr. Marc Policastro, representing Monmouth
Mr. William Fitzgerald, Engineer

Mr. Fitzgerald testified regarding the T&M review letter.

This application ended at 10:18 PM

August 31, 2006

Mr. Wendell Smith, representing the applicant
Mr. Marc Policastro, representing the applicant
Mr. Paul Phillips, Planner, representing the applicant

October 26, 2006

Mr. Wendell Smith, representing the applicant
Marc Policastro, representing the applicant
Mrs. Patty Swanick, VP Monmouth University
Mr. David Shropshire, PE, Traffic and Parking Engineer

Mrs. Swanick testified regarding the testimony of Mr. Berriaum and to rebut the testimony of Mr. Berriaum.

Stage seating capacity 4326
Bowl 4922
Actual seating 4842

Boylen Gym 1819 seats certified by Mr. Shropshire
Lower bowl 1900 seats in MAC

Total MAC seating 4942 including handicap and companion seating

Parking requirements: parking data 2/5/05 minimal activity other than the game. Parking demand 1 space per 3.2 attendees, ordinance 1 space per 3 attendees.

Maximum capacity events can not be held during commuter classes Mon through Thurs.

The 1 space per 3 attendees is an accepted standard in traffic engineering.

This was adjourned 10:06 PM

Public comment

Board Deliberation

Adjournment 11:52 PM

December 14, 2006

Mr. Wendell Smith, representing the applicant
Mr. Marc Policastro, representing the applicant

Application denied

Christopher Y
Anfuso N
Aria N
Bostwick N

Guidetti Y
Meola Y
Miller Y

January 25, 2007

Mr. Wendell Smith, representing the applicant
Mr. Marc Policastro, representing the applicant

Petition for Reconsideration

Petition approved

Scope limited to traffic, parking and conditions proposed by the applicant.

February 8, 2007

Special Meeting

Mr. Marc Policastro, representing the applicant
Mr. Wendel Smith, representing the applicant

Capt. Larry Milon, WLB Police, testifying on behalf of the Board

Capt. Milon gave a PowerPoint presentation on the traffic plan.

Passed 5 to 2

Yes: Christopher
Aria
Guidetti
Meola
Miller

No: Anfuso
Bostwick

ATTACHMENT C

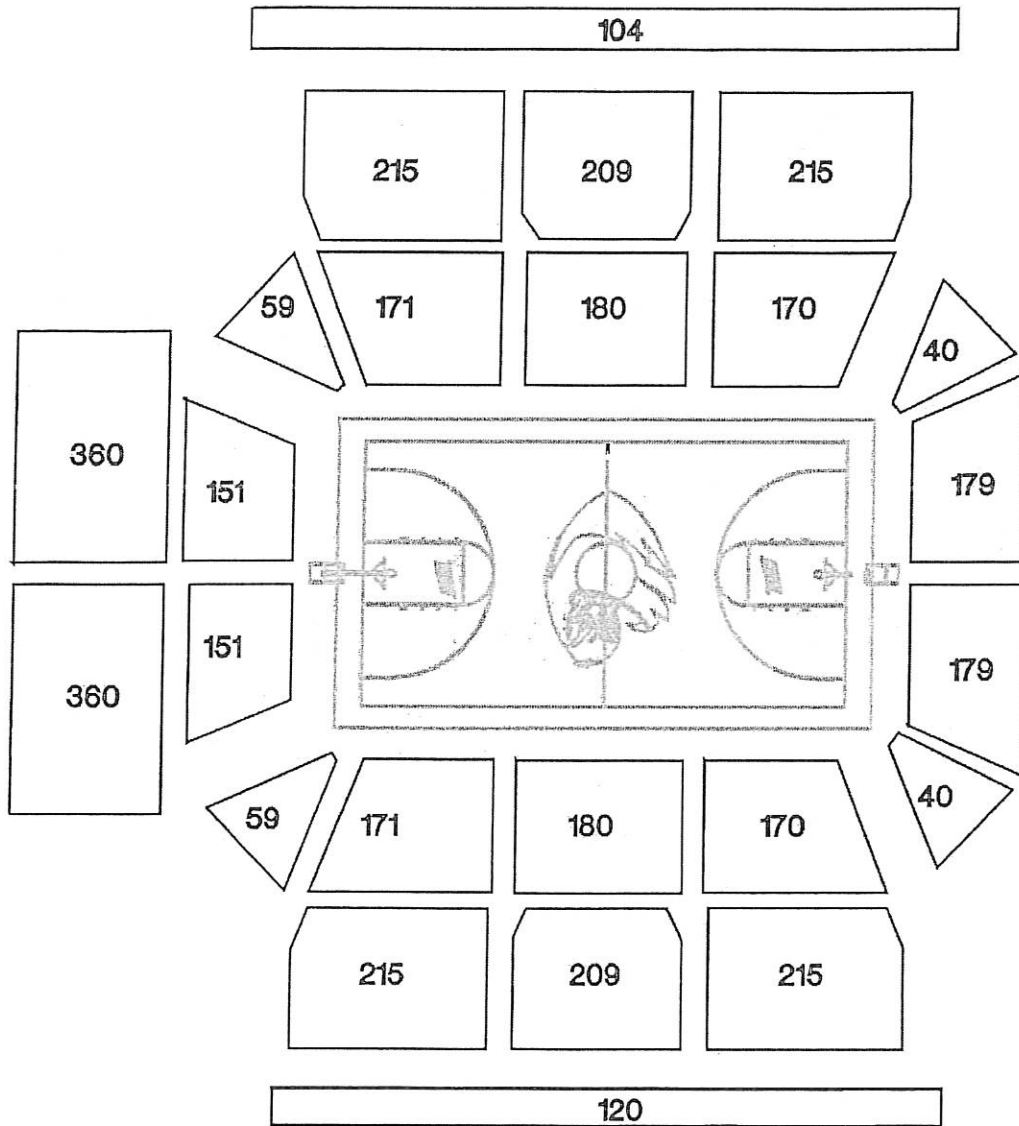
JOINT TRAFFIC AND PARKING PLAN
BETWEEN
BOROUGH OF WEST LONG BRANCH POLICE DEPARTMENT
AND
MONMOUTH UNIVERSITY POLICE DEPARTMENT
FOR MAC SPECIAL EVENTS

