

WASHINGTON TOWNSHIP PLANNING BOARD
June 4, 2009 Minutes

A regular/work session meeting of the Washington Township Planning Board was called to order by Mr. Boyer at 7:12 P.M. The Open Public Meetings Act Statement was read, followed by salute to the flag.

Roll call was taken as follows:

PRESENT: Mr. Boyer, Frank Campbell, Hosea Johnson, Terry Mc Poyle, Mr. Sparacio, Mr. Winstead and Mr. D'Ariano

ABSENT: Mayor Lyons, Mrs. Martin, Mr. Mastrogiovanni
Mr. McConnell recused himself due to conflicts with all applications tonight.

STAFF PRESENT: Diana Tutolo, Secretary; Jeff Daniels, Solicitor; Jon Bryson, Engineer; Rich Fini, Environmental Engineer and Jay Petrongolo, Planner

Mr. Daniels swore in Professionals.

DISCUSSION:

1. Virtua Access Road
115/2
239 Hurttville Cross Keys Rd.

William Hyland represented the applicant. Mr. Hyland noted that a temporary access road is being requested by Virtua for a period of 90 days. Information was given at the last meeting as to what would actually occur. Also requested was that Mr. Petrongolo would provide a report. Mr. Hyland believed that all necessary information has been provided. There was an issue if this access road required a variance. Mr. Hyland stated that he has had communication with the Planning Board Solicitor regarding whether a variance was needed or not. This site is in a Highway Commercial zone. Mr. Hyland explained that in his opinion, the Highway Commercial zone does permit a temporary access road as an accessory use. This road he considered as an incidental use to construction. Mr. Hyland noted this is road is not intended to be permanent and will not be an access to the Virtua facility upon completion.

Mr. Petrongolo addressed his 6/1/09 review letter. He noted that an agreement has been reached with American Continental Properties. In Mr. Petrongolo's opinion, the ordinance requires all parking areas, driveways and passage ways be paved with asphalt or concrete acceptable to the Township Engineer. The ordinance does not differentiate between temporary or permanent. Mr. Petrongolo noted that the plans do not match what is existing in the field. Plans should be revised appropriately. Mr. Petrongolo stated that it is his opinion that a variance is necessary for the temporary driveway since it is supposed to be a stone driveway. Mr. Petrongolo believed there should be restoration details as to what will happen once the road is removed. He stated that he would like some clarification that there would be no heavy trucks or construction equipment driving along this path.

Mr. Boyer asked the Board their feelings. Mr. Sparacio felt it should also be an amended site plan. Mr. Boyer asked the Solicitor, Mr. Daniels if he concurred with the Planner. Mr. Daniels concurred with

the applicant and the Planner. It was his opinion that the ordinance can be interpreted either way. Mr. Daniels explained that taking the applicant's argument that if you were to read the ordinance in its entirety, it would appear that the section applies to permanent driveways and permanent parking. There isn't anything in the ordinance that addresses this situation. He agreed with Mr. Petrongolo's argument as well. Mr. Daniels stated that the Board has the legal authority to require a variance. But he also believed the matter could be handled administratively. He deferred to the Board for their decision on the matter. He noted that the Board should consider recommending to Council to have something in the ordinance to address temporary construction access.

Mr. Johnson stated that his personal opinion was that the ordinance was clearly defined and that he concurred with Mr. Petrongolo. Mr. Boyer also concurred with what was stated. He felt that it does need to be corrected through Council.

Mr. Boyer explained to Mr. Hyland that he did not believe the Board could proceed. Mr. Hyland asked the Board to reconsider. Mr. Petrongolo explained that the land use law allows for variance for unique conditions. Mr. Boyer told Mr. Hyland that he did make an excellent argument and that the Board was not passing judgment on need for the road or whether it has to be paved. Mr. Boyer stated that the Board was not comfortable ignoring the issue. It needs to be handled in an appropriate fashion. Mr. Hyland's option is to file an amended final approval with a variance for the unpaved temporary road. Mr. Petrongolo would not provide an additional review. The applicant will have to present the appropriate testimony before the Board.

