

BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)



LDS BR 10402045

BRICK TOWNSHIP PLANNING BOARD
SITE PLAN APPROVAL WITH DESIGN WAIVERS

RESOLUTION R-136-86

November 12, 1986

CASE NO.: 1676-PSP/FSP-5/86

WHEREAS, application has been made by Vornado, Inc., Lessor, Landthrop Enterprises, Inc., Owner of Lots 7, 8, 15 and 16 in Block 701, and contract purchaser of Lot 8-2 and a portion of Lot 9, Tax Block 701, Brick Township Tax Map, for site plan approval to add a 47,510 sq. ft. extension to the existing building at the southeastern end of the site and a 56,250 sq. ft. addition to the northwestern end of the existing building together with additional parking and other on site improvements and the relocation and improvement of the access drive into the site on Chambers Bridge Road together with requested design waivers for insufficient parking space setback from right of way, lack of sidewalk along Route 70, partial curbing and no boring logs; 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

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Vornado
Sayle
Keyes
Montano
Giblin
Blay
Eng - 2
Zoning

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heard the witnesses and evidence and examined the exhibits of the parties in interest and having heard and considered the comments of the public, if any, on the 23rd day of October , 1986; and

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

1. The applicant is the Lessor of the subject premises; property being owned by Landthrop Enterprises, Inc. and the owner having consented to and authorized the making of this application. In connection with this application, Lot 8-2 and a portion of Lot 9 are to be acquired for the making of necessary improvements.

2. The premises are located in the B-3 Zone, and the premises presently exist as a pre-existing use which complies with the Zoning Ordinance requirements for a conditional use as a shopping center.

3. The plan, as submitted, requests the following design waivers:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
A) Parking Space Setback from R.O.W.	20 ft.	Parking spaces located in the R.O.W. at the east corner of the site on Chambers Bridge Rd.
B) Sidewalk	Route 70	None
C) Curb	Along All Parking Areas	Partial
D) Boring Logs	All Site Plans	None

The Planning Board finds that these requested design waivers are reasonable and should be granted for the reason that as to all these items, this is a pre-existing situation or condition

which is not being increased or worsened by this application but in fact, as to new parking spaces and new parking areas, parking space setback and curbing shall be in full compliance with ordinance requirements. Accordingly, the Planning Board finds that as to pre-existing conditions and situations, literal enforcement of the provisions of the ordinance is impracticable and will exact undue hardship because of peculiar existing conditions pertaining to the subject premises, provided the conditions set forth hereafter are complied with by the applicant, and that these requested design waivers should be granted, with the exception of Item A withdrawn by applicant.

4. As a result of the proposed expansion at the site, it is anticipated that there would be a substantial increase in traffic problems at this location and in this vicinity. In order to alleviate anticipated worsening of traffic conditions, the applicant is proposing a substantial improvement to the access to Chambers Bridge Road including the relocating of the driveway and installation of a traffic light and participation of the applicant in construction of a proposed jughandle on Chambers Bridge Road to the northwest of this site. Based upon these substantial improvements in traffic, the Planning Board finds that this application for site plan approval to provide for substantial additional construction can be granted without substantial detriment to the surrounding area and the public good and without substantially impairing the Master Plan and Zoning Ordinance of the Township of Brick, provided the conditions and requirements set forth hereafter are fully and

and completely complied with by the applicant.

NOW, THEREFORE BE IT RESOLVED that the application of Vornado, Inc. for preliminary and final major site approval for a pre-existing conditional use for the purpose of adding a 47,510 sq. ft. extension to the existing building at the southeastern end of the site and a 56,250 sq. ft. addition to the northwestern end of the existing building together with both on site and off site improvements and requested design waivers is hereby APPROVED on this 12th day of November, 1986, subject to the following conditions:

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

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

3. That the applicant shall comply in all respects with the conditions and requirements set forth in the Report of the Planning Board Engineer dated October 7, 1986 and the Township Planner dated October 23, 1986 and September 23, 1986.

4. In addition to the above, the applicant shall comply with the following specific conditions as a condition of this amended site plan approval:

A. This approval is subject to the obtaining by the applicant or the owner of such necessary sub-division approval so as to cause Lot 8-2 and a portion of Lot 9 shown on this plan to be owned

and consolidated into this site.

