

PLANNING BOARD TOWNSHIP OF BRICK
RESOLUTION FOR FINAL APPROVAL - SITE PLAN WITH VARIANCE

RESOLUTION R-46-78

Dated: June 28, 19 78

WHEREAS, application has been made by _____

Brown and Sullivan Associates

of Philadelphia, Pennsylvania & Toms River, N.J., Case #1057,

for final approval of a site plan of Block 673, Lot(s) 8 and 9
as shown on the Tax Map of the Township of Brick in accordance with map
submitted by applicant, which map is dated Dec. 30, 1977 prepared by _____

Brown and Sullivan Assoc and entitled "Site plan Brick Mall, Brick
Township, New Jersey, Lot 8, Block 673"

And the Planning Board having heard the matter on the 14 th
day of June, 19 78, and after carefully considering the evi-
dence and testimony presented by all proponents and opponents thereof and
the exhibits produced and the Planning Board having made the following factual
findings: See factual findings attached . - Page 3 and 4

WHEREAS, the Board has determined that the requested
variance (can) ~~(cannot)~~ be granted without substantial detriment to the public
good and without substantially impairing the intent and purpose of the master
plan, zoning plan and zoning ordinance of the Township of Brick.

WHEREAS, the Planning Board is of the opinion based upon
the above factual findings that the said site plan (is) ~~(is not)~~ such as would
encourage development and design consistent with the master plan of the
Township of Brick and should be (approved) ~~(denied)~~.

*File - 2
Brown/Sullivan
Linton, Esq.
Lichtenwalder
Ambrosewski
Bldg.
Hamm*

NOW, THEREFORE, BE IT RESOLVED that the application
of Brown and Sullivan Associates
for a site plan known as "Site Plan Brick Mall, Brick Township, NJ, Lot 8, Block 673"
per map dated Dec. 30, 1977 prepared by Brown and Sullivan Associates
be on this 28 th day of June 1978

- (a) given final approval and the Chairman and Secretary
of the Planning Board be authorized to sign said map,
with said approval being subject to the following conditions:
See conditions attached. - Page 5.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the
application of Brown and Sullivan Associates for the following
bulk variance(s) Front and side yard setback requirements for existing
building and waiver of driveway width.

be on this 28 th day of June 19 78 (~~denied~~) (granted)
subject however, to the conditions set forth above.

Moved by: Mr. Eberle

Seconded by: Mrs. Butler

Voting in the Affirmative: Mrs. Butler Mr. Greenberg

Mrs. Cook Mr. Kadar

Mr. Eberle Mayor Kinnevy

Voting in the Negative: _____

Abstaining: Mrs. Dello Russo Councilman Kull

Absent: Mr. Bertrand

C E R T I F I C A T I O N

I, E. Joan Kull, Clerk to the Planning Board of the Township of Brick,
County of Ocean, 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 28th day of June, 1978.

IN WITNESS WHEREOF, I have set my hand this 29th day of June, 1978.

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

FACTUAL FINDINGS

1. The applicant is proposing to conform the construction of an existing donut shop with the remainder of the shopping center by removing the existing shop and constructing an entirely new facility.
2. The proposed new facility will comprise a minor portion of the entire site.
3. In connection with the construction and site plan the applicant intends to clarify the parking situation through revision of the traffic flow on the site and installation of landscaped mall areas.
4. The applicant has agreed to construct concrete curbs around the parking area and landscaped mall area.
5. The applicant has further agreed to eliminate two parking spaces located adjacent to the entrance on Hooper Avenue and to grass this area so as to avoid the necessity of cars backing from these two spaces directly into the driveway area.
6. Despite the reduction by two parking spaces the applicant maintains proper parking for its use.
7. The Board determines that a waiver should be granted pursuant to NJSA 40:55 D-51 (b) for the width of the driveway since the thirty foot width is concentric with aisles and the requested waiver would be reasonable within the general purpose and intent of the provision of site plan review. To require the applicant to reduce the size to meet the provisions of the ordinance would be impractical and not in the best interests of the Township of Brick for access purposes.

8. The Board notes that the applicant needs and has applied for variances for front and side yard setbacks since the front yard setback in the B3 zone is seventy-five feet. The existing building now located thereon is within fifty-eight feet of the front property line. The side yard setback is required to be thirty feet while the existing building is located twenty-five feet from the side line adjacent to Lot 8-1. Since the building which requires the variance is existing the Board determines that it would be impossible to acquire other property so as to eliminate the existing variance and to refuse to grant the requested variances would cause exceptional undue hardship to the applicant whose overall project will improve the existing site.

CONDITIONS OF APPROVAL

1. That the applicant install concrete curbing in the parking area and adjacent to the landscaped areas.

2. That the applicant eliminate two parking spaces and show landscaping in its place adjacent to Hooper Avenue exit.

3. The applicant post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

4. Before the issuance of the building permit the applicant shall furnish the Township with a performance bond, in an amount to be determined by the Township Engineer. This performance bond to be updated on a six month basis if deemed necessary by the Township Engineer.