

# **BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)**



LDS BR 10502829

BRICK TOWNSHIP PLANNING BOARD

AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL  
WITH VARIANCES AND DESIGN WAIVERS

RESOLUTION R-43-96

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CASE NO. PB-2188-APFSP-V-2/96

July 11, 1996

WHEREAS, Outback Steakhouse of Florida, Inc. having a mailing address of 550 N. Reo Street, Tampa, Florida 33609, received preliminary and final site plan approval with variances and design waivers to construct a 6115 square foot Outback Restaurant on an out parcel which is contained within the Kennedy Mall Shopping Center at Block 670, Lots 4, 5, 8, 23 and 25 as designated on the Brick Township Municipal Tax Map; and

WHEREAS, said approval was memorialized by the Brick Township Planning Board in Resolution # R-32-96 adopted on May 8, 1996 at a public hearing of said Planning Board; and

WHEREAS, said approval granted a variance to the applicant to construct a third freestanding sign on the subject property. Said sign was to contain 100 square feet; and

WHEREAS, said variance for the sign was based in part upon the agreement of the owner of the Kennedy Mall Shopping Center to reduce the size of a separate previously approved freestanding sign from 130 square feet (per sign face) to 80 square feet (per sign face) and also to reduce the height of the previously approved sign from 35 feet to 25 feet; and

WHEREAS, the applicant now seeks an amendment to said approval to reduce the size of said third freestanding sign from 100 square feet to 30 square feet and to increase the size of the separate previously approved freestanding sign from 80 square feet (per sign face) to 100 square feet (per sign face); and

WHEREAS, the Board considered this request on July 2,

File - 2  
Outback  
Ironcone  
Alpha Eng  
Jord  
Cunley  
Bldg  
Eng - 2  
Zoning  
B.F.S.

1996 at its executive caucus session at which time testimony and exhibits were present on behalf of the applicant; and

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

1. The proposed reduction of the third freestanding sign from 100 feet to 30 feet is substantial and brings said sign into conformance with the maximum sign area requirement of the Brick Township Ordinance.

2. The proposed increase of the previously approved freestanding sign from 80 square feet (per sign face) to 100 square feet (per sign face) is reasonable in light of the fact that the overall combined signage of the two signs is being reduced by a total of 30 square feet.

3. The applicant does not propose any other changes in terms of the location and height of the signs as was previously approved by this Board.

4. This amendment can be granted without any substantial detriment to the Brick Township Zoning Ordinance and/or Master Plan or to the general welfare.

5. This amendment can be granted without any further public hearing since the proposed amendment actually reduces the degree of the variances previously granted by this Board and no additional variance relief is sought by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 11th day of July, 1996 that this amended application be approved subject to the following conditions:

1. The applicant shall otherwise comply with all terms and conditions set forth in Resolution R-32-96 approved by

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this Board on May 8, 1996; said Resolution being incorporated herein by reference.

2. The applicant shall comply with all representations and agreements made by the applicant or its attorney during the presentation of this case.

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MOVED BY Mr. Scherer

SECONDED BY: Councilman Cantillo

VOTING IN THE AFFIRMATIVE: Councilman Cantillo Mrs. Fox

Mr. Reo Mr. Bruno Mr. Aiello Mr. Scherer

VOTING IN THE NEGATIVE: \_\_\_\_\_

INELIGIBLE TO VOTE: \_\_\_\_\_

ABSTAINING: \_\_\_\_\_

ABSENT: Mr. Heidrick Mrs. LaDuke Mr. Petoia Mr. Underwood

CERTIFICATION

I, E. Joan Kull, Clerk of the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly ADOPTED by the said Planning Board of the Township of Brick at a regular meeting held on the 11th day of July , 1996.

IN WITNESS WHEREOF, I have set my hand this 16th day of July , 1996.

E. Joan Kull  
E. JOAN KULL

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 resubmit 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

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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.