

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10503090

BRICK TOWNSHIP PLANNING BOARD
PRELIMINARY AND FINAL SITE APPROVAL
WITH VARIANCES AND DESIGN WAIVERS

RESOLUTION R-66-95

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CASE NO. PB-2163-ASP-V-6/95

October 25, 1995

WHEREAS, Aldi, Inc., with a mailing address of 2700 Saucon Valley Road, Center Valley, PA 18034, has applied to the Brick Township Planning Board for preliminary and final site approval with variances and design waivers pursuant to N.J.S.A. 40:55D-46, 50, 51, and 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 October 4, 1995 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 Block 1149, Lot 1 on the Municipal Tax Map.

2. The property is located in the B-3 Highway Development Zone.

3. The applicant proposes to occupy 15,440 sq. ft. of an 50,400 sq. ft. existing building to operate Aldi Supermarket. The existing 50,400 sq. ft. building was formerly occupied by a Channel Home Improvement Center, and presently, 25,200 sq. ft. are occupied by a Sears Outlet Store, 10,080 sq. ft. are vacant, with the remaining 15,440 sq. ft. to be utilized by the proposed Aldi Supermarket. The building is located within the Channel Plaza Commercial Center and supported by existing site amenities such as parking, access drives and landscaping. In addition to occupying the

*Tele-2
ald
Kaldstein
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existing building space, the applicant proposes a 320 sq. ft. loading dock and ramp. The provision of the loading dock will require an adjustment of the Fire Lane in the rear of the building, the reduction of existing landscaping and a rear setback variance.

4. Lynch, Giuliano & Associates prepared a report to the Board dated August 17, 1995. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

5. The Board Planner, Michael P. Fowler, prepared a report to the Board dated September 1, 1995. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

6. Kevin C. Batzel, Bureau Chief/Fire Official, prepared a report to the Board dated July 28, 1995. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

7. Kenneth Baenziger, Traffic Safety Officer, prepared a report to the Board dated July 21, 1995. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

8. The following variances have been applied for:

<u>Bulk Requirement</u>	<u>Required</u>	<u>Provided</u>
Min. Rear Setback	50 Ft.	41.80 Ft.
No Parking Spaces	539	483 *
Max. Sign Height	25 Ft.	29 Ft.*
Min. Sign Setback from property line	50 Ft.	10 Ft.*
Min. Sign Setback from residential zone	200 Ft.	70 Ft.*

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Parking in Residential
Buffer

60 Ft.

40 Ft.*

*Existing Conditions

The deviation from the minimum sq. ft. area of the sign is as a result of the location of the existing sign, in that the enlarged sign is needed in order to be viewed by the travelling public based upon the trees surround the signs. The Board finds it would be unreasonable to impose a requirement that the sign be altered to comply with this Ordinance Requirement.

The applicant has requested a waiver for the submission of drainage calculations.

9. The Board finds the following variances are reasonable and should be granted because:

(a) The deviation from the minimum rear setback distance for the building is a result of the existing location of the building. The Board finds that it would be unreasonable to impose a requirement that the building be altered to comply with this Ordinance requirement.

10. In regard to the remaining variances, they are all existing conditions and were approved when the initial applicant appeared before the Planning Board.

11. The Board finds that the requested design waiver is reasonable and should be granted in that the applicant is extending the existing drainage area and the impervious area is minimal.

12. The applicant has complied with the requirements of the Site Plan Ordinance and the overall development plan for this property constitutes a substantial upgrading of the Multi-Tenant Commercial Building and is consistent with the

intent and purpose of the Municipal Development Ordinance. Accordingly, the Board finds that the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Township Zoning Ordinance or Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 25th day of October, 1995, 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."

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

3. The applicant shall comply with all the terms and conditions proposed in the report of Lynch, Giuliano & Associates dated August 17, 1995.

4. The applicant shall comply with all of the terms and conditions in the report of Michael P. Fowler dated September 1, 1995.

5. The applicant shall comply with all of the terms and conditions proposed in the report of Kevin C. Batzel, Bureau Chief/Fire Official, dated July 28, 1995, in and about the entire area surrounding the Aldi store.

6. The applicant shall comply with all of the terms and conditions proposed in the report of Kenneth Baenziger, Traffic Safety Officer, dated July 21, 1995.

7. The applicant is required to landscape in the area

immediately adjacent to the building in accordance with the landscape plan, Sheet 2 of 4, dated 4/12/95, last revision date 6/23/93 in regard to Resolution R-13-87 which was approved on January 28, 1987. The aforesaid landscape plan was prepared by Donald Smith, and the applicant was New Jersey Special Realty Corporation, Case No. 1551. More particularly, the applicant is to replace 11 trees in accordance with the regular plan.

8. In regard to the trash enclosure, the applicant will provide a masonry enclosure similar to the facade of the building with gates of chain link, and subject to the approval of the Fire Safety Officials, as well as the Planner for the Planning Board.

9. The applicant shall bring the handicap parking in compliance with the ADA requirement for handicap parking, on the eastern side of the Adli store.

10. The applicant shall locate 3 cart corals in the parking lot, at a location to be agreed upon between Aldi, the Board Planner and Engineer. There will also be one cart coral under the canopy in front of the store.

11. A sign will be installed in accordance with the rendering submitted by applicant to the Planning Board, said sign totalling 25 ft. in height, 128 sq. ft. sign surface, and the sign is to be installed on the Route 70 side of the property, at a location 10 ft. south of the current sign; said site location agreed upon at a site meeting with the Board Planner. The current sign on Van Zile Road 10 feet from the proposed site for the new sign will be removed.

12. The applicant shall replace in kind all shrubs that are taken down and/or destroyed by the construction.

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MOVED BY Councilwoman Fayad

SECONDED BY: Mrs. Fox

VOTING IN THE AFFIRMATIVE: Mr. Anderson Mr. Cierzo

Councilwoman Fayad Mrs. Fox Mr. Heidrick Mrs. LaDuke

Mr. Petoia Mr. Underwood Mr. Reo

VOTING IN THE NEGATIVE:

INELIGIBLE TO VOTE:

PRESENT BUT NOT VOTING: Ms. Doyle

ABSTAINING:

ABSENT: Mr. Scherer

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 25th day of October, 1995.

IN WITNESS WHEREOF, I have set my hand this 26th day of October, 1995.


E. JOAN KULL
Clerk of the Planning Board

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

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.