APPLICATIONS:

1. **Kennedy Health Facilities**
81/3.03, 3.05, 3.06 & 3.07
535 Ege Harbor Rd.
Final Major Site Plan

Mr. Mintz represented Kennedy Health Facilities. Paul LaPierre, the applicant's Engineer and Brian Klocke, a Kennedy representative were sworn in by Mr. Daniels. The applicant is requesting final major site plan approval for an expansion to an existing nursing home with an interconnection of a new construction of a 60 bed facility for rehabilitation. Mr. Mintz noted that the State has issued a certificate of need for the 60 beds.

PROFESSIONALS:

Mr. Petrongolo addressed his 5/20/09 review letter. Mr. Petrongolo noted that he has an opportunity to discuss his letter with the applicant's Engineer. The applicant has agreed to comply with any outstanding submission items. Mr. Petrongolo had no objection to the applicant receiving final approval. The applicant is proposing a healing garden as part of the application. Mr. Mintz explained that the Landscape Architect is working on the design of the garden. As per a condition of any final approval, the design will be submitted to Mr. Petrongolo's office. The garden is shown on the plans so there is no need for the applicant to come back before the Board. The Board had no objection.

Mr. Fini addressed his 5/27/09 review letter. The tree permit application and fee has been submitted. Mr. Fini noted that the Environmental Commission recommended on site compensation of 33 trees. The proposed trees must be protected and maintained. The applicant has agreed to a developer's agreement

to be recorded by deed. A draft of this agreement will be submitted for review.

No soil is to be removed from the site. Mr. Fini asked for testimony regarding the types of material to be recycled. Mr. Klocke noted that they currently recycle medical waste and cardboard. In the plan is to recycle aluminum cans and plastic bottles.

Mr. Sadler noted that all comments have been addressed. He had no further comments.

Mr. Bryson addressed his 5/27/09. The applicant stated that they will comply with any outstanding issues.

There were no comments from the Board.

Mr. Boyer entertained a motion for final site plan approval with waivers and conditions. A motion was made by Mr. Sparacio and 2nd by Mr. Campbell

Roll was taken as follows:

In favor: Mr. Sparacio, Mr. Campbell, Mr. Johnson, Mr. Boyer, Mr. McPoyle, Mr. Winstead and Mr. D'Ariano

Opposed: none

Abstained: Mr. McConnell

Application Approved: (7-0)

2. Kennedy Property Corporation 82.04.19.03 & 29.0p4 2 & 4 Regales Drive Work Session

Mr. Mintz represented the applicant. This is a work session for an application to remove two buildings at the corner of Regulus and Hurffville Cross Keys Rd. To create a parking lot there for the hospital. With Mr. Mintz were Ed Milligan from Kennedy Property Corporation and John Pettit the applicant's Engineer. For the record, Mr. Mintz noted that he had been in discussion with the Board Solicitor regarding Mr. Pettit's position as Planning Board Conflict Engineer. Mr. Pettit has resigned as the Planning Board Conflict Engineer.

The two existing buildings ~~are to be~~ demolished. The proposed parking is to be for Kennedy employees only. There will be 108 parking spaces. The applicant is to allow for 9' x 18' parking spaces. Township ordinance provides for 10' x 18'. The site is in an Institutional zone. There is an overlay in area that used to be PUD. PUD zone has been removed. There is an Acute Care zone that is defined in the area where a hospital is involved. One of the provisions of the ordinance is that parking is permitted without a principal use. There is landscaping that needs to be discussed. There are variances that are requested.

