

**APPLICATION FOR EXTENSION OF TIME FOR
PRELIMINARY SITE PLAN APPROVAL
WHITE CASTLE SYSTEM, INC.**

Block: 670, Lots: 3 & 4

Property Address: 2778 Hooper Avenue, Brick, New Jersey

Resolution: R-29-17

Application No. PB 2660-PSP-V-FSP-Ext 5/17

Date: June 14, 2017

**RESOLUTION OF APPROVAL OF THE
BRICK TOWNSHIP PLANNING BOARD
FOR A ONE-YEAR EXTENSION**

WHEREAS, an application has been made by **White Castle System, Inc.** for an extension of time pursuant to N.J.S.A. 40:55D-49 of a preliminary major site plan approval with variances previously granted to the applicant for Block 670, Lots 3 & 4, as set forth on the tax maps of the Township of Brick; and

WHEREAS, **White Castle System, Inc.** previously received approval by way of a Resolution of Approval from the Township of Brick Planning Board dated July 10, 2013, for the aforementioned preliminary major site plan approval with variances under Resolution R-13-13 approving the construction of a pad site at an existing shopping center; and

WHEREAS, the applicant was subject to the Permit Extension Act, extending the time within which the applicant was afforded to obtain final site plan approval and resolution compliance; and

WHEREAS, the time within which the applicant was permitted to complete resolution compliance and request final site plan approval is set to expire on June 30, 2017, in accordance with the sunset provisions of the Permit Extension Act; and

WHEREAS, notwithstanding the inapplicability of the Permit Extension Act after June 30, 2017, the applicant is still entitled to make requests for statutory extensions pursuant to

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N.J.S.A. 40:55D-49 for two one-year periods; and

WHEREAS, a hearing was held on June 14, 2017 wherein the applicant was represented by Louis L. DiArmino, Esquire, and testimony was presented by David Boesch, P.E. of Nelson Engineering, the applicant's engineers, and the basis for the aforementioned extension was explained that this request was necessitated by the inability of the applicant to initially obtain County Planning Board approval and subsequently to achieve an agreement with an adjoining property owner pursuant to the conditions set forth in the original Resolution, which has forced the applicant to now file for an amended preliminary and final site plan approval with variances that shall be heard on June 28, 2017; and

WHEREAS, the following exhibits were marked into evidence by the applicant:

A-1 Approved preliminary plan.

A-2 Revised plan; and

WHEREAS, the applicant's request was considered by the Planning Board at its meeting on June 14, 2017, with due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and Municipal Land Use Law, as applicable, and a quorum of the Planning Board being present, the Planning Board has made the following findings of fact:

1. The applicant previously applied for and received from the Planning Board of the Township of Brick site plan approval and variances to permit the construction of a restaurant on a pad site in an existing shopping center located at Block 670, Lots 3 and 4, as more specifically set forth in Resolution R-13-13.

2. The original Resolution granting the aforesaid approval was adopted on July 10, 2013.

3. The Board finds that the applicant has demonstrated to the satisfaction of the Planning Board that the applicant is entitled to an extension of time for a period of one year pursuant to N.J.S.A. 40:55D-49(c) and (f) in that no changes have occurred in the design standards in the ordinance. The applicant has demonstrated to the reasonable satisfaction of the Planning Board, finalization of preliminary site plan approval through resolution compliance was barred or prevented directly or indirectly from proceeding with the development because delays obtaining legally acquired approvals from other governmental entities and that the developer applied promptly for and diligently pursued those required approvals.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 28th day of June, 2017, that the application of **White Castle System, Inc.** for a one-year extension pursuant to N.J.S.A. 40:55D-49 be and is hereby approved and the applicant now has an additional one-year period within which to perfect the site plan approval through June 14, 2018; and

BE IT FURTHER RESOLVED that except as otherwise set forth herein any and all terms and conditions of any other Resolutions in connection with this application shall remain in full force and effect; and

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the applicant with any and all other requirements of this municipality or any other governing body; and

BE IT FURTHER RESOLVED that a written copy of this Resolution certified by the Secretary of the Planning Board to be a true copy shall be forwarded to the applicant, to the Code Enforcement Official of the Township of Brick and the Construction Code Official of the Township of Brick. A written copy of this Resolution shall also be filed in the Office of the

Administrative Officer of the Township of Brick, which copy shall be made available to any interested party and available for public inspection during normal business hours; and

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Township.

R-29-17
PB -2660-A-PSP-FSP-EXT 6/17
WHITE CASTLE SYSTEMS, INC.

June 14, 2017

VOTE ON MEMORIALIZATION

MOVED BY: Mr. Gross

SECONDED BY: Mr. Occhiogrosso

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

VOTING IN THE NEGATIVE:

INELIGIBLE:

IN-CONFLICT:

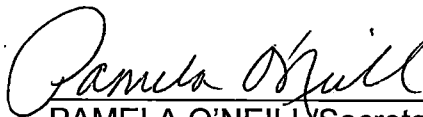
ABSENT:

ABSTAINING:

PRESENT BUT NOT VOTING : Mr. Philipson, Mr. Osipovitch

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 14th of June, 2017.


PAMELA O'NEILL/Secretary
Planning Board/Zoning Board