In an effort to effectively coordinate the handling of spectators attending certain scheduled events at the Monmouth University Multi Purpose Activity Center ("MAC") located on the campus of the University, the Borough of West Long Branch Police Department and the Monmouth University Police Department do hereby jointly recommend the following procedures:

1. **Application.** This plan shall be applied to any scheduled event in the MAC when the anticipated attendance is expected to be in excess of 3,000 individuals.
2. **Initiation of Procedures.** No later than seven (7) calendar days before any event which will trigger the application of these procedures as set forth in Paragraph 1 above, the Monmouth University Chief of Police, or his/her designee, shall contact the Borough of West Long Branch Chief of Police, or his/her designee, in order to review and coordinate the activities of both police departments in connection with the specific event.
3. **Parking Signage Placement.** Based upon the review and approval of the Borough of West Long Branch Chief of Police, or his/her designee, the Monmouth University Police, with the assistance of the Monmouth University Facilities Management Department, shall place any necessary no parking signage on applicable Borough streets.
4. **Parking Enforcement.** During the course of the event, Monmouth University Police shall assist with patrolling the surrounding Borough streets and assist in the enforcement of any illegal parking that may occur as a result of the event.
5. **Post-Event Traffic Control.** Upon conclusion of the event, the following steps shall be implemented:
 - a. Departing spectator traffic shall be directed toward three separate exits including Cedar Avenue, Larchwood Avenue and Norwood Avenue. Traffic shall be diverted onto Norwood Avenue by having police officers change the flow of traffic on Lake Road (on the University campus) to direct vehicles onto Norwood Avenue.

- b. A police officer shall be stationed at the corner of Larchwood Avenue and Palmer Avenue to prevent exiting vehicles from making the left hand turn onto Palmer Avenue. University police barricades shall be used to assist in this operation and shall be removed from the area upon completion of the assignment.
 - c. The University Police Department shall coordinate with the West Long Branch Police Department as part of the planning for the event under Paragraph 2 above as to the number and placement of police officers at intersections including the assessment of the need for manual control of traffic signals at such intersections. In the event manual control is required at an intersection or additional police officers are required for other purposes, Borough of West Long Branch Police Officers shall be assigned at regular hourly rates of pay or on an overtime assignment as applicable. The costs of the Borough of West Long Branch Police Officers assigned to assist with the traffic detail shall be reimbursed to the Borough by the University.
6. **Plan Modification.** Both the Borough of West Long Branch Police Department and the Monmouth University Police Department shall on a periodic basis review this joint plan and modify it as necessary based upon their experiences in handling events under this joint plan. In addition, within five (5) days after any event for which this joint plan is implemented, the Borough of West Long Branch Police Department and the Monmouth University Police Department shall jointly discuss the event for the purpose of determining possible improvements that may be implemented for future events.
7. **Homecoming and Other Events.** Monmouth University shall utilize this plan for other University special events that are not held in the MAC which are open to the public and have over 3,000 attendees.

ATTACHMENT D



SEAT COUNTS

FLOOR LEVEL	0
LOWER BOWL	1,900
CONCOURSE	1,998
SUITE LEVEL	224

TOTAL 4,122