Mr. Pettit explained there is an existing driveway onto Regulus Drive which aligns with the opening in the two islands. There is another existing driveway at the northwest corner of the property which has an entrance onto Capella Rd. We they are looking to do is construct the parking lot and eliminate the driveway on Capella. The only entrance will be from Regulus which is the same location as it exists today. The applicant is proposing an extensive amount of landscaping. The drainage will be maintained patterns. The majority of the site drains to the northeast corner and small portion goes to Capella Rd. They do meet all the bulk requirements, therefore no variances are required. There are submission waivers. Mr. Petrongolo noted that the Environmental Impact, Environmental Assessment and

Environmental Worksheet should be left to the jurisdiction of the Board, Environmental Engineer and the Environmental Commission. The Board should have input from the Traffic Engineer regarding the Traffic Impact Statement. Mr. Mintz noted that the applicant will provide the required handicap spaces which are in accordance of ADA regulations. Mr. Petrongolo had no problem with the testimony relevant to the waivers and variances requested.

PROFESSIONALS:

Mr. Petrongolo addressed his 5/26/09 review letter. Mr. Petrongolo stated that he has discussed his letter with Mr. Pettit. He did believe the applicant was willing to comply with most items except where some variances and waivers are necessary. Mr. Petrongolo had no problem with the parking in the front yard. The ordinance requires 10' x 18' parking stalls. The ordinance was recently amended the ordinance to require this size stall. He believed the Board should have testimony regarding this issue. Mr. Mintz explained that it is employee parking. Because it is employee parking only, it will not be for families and patients. Mr. Boyer stated that it is a major issue. Mr. D'Ariano asked if the lot will be monitored for employee parking only. Mr. Mintz noted that there will not be a gate. They will use signage for employees only. Mr. D'Ariano felt that the signage would not be enough. Mr. McPoyle noted that at the DRC it was discussed as to who would be using the lot. He understood that it would not be doctors but nurses and other staff members. Mr. Petrongolo noted that it would be a 24 hr. operation. Mr. Petrongolo stated that the ordinance requires that the entrance drive be at least 60 ft. to provide for vehicles to back up when they are leaving the site. The applicant is proposing a 21 ft. entrance drive. A waiver will be necessary and testimony should also be provided. Mr. Pettit noted that the entrance drive is 40 ft. They believe that since it is employee only parking, it would be sufficient. Mr. Petrongolo stated that in regard to the planting design, the ordinance requires for a parking lot of this size, one landscape island for every 20 parking stalls. A waiver for this will be required and should provide justification for that waiver. Mr. Petrongolo said that he was concerned about not have sufficient shade trees within the parking lot. It is a large open asphalt area and is at the entrance of a residential community. He believed that it would help to tone down any potential impact from this project on the community at large. This something that will have to be worked out with the applicant. The ordinance does require additional landscaping to be provided around this site. He did believe it could be worked out with the applicant's Engineer. Mr. Boyer added that this was a primary issue discussed at the DRC. It was recognized that even though it is not required by ordinance, the Board would like to see more of a landscape buffer for the residents in the area. Mr. Petrongolo stated that the signage conforms with the ordinance.

Mr. Fini addressed his 5/28/09 review letter. Mr. Fini recommended that the Environmental Worksheet be submitted. He explained that is a disclosure of information. Mr. Fini noted the lack of a storm water management basin. With the increased parking levels at this site, the water storm management basis may improve the water quality discharging from the site. There are exemptions per NJDEP Storm water regulations as well as Washington Township Storm water regulations. This project may be exempted. It is requested in Mr. Bryson's letter also. Mr. Pettit stated that this project will result in the elimination of about 5000 sq. ft. of impervious surface. Mr. Fini had no objection to the waiver of the Environmental Site Assessment. He did recommend that some inspection be done on site. Mr. Fini noted that not knowing the history of the site, he believed that is the applicant's responsibility to research whether ISHRA applies to these sites. Mr. Mintz stated that they will provide testimony.

To the Board that ISHRA only applies when there is an industrial establishment. He added that the site

is not an industrial site. Mr. Fini explained some of the uses that ISHRA applies to include pharmacies, uses of drugs on the interior, labs, research and development. There are no trees on site. Mr. Fini requested a soil cut and fill calculation. Mr. Fini stated to the Board that they might consider a conservation easement for the landscape buffer.