B. It is the determination of the Planning Board that as a result of the proposed expansion at the subject premises, ~~off-tract~~ improvements consisting of a jughandle northwest of the proposed site are necessitated and that the installation of this improvement will confer benefit upon the proposed development. Accordingly, it is recommended that the applicant contribute its pro rata share of the cost of providing the construction of this jughandle at this location in accordance with the provisions of Section 44A-93 of the Brick Code. Compliance with this condition is a specific condition of this approval.

C. In accordance with the representations and agreements made by the applicant during the consideration of this application, the applicant shall completely redesign and reconstruct the main access driveway to the site from Chambers Bridge Road in cooperation with the County of Ocean and in accordance with the plans and proposals submitted to the Planning Board. The entire cost of this reconstruction and improvement, including the cost of any necessary road improvements and traffic light installation and maintenance shall be borne by the applicant in accordance with the applicant's representations and agreements. Based upon the existing serious traffic problems and existing danger to the safety of the travelling public caused by the existing driveway access at this location, it is a specific condition of this approval that no certificate of occupancy, either temporary or final, shall be issued for any new construction at this site until such time as the revised access driveway from Chambers

Bridge Road is fully constructed and operational.

D. In accordance with the agreement of the applicant, the applicant shall provide benches and trash receptacles along the frontages of all stores.

E. In accordance with the representation of the applicant, all trash storage shall be maintained within the buildings and there shall be no outside storage of trash or garbage. In the event that at some future date it is determined that there is outside storage or placement of trash and garbage, the applicant shall be required to submit to the Planning Board and obtain amended site plan approval for the placement and location and construction of trash storage areas at the exterior of the site.

F. The proposed buildings will be split-faced block on all sides. The facades of the present buildings consist of brick and stone on the front and side and shall be maintained as such. In any event, all efforts will be made to cause the exteriors of the existing and proposed buildings to be uniform and similar in appearance, if possible. The rear of the existing buildings presently consist of block and shall be painted with a sand finish..

G. In accordance with the representation and agreement of the applicant, there shall be no outside storage of trailers on this site.

H. It is a condition of this site plan approval that the detention basin be maintained in a clean and sightly condition and that periodic clean-up and maintenance be provided to the detention basin to the satisfaction of the Township Engineer. The detention

basin shall be fenced with landscaping consisting of decorative low lying shrubs around said fencing. The detention basin shall have constructed therein a low flow channel in the middle of the basin.

I. In accordance with the representations of the applicant, the plan shall be revised to show tree wells and green islands in the existing parking area.

J. In accordance with the agreement of the applicant, approximately 70 of either the proposed or existing parking spaces, at a location or locations to be determined by the Planning Board Engineer after consultation with the Planning Board, shall be removed or shall not be constructed but shall be maintained in a natural state as green areas. In the event that at some future date, it is determined by the Planning Board that additional parking is required at the site, the applicant shall be obligated to and has agreed to construct the aforesaid 70 parking spaces.

K. The applicant shall retain the existing trees in the buffer area along Chambers Bridge Road.

L. As a condition of this approval, there shall be a general clean-up of the site, including the patching of any deficient paved areas and repair of paved areas, curbs, sidewalks or other improvements to the satisfaction of the Planning Board Engineer in accordance with Township standards.

M. In accordance with the agreement of the applicant, the applicant shall construct a planter at the corner of Route 70 and Chambers Bridge Road within the Route 70 right of way.

N. All tractor, trailer and truck deliveries to the premises shall be made at the rear of the buildings.

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MOVED BY: Mr. Scherer

SECONDED BY: Mr. Geller

VOTING IN THE AFFIRMATIVE: Mr. Cevasco Mr. Cierzo

Mr. Geller Mrs. Hartman Councilman Scarpelli

Mr. Vespi Mr. Kazawic Mr. Scherer

VOTING IN THE NEGATIVE: _____

ABSTAINING: _____

ABSENT: Mr. Gunther Mr. Hayes Mayor Newman

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 12th day of November, 1986.

IN WITNESS WHEREOF, I have set my hand this 17th day of November, 1986.

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.

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