

BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)



LDS BR 10502907

BRICK TOWNSHIP PLANNING BOARD

AMENDED SITE PLAN APPROVAL WITH VARIANCES

RESOLUTION: R-15-93

Page -1-

CASE NO. PB-1731-ASP -V-9/92

February 10, 1993

WHEREAS, Kennedy Mall Associates, having a mailing address of 641 Shunpike Road, Chatham, NJ 07928, has applied to the Brick Township Planning Board for amended site plan approval with variances pursuant to N.J.S.A. 40:55D-50 & 60; 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 January 27, 1993 in the municipal building, at which time testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard; and

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

1. This property is designated as Lots 4, 5, 8, 23 and 25, Block 670 on the Municipal Tax Map.

2. The property is located in the B-3 zone.

3. The applicant is requesting amended site plan approval to conform with a lease agreement between Joseph Milza and the Mobil Oil Corporation. The revisions to the site plan are

File-2
K.M.A.
Montenegro
McS/D
Fitzsimmons
Sadeghi
Bldg
Eng-2
Zoning
B.F.S.
S.T.C.

RESOLUTION: R-15-93

Page -2-

CASE NO. PB-1731-ASP -V-9/92

February 10, 1993

generally in the area of the Mobil Gas Station and the building previously occupied by Alan's Florist.

4. T & M Associates prepared a report to the Board dated November 9, 1992. Maser, Sosinski & Associates prepared a report to the Board dated January 27, 1993. The Board hereby adopts the findings in both reports and incorporates each document in this Resolution by reference, except that paragraph 1 of the Maser, Sosinski report is amended to indicate that a sign may not exceed a height of 25 feet as measured from the crown of the road.

5. The applicant is requesting variances relating to maximum sign height and from the requirement that a sign be set back at least 50 feet from any property line. Also, the applicant proposes to erect a three-sided sign. Only two-sided signs are permitted by ordinance.

6. The Board finds that the variances applied for are reasonable and should be granted because:

(a) Based upon the location and height of the proposed sign, the Board finds that a variance to exceed the maximum height by 10 feet is reasonable in order to adequately identify this shopping mall.

(b) The setback of one sign from Brick Boulevard by 8 feet and the setback of the other sign from Hooper Avenue by 15 feet instead of the required 50 foot setback is necessary to

RESOLUTION: R-15-93

Page -3-

CASE NO. PB-1731-ASP-V-9/92

February 10, 1993

adequately display each sign to operators of motor vehicles seeking to identify the shopping plaza. Due to the roadway design, if either sign were set back 50 feet, the Board finds that it would not adequately provide proper identification to motorists, thus, creating a situation adverse to traffic safety.

(c) The applicant proposes to utilize a three-sided sign instead of the two-sided sign permitted by ordinance; however, the total sign area is approximately 50 feet less than the maximum area permitted. Given the location and design of this sign, the Board finds it is reasonable to have signage on three sides to properly identify the shopping plaza.

7. The applicant has complied with the requirements of the site plan ordinance and the overall development plan for this property is consistent with the intent and purpose of the municipal development ordinance. Accordingly, the Board finds that the requested relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance or master plan.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board on this 10th day of February, 1993, that this application be approved subject to the following conditions:

1. The applicant shall comply with all standard Planning Board conditions for site plan approval as set forth on Attachment "A".

RESOLUTION: R-15-93

Page -4-

CASE NO. PB-1731-ASP -V-9/92

February 10, 1993

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

3. The applicant shall comply with all conditions proposed in the report of T & M Associates dated November 9, 1992 and the report of Maser, Sosinski & Associates dated January 27, 1993.

4. The applicant shall comply with all requirements set forth in the report of the Bureau of Fire Safety dated October 22, 1992.

5. Additional handicapped spaces shall be provided for to comply with the American Disabilities Act as testified to by the applicant.

6. The travel lane east of the former florist shop shall be restriped to properly identify the fire lane.

7. Additional shade trees shall be planted along Brick Boulevard in accordance with the amended landscape plan.

8. The solid waste dumpsters shall be relocated in areas to be approved by the Bureau of Fire Safety and the Planning Board Engineer and as stipulated to by the applicant.

9. The prime reason the Board has granted amended site plan approval permitting a deviation from the plan originally approved by the Board is the applicant's inability to obtain permission from Mobil Oil Company, which operates a gasoline

RESOLUTION: R-15-93

Page -5-

CASE NO. PB-1731-ASP-V-9/92

February 10, 1993

filling station on Lot 1, to install curbing between that property and the applicant's site. The original site plan approved by the Board contemplated the installation of curbing between these properties to adequately protect vehicular access lanes and parking areas. Following the original approval, Mobil Oil Company obtained a judicial determination which prevented the applicant from eliminating an access easement by placing curbing in the easement area. The applicant represented to the Board that Mobil Oil Company has a lease for Lot 1 which expires on February 1, 1994. The lease contains certain provisions which may permit Mobil to extend this lease; however, if Mobil Oil Company does not extend this lease, the applicant shall be required to reapply to the Planning Board for amended site plan approval concerning the issue of the installation of concrete curbing between the applicant's site and Lot 1. The applicant shall be required to make application for amended site plan approval within 90 days of Mobil Oil Company terminating its operations on Lot 1.

RESOLUTION: R-15-93

Page -6-

CASE NO. PB-1731-ASP-V-9/92

February 10, 1993

MOVED BY: Mrs. Barlo

SECONDED BY: Mr. Heslin

VOTING IN THE AFFIRMATIVE: Mr. Anderson Councilman Cantillo

Mr. Heslin Mr. Jordan Mrs. LaDuke Mr. Vespi Mr. Wylie

Mrs. Barlo Mr. Digironimo

VOTING IN THE NEGATIVE:

INELIGIBLE TO VOTE:

ABSTAINING:

ABSENT: Mayor Patetta Mr. Heidrick

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 10th day of February, 1993.

IN WITNESS WHEREOF, I have set my hand this 16th day of February, 1993.

E. Joan Kull
E. JOAN KULL
Clerk of the Planning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

RESOLUTION: R-15-93

Page -7-

CASE NO: PB-1731-ASP -V-9/92

February 10, 1993

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

RESOLUTION: R-15-93

Page -8-

CASE NO. PB-1731-ASP-V-9/92

February 10, 1993

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.