

AMENDED PRELIMINARY & FINAL SITE PLAN
SHM Crystal Point, LLC
Block: 1321, Lot 1
Property Address: 4000 River Road
Point Pleasant, New Jersey

Resolution: R-21-19
Application No. PB-2820-(2786)-A-PSP/FSP-10/18
Date: May 8, 2019

RESOLUTION OF MEMORIALIZATION OF THE
BRICK TOWNSHIP PLANNING BOARD
AMENDED PRELIMINARY & FINAL SITE PLAN APPROVAL

WHEREAS, Brian Cosgrove of SHM Crystal Point, LLC, of 4000 River Road, Point Pleasant, New Jersey 08742 has made application to the Brick Township Planning Board for amended preliminary and final site plan approval for Block 1321, Lot 1 on the Township Tax Map pursuant to N.J.S.A. 40:55D-46,-50, and -60; to amend the approved site plans to include a two-story bathhouse/community room, pool and deck at the existing marina; 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 March 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 in Block 1321 on the Municipal Tax

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App.
Sullivan
Crest
H.H.
Br.H.
5/9/19
Assessor, Eng, Blog

Map of the Township of Brick and is located at the intersection of State Highway 70 and River Road at the southeast corner, and commonly known as 4000 River Road, Point Pleasant, New Jersey. The property in question is located in the B-1 Neighborhood Business zone where the proposed use is a permitted use/conditional use. The site is part of a marina that backs up to the Manasquan River.

3. Donald M. Pepe, Esquire of Scarinici & Hollenbeck, LLC represented the applicant. He called Brian Cosgrove, the Manager of Crystal Point Marina as the applicant, as well as Michael B. Intile, P.E. & P.P. of Crest Engineering Associates, Inc. as an engineering and planning expert and Emmanuel Obiroa, R.A. a licensed architect in New Jersey.. Mr. Intile testified that he and/or his office prepared the various plans. He referred to and moved into evidence the following Exhibits during the course of his testimony:

A-1 Site Plan

A-2 Floor plans of building

A-3 Color rendering of building

4. The applicant seeks to amend the approved site plans to include a two-story bathhouse/community room, pool and deck at the existing marina.

5. Mr. Intille testified there was adequate parking on this site, which straddles the Brick-Point Pleasant border. The only change requested via this amended site plan application from what had been approved via R-18-17 on March 22, 2017 by this Board is as follows:

a. Increase footprint of the new building, which brings the structure to within eight (8) ft. of the inground pool whereas R-18-17 approved 16 ft. x 35 ft.

inground pool to be located 12 ft. from what was described as a 640 sq. ft. dockmaster's office with bathrooms.

b. This proposed building would now be a two-story structure with a "community room" on the second floor along with an outdoor deck, increasing the gross floor area by 683 sq. ft.

6. Mr. Intille re-affirmed his testimony from the original application that, notwithstanding the increased building square footage requiring four additional parking spaces, adequate parking existed on site. Moreover, he testified the plans would be revised to address all the technical requirements referenced by Mr. Wilkinson, the Board's engineer, in his report.

7. Both Mr. Intile and Mr. Cosgrove indicated in response to concerns regarding the second story deck's close proximity (8 ft.) from the pool, that they would undertake design modifications to the second floor railing and possibly glass-off that area adjacent to the pool to discourage anyone from "accessing" the pool from the second story deck.

8. Both Mr. Wilkinson's report and the Board's planner, Tara Paxton's report referenced the approximate 300 ft. sidewalk from Route 70 along River Road to the entrance to the site. In the previous approval, the Planning Board set forth as a condition of approval installation of this 300 ft. of sidewalk, provided the Ocean County Planning Board would not require utility infrastructure relocation, extraordinary drainage improvements or any further right of way dedication. Although the initial review by the County indicated significant infrastructure improvements would be required, it appears sidewalk could be installed on Lot 1 via an easement without significant cost or

infrastructure relocation. The applicant agreed it would install sidewalks along River Road if permitted by the “owner” of that parcel. The applicant through its professionals agreed to seek such authorization notwithstanding the Board’s view that although Lot 1 has been “condominiumized” via the filing of a Master Deed, the applicant sought amended site plan approval on its behalf and on behalf of all “owners” of Lot 1. Thus, the Board continues to require as a condition of approval installation of sidewalks on River Road from the entrance to the parking lot to Route 70.

