

**AMENDED PRELIMINARY & FINAL SITE PLAN APPROVAL
FEDERAL REALTY INVESTMENT TRUST-
BRICK PLAZA**

**Block: 671, Lot 1.01
Property Address: 56 Chambers Bridge Road
Brick, New Jersey**

**Resolution : R-18-19
Application No. PB-2801-2-A-PSP-FSP-CU-C 2/19
Date : March 13, 2019**

**RESOLUTION OF MEMORIALIZATION OF THE
BRICK TOWNSHIP PLANNING BOARD
AMENDED PRELIMINARY & FINAL MAJOR SITE PLAN APPROVAL
WITH VARIANCES**

WHEREAS, Federal Realty Investment Trust, 50 East Wynnewood Road, Suite 200, Wynnewood, Pennsylvania, 19096 has made application to the Brick Township Planning Board for Amended Preliminary and Final Major Site Plan Approval with Variances for Block 671, Lot 1.01 on the Township Tax Map pursuant to N.J.S.A. 40:55D-46,-50, 60 and 70 to upgrade and rehabilitate Brick Plaza. The project is intended to be developed in three phases which will include modifications to existing building, reconstruction of parking areas, additional landscaping, lighting and storm water improvements; and

WHEREAS, after meeting with the NJDEP for permitting on site, the Applicant has revised the plan scope to remove Phase IB and Phase 4 which included the removal of a portion of the existing parking area and the installation of a new pedestrian bridge and observation deck; and

WHEREAS, no new buildings or building additions are being proposed by the Applicant. Variances proposed were previously approved and were related to parking,

landscaping and impervious coverage; and

WHEREAS, proof of service as required by law upon appropriate property owners and governmental bodies has been furnished and determined to be in proper order; and

WHEREAS, a public hearing was held on February 27, 2019 in the Brick Township Municipal Building at which time testimony was given and certain exhibits hereinafter described were presented on behalf of the applicant and all interested parties having had an opportunity to be heard; and

WHEREAS, the Board makes the following factual findings and findings of law:

1. This property is designated as Lot 1.01 in Block 671 on the Municipal Tax Map of the Township of Brick and is located at 56 Chambers Bridge Road, Brick, New Jersey.
2. The property in question is located in the B-3 Highway Business Zone where the proposed use is a permitted use.
3. The Board received the following reports from its professionals and staff, which reports and correspondence shall remain part of the Board's file:
 - a. Reports of Tara B. Paxton, MPA, PP, AICP, dated February 25, 2019.
 - b. Reports of Theodore Wilkinson, PE, of ARH Associates dated February 26, 2019.
 - c. Report of Brick Township Police Department's Traffic Safety Unit dated February 27, 2019
4. The applicant was represented by John Jackson, Esq., and produced testimony the testimony Jeffrey J. Carr, P.E., P.P. the applicant's civil engineer.
5. Mr. Carr explained the changes to the plan that were necessitated after

seeking CAFRA approval from the New Jersey State Department of Environmental Protection were minor and related basically to the stream that traverses the property. As a result of a proposed re-configuration by the DEP, the project is losing two parking spaces. This, however, does not affect the parking requirements or any variances that were granted by the Board previously and may continue as having been granted. The two spaces that are eliminated are near an intersection as depicted on the revised plans.

6. Mr. Carr went on to address paragraph 12 of the original Resolution granting Amended and Preliminary and Final Site Plan Approval. In paragraph 12, the applicant had agreed to the recommendations from Theodore Wilkinson's November 14, 2017 report specifically paragraph C(a). That paragraph of Mr. Wilkinson's report indicated that the applicant would eliminate the parking directly across from the intersection where the main drive aisle intersects with the two-way traffic flow directly adjacent to the building. The recommendation from the Board's engineer at that time was to eliminate the parking directly across from the intersection and create a large landscaped island area with benches for patrons of the shopping center. That provision was agreed to in the original Resolution. The applicant now, however, indicates the proposed tenant of that space requires those two parking spaces in that area for the convenience of its customers. Thus, the applicant seeks to eliminate the previously agreed upon creation of a large landscaped area with benches in lieu of those two parking spaces. The Board looked favorably upon that request and agreed to that revision.