Mr. Sadler addressed his 5/27/09 review letter. He noted the 9' x 18' parking spaces. He stated that he would leave that up to the Board for their decision. Mr. Sadler stated that he had no traffic issues. From a safety standpoint, Mr. Sadler asked the applicant to check the pedestrian crossing times and clearance intervals at the traffic signal. He added that when you have a parking lot with a 108 vehicles you can have many pedestrians crossing the road especially at shift changes. Mr. Sadler noted that they are waiving the need for a Traffic Impact Statement.

Mr. Bryson addressed his 5/28/09 review letter. Some of the waivers in his letter had been discussed. As to soil borings on site, there isn't a storm water management basin proposed for the site, therefore Mr. Bryson had no objection to the waiver request. He discussed with Mr. Pettit and Mr. Petrongolo that it would be more practical to have the ADA stalls on the hospital side. He stated that he would not have any objection to them having them off site if they had the ability to provide the 5 spaces. With respect to legality of the ADA requirement, he deferred to the Solicitor. If the hospital sells the property in the future what happens to the ADA stalls. Mr. Mintz reminded the Board that a hospital may have remote parking. Mr. Boyer added, if they were to sell, the property can not be used as a parking lot. Mr. Bryson asked the Board if they would like to address with the County the possibility of providing an additional crosswalk.

Mr. McPoyle asked Mr. Mintz how many parking spaces would there be at 10' x 20'. Mr. Mintz will provide the calculations.

Recommendation passage to Council for the following ordinances:

Front yard fences

PUD (Residential)

Signs

Billboards

The changes to these ordinances have been adopted and incorporated.

Mr. Johnson asked Mr. Petrongolo if temporary signs have been eliminated. Mr. Petrongolo stated that these signs are illegal. Real estate signs and civic association signs are permitted. Mr. Johnson asked if there are restrictions for the size and location of the billboards. Mr. Petrongolo stated the maximum size of the billboard is 756 sq. ft. They are to be along the Atlantic City Expressway. Any applicant for billboard would have to come before the Planning Board. Mr. Boyer asked if electronic billboards are allowed. Mr. Daniels noted that there is no demand for digital technology on the west end of the expressway.

Mr. Boyer entertained a motion that the Board recommends passage of the Ordinances #15, #16, #17 and #18-2009. Based on the conclusions of Planning Board Planner that they are consistent with the Township Master Plan.

A motion was made by Mr. Sparacio and 2nd by Mr. Johnson to recommend passage to Council.

Roll call was taken as follows:

In favor: Mr. Campbell, Mr. Johnson, Mr. McPoyle, Mr. Sparacio, Mr. Boyer,
Mr. Winstead and Mr. D'Ariano

Opposed: none

Abstained: none

Passage to Council approved: (7-0)

MINUTES:

A motion was made by Mr. Sparacio and 2nd by Mr. Johnson to approve the minutes of April 7, 2009. All eligible members voted in favor of the April 7, 2009 minutes.

Open Meeting to the Public:

A motion was made by Mr. Campbell and 2nd by Mr. McPoyle to open to the public. No one in the public wished to comment.

Close Meeting to the Public:

A motion was made by Mr. Sparacio and 2nd by Mr. D'Ariano to close to the public.

ADJOURNMENT:

A motion was made by Mr. Sparacio and 2nd by Mr. D'Ariano to adjourn the meeting. All in favor. Meeting adjourned at 8:50 p.m.

These minutes are a brief summary of the proceedings that took place during the Washington Township Planning Board meeting held June 4, 2009 and should not be taken as verbatim testimony.

Respectfully submitted,

Diana Tutolo
Planning Board Secretary

Cc: Business Administrator
Council
Director of Community Development
Township Clerk
Tax Assessor
File