

PLANNING BOARD - TOWNSHIP OF BRICK
RESOLUTION FOR FINAL SITE PLAN APPROVAL
WITH VARIANCES AND WAIVERS

Resolution R-14-82

Case #1235

February 10, 1982

WHEREAS, application has been made by Peter and Fredericka Trahanas, of 11 Old Orchard Road, Port Chester, New York, for final approval of a site plan of Block 673, Lot 8 as shown on the Tax Map of the Township of Brick in accordance with the plan prepared by Donald W. Smith Associates and entitled "Site Development Plan, Grading Plan, Drainage and Soil Erosion Designs" dated June 29, 1981, with latest revision date November 9, 1981, Sheet A-1, together with the Architectural Plan prepared by Brown/Sullivan Associates, dated July 7, 1980, with the latest revision date being October 27, 1980; and

WHEREAS, the applicants seek a variance for front yard set back and side yard set back with waivers for buffer area, parking spaces, soil borings, sidewalks along a portion of the northerly road frontage and further seeks Waivers as to the requirement as to showing on its plan:

- (a) The location of storm drainage structures and utility lines;
- (b) The names of owners of record of property within 200 feet of the site; and
- (c) Showing of contours and U. S. Coast and Geodetic Survey benchmark; and

WHEREAS, such proof of service as may be required by New Jersey Statutory and Municipal Ordinance requirements upon appropriate property owners and Governmental bodies has been furnished to the Board; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant at the hearing on January 27, 1982, and of the adjoining property owners and general public, and having reviewed the exhibits produced, the Planning Board

*File 2
Trahanas
D.W. Smith
J. Smith
C. Smith
H. Smith
B. Smith
Chenhalum*

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has made the following factual findings:

SEE FACTUAL FINDINGS ATTACHED HERETO Page 6

AND WHEREAS, the Planning Board has determined that failure to grant the requested relief would result in exceptional and undue hardship to applicant's property and that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and Zoning Ordinance of the Township of Brick, for the following reasons:

SEE REASONS FOR VARIANCES ATTACHED HERETO Page 6

AND WHEREAS, the Planning Board has determined that the requested waivers are reasonable and within the general purpose and intent of the provisions for site plan review and if literal enforcement of the provisions were required, it would be impractical or exact undue hardship to the applicant because of the peculiar conditions pertaining to the lot (s) in question for the following reasons:

SEE REASONS FOR WAIVERS ATTACHED HERETO Pages 6 and 7

AND WHEREAS, the Planning Board is of the opinion based upon the above factual findings that the site plan is such as would encourage development and design consistent with the Master Plan of the Township of Brick and should be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Brick that the application of Peter and Fredericka Trahanas, be on this 10th day of February, 1982, granted subject, however, to the following conditions:

- ✓ 1. Applicant shall obtain certification by the Local Conservation District of a plan for soil erosion and sediment control in accordance with Public Law 1975, Chapter 251, "Soil Erosion and Sediment Control Acts."

2. Applicant should obtain any other approvals with respect to submission to any other federal, state, county, or municipal agency having jurisdiction over same. Upon receipt of approval the applicant shall supply a copy of said permit or permits to the Board. In the event that any other jurisdictional agency requires a change in the applicant's plans, the applicants must reapply to the Brick Township Planning Board for approval of that change.

3. Applicants shall resubmit this entire proposal should there be any deviation from this Resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.

✓ 4. Applicants are to supply evidence by way of a statement from the Brick Township Tax Collector that all taxes are current as of the date of the fulfillment of the conditions of this approval.

✓ 5. The applicants shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

6. That before the issuance of a building permit, the applicants shall furnish the Township Clerk with a performance bond in an amount to be determined by the Township Engineer. Said performance bond to be updated on a six-month basis at the discretion of the Township Engineer.

7. Survey data relative to the property lines at the southeast corner of the property are to be indicated on the plan.

8. Handicapped parking shall be indicated on the Plan.

9. Trash storage shall be indicated on the Plan.

10. Applicant to fill in septic tanks.

11. Applicant shall remove wording "existing R.R. Tie Curb stops" and substitute "concrete wheel stops".

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the requested variances for front yard and side yard setback be and the same are granted approval for the reasons set forth above and subject to the conditions set forth above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the requested waivers for buffer areas, number of parking spaces, soil borings and sidewalk along a portion of the northerly road frontage and additional waivers as to showing on its plan:

- (a) The location of storm drainage structures and utility lines;
- (b) The names of owners of record of property within 200 feet of the site; and
- (c) Showing contours and U. S. Coast and Geodetic Survey benchmark;

be and the same is hereby granted for the reasons set forth above, and subject to the conditions set forth above.

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Moved By: Mrs. Cook

Seconded By: Mr. Nappe

Voting in the Affirmative: Councilman Anderson

Mrs. Cook Mr. Kadar Mr. Nappe Mr. White

Mr. Hayes Mr. Metz Mrs. Wiessel

Voting in the Negative: _____

Ineligible to Vote: Mr. Gunther

Abstaining: _____

Absent: _____

CERTIFICATION

I, E. Joan Kull, Clerk to the Planning Board of the Township of Brick, County of Ocean, and State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 10th day of February, 1982.

IN WITNESS WHEREOF, I have set my hand this 11th day of February, 1982.

E. Joan Kull
E. Joan Kull, Clerk
Planning Board of the Township of Brick

FACTUAL FINDINGS

1. Applicant proposes to construct a one-story retail sale, masonry building adjacent to the existing structure along the easterly property line of Lot 8, Block 673. The building will consist of 3,528 square feet of floor area and will include the installation of 17 parking spaces. The premises in question is known as the Brick Mall, an existing shopping center at the northeast corner of the intersection of Brick Boulevard and Hooper Avenue.

REASONS FOR VARIANCES

1. Applicants require a variance as to front yard set back as 57.69 feet and 58.5 feet exist and 75 feet are required in both cases. A variance as to sideyard set back is required as 24.9 feet exist and 30 feet is required.

2. The Planning Board finds that these variances should be granted as applicants will be maintaining the present building line of the existing buildings and this plan will not worsen the long-time existing condition.

REASONS FOR WAIVERS

1. The Brick Township Ordinances require that a development in a business zone adjacent to or across the street from a residential zone implement a landscape buffer with a minimum of fifty (50'). The applicant has not proposed any change to the existing shopping center, which would require the installation of a landscape buffer zone along the rear of the property.

REASONS FOR WAIVERS, CONTINUED

2. The Board finds that it should waive the ordinance requirements as to showing on the plan all structures and owners of record within 200 feet; the requirement as to showing existing contours, a U.S. Coast and Geodetic Survey benchmark; the requirement as to a soil boring, and the requirement as to showing storm drainage structures and utility lines as the additions proposed do not warrant such submissions.

3. The Board finds that the sidewalk requirement as to a small length (86 Feet) of sidewalk along the northerly road frontage should be waived due to the narrow width of existing landscaped island.

4. The Board finds that 147 spaces are required and 119 have been provided. The Board finds that it should waive this requirement as no additional land is available and the testimony is clear that no parking problem has been experienced at this site and none is reasonably anticipated.