7. In further discussions between the engineer and the applicant's engineer,

the applicant agreed to make the area noted to have porous paving to be impervious paving in any areas where there was a fire lane or delivery lane for trash trucks to support the weight of such vehicles. Mr. Wilkinson additionally pointed out that his observation of the parking stalls were that they were not painted out to the full 18 ft. length distance. The applicant agreed to do any additional re-painting necessary to make the stalls 18 ft. in length.

8. Mr. Carr additionally addressed the request from the DEP to remove the pedestrian bridge as part of this application. This is a requirement flowing from the CAFRA applications to the DEP. The applicant indicated in the future it would attempt to obtain approval for such a pedestrian bridge, but requested the revision to the site plan to eliminate same. Again the Board looked favorably upon that based on the recommendations from the DEP.

9. The applicant's engineer indicated that the remaining items in Mr. Wilkinson's report were technical in nature and can be agreed to or addressed in the field between the professionals as the site is further developed.

10. Mr. Carr went on to address Ms. Paxton's Planner's report for the Board dated February 25, 2019. In response to the Comments section of her report (VI) the applicant agreed to paragraph A to show the change in the trash enclosure area, loading dock and parking on the westerly side of the building and same will be added to the plan. The applicant agreed to paragraph D for the additional crosshatched pedestrian crossings. The applicant in response to the recommendations in paragraph E made a request under the catch all for a variance to permit the outdoor display of retail items and sales areas. The applicant agreed that the width of any outdoor

display area would be less than six ft. in width and again the Board looked upon this request favorably for a variance. The applicant agreed to coordinate with Tara Paxton regarding her recommendations in paragraph G to show curb cuts into landscaped areas and utilizing transitional species as plantings with the indication that there would be irrigation notes added to the plan. The applicant agreed to labeling as recommended in paragraph I.

11. Finally, the applicant requested and the Board's professionals agreed that final Certificates of Occupancy could be issued for each phase of the improvements sought via this site plan. Specifically, the applicant noted that the LA Fitness structure is near or has been completed but is precluded from obtaining a final C.O. due to all other improvements that are part of this site plan application. The Board favorably approves the issuances of Certificates of Occupancy as each Phase of the overall site plan is completed so that LA Fitness specifically can obtain a final C.O. at this time notwithstanding the fact that other phases of the project are not completed.

12. The Board also received a report from Traffic Safety which expressed no concerns regarding these revisions to the site plan.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 13th day of March, 2019 that the application for Amended Preliminary and Final Site Plan approval with variances is hereby granted subject to the following conditions:

1. The applicant may revise its plans to delete the two parking spaces at the intersection referenced above.

2. The applicant shall change the fire lanes or delivery lanes for trash trucks and any that are currently porous to non-porous paving materials.

3. The applicant shall make certain all parking stalls are painted to the 18 ft. length.

4. The applicant must submit proof of payment of all currently due taxes to the Brick Township Planning Board.

5. The applicant must post all bonds and guarantees as required and recommended by this Board and the Township Board Engineer. Moreover, the applicant must post all required engineering and inspection fees.

6. All representations and statements made by the applicant, as well as the applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an express condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this application to further review on this Board's own motion.

7. In the event the Planning Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that event any approvals previously given may be rescinded and any improvements at the time in place on the premises in question shall not be in compliance with the ordinances of the Township of Brick.

8. The applicant must comply with all conditions contained in the reports of Tara Paxton dated February 25, 2019, as noted herein and as discussed and agreed to at the hearing on this matter.

9. The applicant must comply with all conditions contained in the report of Theodore Wilkinson, PE, of ARH Associates dated February 26, 2019, as noted herein

and as discussed and agreed to at the hearing on this matter and revised in accordance with the testimony and agreements set forth above.