9. As a further condition of approval, given the potential delay in installing the sidewalk noted above, notes shall be added to the plan indicating that the Building Official may issue a Certificate of Occupancy for the swimming pool and building pursuant to 2015-IBC §111.1 provided said structures are in full compliance except for the installation of the sidewalk, which may be inspected and approved at a later date by the County and/or the Township.

10. Both the applicant, Mr. Cosgrove, and his architect, Emauel Obiora, AIA, testified that the pool would be closed for use at 5 p.m. daily and there would be no food service in the proposed building. The building, however, would be open from 8 a.m. until 10 p.m.; the pool area will be completely gated and will only be accessible via electric key fobs.

11. The Board received into evidence the following reports from its professionals and Boards:

- a. ARH report dated January 18, 2019 authored by Theodore Wilkinson, PE, Planning Board Engineer.
- b. February 20, 2019 report by Tara B. Paxton, MPA, AIC/PP, Office of Land Use Management

- c. December 27, 2019 Brick Township Fire Safety Report authored by Kevin C. Batzel, Bureau Chief/Fire Marshal.
- d. January 2, 2019 correspondence from Ptl. David Therghesen of the Brick Township Police Department of Public Safety indicating no concerns at this time.
- e. December 26, 2018 Land Development Application Review authored by Elissa C. Commins, PE, PP, CME, CFM, Township Engineer & Floodplain Manger

12. All other reports and correspondence did not raise any issues concerning approval or conditions thereof.

13. No members of the public appeared at the hearing to voice any position concerning approval or denial of this application.

14. Based upon the foregoing findings and conclusions, the Board accepts the testimony of the applicant's engineer and as well as the applicant himself in support of this application as set forth in the site plan and as to be modified in accordance with the testimony presented. Accordingly for the reasons set forth upon the record by the applicant's engineer, the applicant and the Board's professional staff, the Board finds that the Amended Preliminary and Final Site Plan Approval should be granted and same can be granted without substantial detriment to the public and will not substantially impair the intent and purposes of the zone plan, zoning ordinance or the master plan of the Township of Brick.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 8th day of May, 2019 that the application for Amended Preliminary and Final Site Plan approval is hereby granted subject to the following conditions:

- 1. The applicant shall amend its plan to include an approximate 300 ft.

sidewalk along River Road provided the applicant can acquire consent from the condominium association for a sidewalk easement. If such consent cannot be obtained, the applicant must return to the Planning Board to seek relief from this requirement.

2. The applicant would return to the Board in the event it ever sought to increase its hours of operation for the pool beyond 5 p.m. The 5 p.m. closing of the pool is a specific condition of the approval of this site plan.

3. The applicant will provide a walkway from the end of existing steps and landing to the gate to the pool as marked in red on Exhibit A-2 which shall be perfected upon the final site plan rendering.

4. The applicant shall provide appropriate signage directing pedestrians to stairs and walkways and upgrade the stairs in the area.

5. The applicant shall provide as part of resolution compliance a copy of the filed easement regarding parking and the sidewalk easement as set forth above for review by the Board's attorney.

6. The applicant shall amend its site plan in accordance with all other representations made at the hearing and in accordance with the requests set forth in the reports of Mr. Wilkinson and Ms. Paxton as detailed above.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

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

14. 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.

I, Pamela O'Neill, Secretary of 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 meeting held on the 8th day of May 2019.

R-21-19
PB-2820(2786)-A-PSP-FSP 10/18
SHM CRYSTAL POING, LLC

May 8, 2019

VOTE ON MEMORIALIZATION

MOVED BY: Mr. Gross

SECONDED BY: Mr. Clayton

VOTING IN THE AFFIRMATIVE: Mr. Clayton, Councilman Mummolo,
Mr. Occhiogrosso, Mr. Gross, Mr. Nugent, Ms. Della Volle, Ms. Lambusta
Mr. Philipson, Mr. Osipovitch

VOTING IN THE NEGATIVE:

INELIGIBLE:

IN-CONFLICT:

ABSENT: Mr. Aiello, Mr. Cooke

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 8th of May 2019


PAMELA O'NEILL/Secretary
Planning Board/Zoning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

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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 VB (Mandatory Development Fees) of Chapter 190 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.