

BRICK, TOWNSHIP OF

(Planning/Zoning)

BRICK TOWNSHIP PLANNING BOARD

RESOLUTION R-13-84

February 8, 1984

CASE NO. 1374

WHEREAS, application has been made by Alan's Flowers and Gifts for Minor Site Plan approval for premises known as Block 670, Lot 4 on the Township of Brick Tax Map with variances for lot area, lot frontage, front setback and side setbacks; and

WHEREAS, proper service has been made upon all of the property owners within 200 feet of the premises in question and proper notice and publication has been made as required by New Jersey Statute and proper proof of service has been filed by the applicant with the Planning Board of the Township of Brick; and

WHEREAS, the Planning Board having considered the application and plans filed with its secretary and having heard the witnesses and evidence and examined the exhibits of the parties in interest and having heard and considered the comments of the public on the 25th day of January, 1984; and

In conjunction with this Resolution, the Board has made the following findings of the fact:

1. That the applicant is the Lessee of the premises.
2. That the property is in the B-3 Zone.
3. That the proposed Minor Site Plan is for commercial purposes and is a permitted use within the zone.
4. That the application, as submitted, conforms with the minor site plan ordinance of the Township of Brick.

File-2
Alan's
Montenegro
S.W. Smith
Stangerone
Guleans
Bldg
Chankelian
Zoning

5. That the applicant has requested variances for lot area of .53 $\pm$ acres, 2 acres being required; for lot frontage of 83.06 feet, 200 feet being required; for front setback of 30 feet, 75 feet being required; for side setback for the produce stand of 5 feet, 30 feet being required; and side setback for the greenhouse of 2 feet, 30 feet being required.

6. That the aforesaid variances are reasonable for the reasons that: the application involves a preexisting nonconforming lot with insufficient lot area and lot frontage; the structure has existed for the approximately two years and will not be in operation for three months of the year; the same will be used as a produce stand and a temporary structure to be used only at certain times of the year; the area will not be used at night; the existing structures and lot lines are present within an overall shopping center and are used within the flow of the shopping center; the relocation of the greenhouse will clear up existing violations; the setbacks along Hooper Avenue will be in conformity with the surrounding area; the "no parking display outdoor sales" means no public parking to be used in that area; the building, as proposed, is a temporary structure and will be subject to the obtaining of yearly permits from the Brick Township Building Department; the applicant agrees to add a handicapped parking space and to mount the fire zone sign; the proposed

variances would help bring the site into greater conformity with the overall building construction in the area.

7. That the variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Brick.

8. That the current location of the sign on the applicant's site plan is not in conformity with the requirements of the B-3 Zone and no variance has been sought.

NOW, THEREFORE, BE IT RESOLVED that the application of Alan's Flowers and Gifts for a Minor Site Plan of Block 670, Lot 4 for lot area of 53+ acres, insufficient lot frontage of 83.06 feet, insufficient front setback of 30 feet, insufficient side setback of 5 feet and insufficient side setback of 2 feet is hereby approved on this 8th day of February, 1984 subject to the following conditions:

1. Applicant shall comply with all standard Planning Board conditions for site plans set forth on Attachment "A".

2. Applicant shall comply with all representations and agreements made by applicant or applicant's representatives during the consideration of this application.

~~* 3. Applicant shall either move the sign into conformity with the setback requirements of the B-3 Zone or obtain a variance for the proposed location of the sign within 60 days herein. Said variance is to be obtained by an~~

* Removed by Planning Board at Public meeting on March 14, 1984, E. Joan Kull, Sec

amended site plan application to this Board.

4. Approval is also subject to the adding of one handicapped parking space and to the engineer's field inspection for lighting. If, in fact, said field inspection reveals a necessity for additional lighting, then applicant must conform to the engineer's request.

Moved By: Mr. Gunther

Seconded By: Mr. Metz

Voting in the Affirmative: Councilman Anderson

Mr. Cierzo Mr. Gunther Mr. Metz Mrs. Kenney

Mrs. Cook Mr. Geller Mr. Vespi

Voting in the Negative:

Abstaining:

Absent: Mr. Hayes Mayor Newman Mr. Scherer

CERTIFICATION

I, E. Joan Kull, Clerk to the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 8th day of February, 1984.

IN WITNESS WHEREOF, I have set my hand this 9th day of February, 1984.

E. Joan Kull
E. JOAN KULL, Clerk
Planning Board of the Township of Brick

ATTACHMENT A

STANDARD PLANNING BOARD CONDITIONS FOR SITE PLANS

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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 Public Law 1975, Chapter 251, "Soil Erosion and Sediment Control Act."

2. All materials, methods of construction, and details shall be in conformance with the current Township of Brick "Engineering Specifications and Construction Details", available at the office of the Township Engineer.

3. Applicant shall obtain any other approvals with respect to submission to any other federal, state, county or municipal agency having jurisdiction over same. Upon receipt of the approval, the applicant shall supply a copy of said permit or permits to the Board. In the event that any other jurisdictional agency requires a change in the applicant's plans, the applicant must reapply to the Brick Township Planning Board for approval of that change.

4. Applicant shall resubmit this entire proposal should there be any deviation from this Resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.

5. Applicant shall supply evidence by way of a statement from the Brick Township Tax Collector that all taxes are paid to date at the date of the fulfillment of the conditions of this resolution.

6. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

7. Before the issuance of a building permit, the applicant shall furnish the Township Clerk with a performance bond in an amount to be determined by the Township Engineer. Said performance bond shall be updated on a six (6) month basis at the discretion of the Township Engineer.

8. No soil shall be removed from the site without the written approval of the Township Council.