10. No building permit shall be issued until the Board Secretary confirms that the Planning Board professional fees have been paid in full. In the event a building permit is issued and there are outstanding Planning Board professional fees, a stop work order will be filed against the applicant/contractor until all professional fees have been paid.

11. In the event there is an existing violation, the applicant shall have thirty (30) days from the date the Notice of Decision was published to correct the violation. Failure to correct the existing violation within the time prescribed will result in the issuance of a summons.

12. The applicant must comply with all conditions outlined in Schedule A attached hereto.

13. The applicant shall apply for and receive approvals from all other municipal, county, state and federal agencies having regulatory jurisdiction over this development as may be required.

BE IT FURTHER RESOLVED that the Planning Board Secretary shall cause notification of this favorable Resolution to be published in an official newspaper of the Brick Township within ten (10) days of the adoption of this Resolution.

Certified copies of this Resolution shall be forwarded to the applicant, the Township Construction Official, Zoning Officer and all other parties in interest.

This Resolution memorializes an action taken at the regular meeting of the Brick Township Planning Board held on March 13, 2019 on a roll call vote that evening as

follows:

R-18-19
PB-2801-2-A-PSP-FSP-CU-C 2/19
FEDERAL REALTY INVESTMENT TRUST

March 13, 2019

VOTE ON MEMORIALIZATION

MOVED BY: Mr. Occhiogrosso

SECONDED BY: Ms. Lambusta

VOTING IN THE AFFIRMATIVE: Mr. Clayton, Mr. Occhiogrosso, Mr. Gross, Ms.
Lambusta, Mr. Nugent, Mr. Philipson, Mr. Cooke

VOTING IN THE NEGATIVE:

INELIGIBLE: Councilman Mummolo, Ms. Della Volle, Mr. Aiello

IN-CONFLICT:

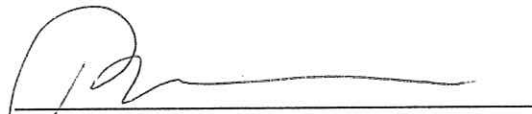
ABSENT: Mr. Osipovitch

ABSTAINING:

PRESENT BUT NOT VOTING :

CERTIFICATION

I, PAMELA O'NEILL/Secretary to the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that I am duly authorized to certify Resolutions. I certify that the foregoing Resolution was adopted by the Planning Board of the Township of Brick at a regular meeting held on the 13rd of March, 2019.


PAMELA O'NEILL/Secretary
Planning Board/Zoning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

RESOLUTION: R-18-19

PAGE: 10

CASE NO.: PB-2801-2-A-PSP-FSP-CU-C 2/19

1. Applicant shall obtain certification by the Local Soil Conservation District of a plan for soil erosion and sediment control in accordance with N.J.S.A. 4:24-39 et seq., commonly known as the "Soil Erosion and Sediment Control Act."
2. All materials, methods of construction and details shall be in conformance with the current "Engineering Specifications and Construction Details" of the Township of Brick, which are on file in the office of the Township Engineer.
3. Applicant shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the applicant shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the applicant must reapply to the Brick Township Planning Board for approval of that change.
4. Applicant shall submit this entire proposal for re-approval should there be any deviation from the terms and conditions of this Resolution or the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant.
5. Applicant shall provide a statement from the Brick Township Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.
6. Prior to the issuance of a construction permit, the applicant shall furnish the Township Clerk with a cash bond and performance guarantee in an amount to be determined by the Township Engineer.

7. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.
8. No soil shall be removed from the site without the written approval of the Township Council.
9. The applicant shall comply with all provisions and pay all fees established under Article VI (Mandatory Development Fees) of Chapter 245 of the Code of the Township of Brick.
10. For all residential uses the subdivider or site plan applicant shall provide for a trash receptacle.
11. In order to insure uniformity of trash receptacles and compatibility with the automatic trash collection system, all trash can receptacles required herein shall be obtained from the Township of Brick.
12. Applicant shall provide proof of application for Title NJSA 39:5 A-1 to the Planning Board.