

BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)



LDS BR 10401747

BRICK TOWNSHIP PLANNING BOARD
AMENDED SITE PLAN APPROVAL WITH DESIGN WAIVERS

RESOLUTION R-13-87

January 28, 1987

CASE NO.: P.B. 1551-A-PSP-V/FSP-4/855

WHEREAS, application has been made by Sanford R. Nalitt, owner of Lot 1, Block 1149, Brick Township Tax Map for amended site plan approval for three commercial buildings totalling 98,900 sq. ft. with requested design waivers; 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, if any, on the 16th 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 owner of the subject premises.
2. That the property is located in the B-3 Zone.

*Inte.-2
nalitt
seesmith
montone
Gualino
Bldg
Eng-2
Zoning*

RESOLUTION R-13-87

PAGE TWO

CASE NO.: 1551-A-PSP-V/FSP-4/85.

January 28, 1987

3. That the proposed structures consisting of a 50,400 sq. ft. Channel Home Center, a 41,500 sq. ft. multi-tenant commercial building and a 7,000 sq. ft. commercial building are for commercial buildings and structures which are permitted within the zone.

4. That the application, as originally submitted, requested the following design waivers which were granted by Resolution No. R-124-85 adopted November 13, 1985:

	<u>Item</u>	<u>Required</u>	<u>Proposed</u>
A)	Parking Setback	20 ft.	15 ft. (along Rte. 70)
B)	Parking Space Length	20 ft.	18 ft.
C)	Number of Ground Signs Permitted	1	2
D)	Sign Setback from R.O.W. Line	25 ft.	10 ft. (Both Ground Signs)
E)	Curbing & Sidewalk along Rte. 70		NOT PROPOSED
F)	Buffer From Residential Zone	50 ft.	40 ft. (Van Zile Rd.)

5. Revisions from the original site plan include a reduction in multi-tenant commercial building from 42,200 sq. ft. to 41,500 sq. ft. in order to allow for a drive-thru bank facility which maintains a 25' wide access aisle, and an increase in the free standing commercial building located in the northeast portion of this site from 5,000 sq. ft. to 7,000 sq. ft. and the reduction of proposed landscaping in this area resulting in a net increase in building size of 1,300 sq. ft.

RESOLUTION

PAGE THREE

CASE NO.: 1551-A-PSP-V/FSP-4/85

January 28, 1987

6. The amended proposal included a proposal to allow the outside storage of carts and the Planning Board has determined that, notwithstanding the position taken by the Planning Board in prior years to authorize outside storage of carts that outside storage of such carts involves unsightly conditions, and is hazardous to the public, and would involve the elimination of substantial landscaping originally proposed as part of the original site plan. For this reason, the Planning Board denies the request to allow the redesign of the site plan to allow outside storage of carts for the Channel store.

7. Based upon redesign of drive-in bank facility including channelization, the providing of pavement lines to delineate drive-up lane, the providing of one lane traffic adjacent to the drive-in lane and the providing of angular parking to the rear of the multi-tenant building and based upon the testimony and evidence submitted by a traffic expert, the Planning Board has determined that it is appropriate to approve this amendment to the site plan to provide for the drive-thru banking facility at this site provided the conditions and requirements set forth hereinafter are complied with.

8. In connection with the drive-thru banking facility and concerns about potential traffic conflicts, and as a result of revisions to the site plan requested by the Planning Board to prevent truck traffic from entering the rear portion of the premises through the driveway located between the two principal commercial structures at this site, the site plan revisions required by the Planning Board have resulted in the reduction of the total number of parking spaces to 483 spaces provided, 495 spaces required by

Township ordinance. It is the determination of the Planning Board that this design waiver is reasonable and should be granted for the following reasons:

A. This design waiver results from a redesign of the site to provide safer traffic circulation and to allow truck access for loading and unloading along the rear of the multi-tenant building only. In order to allow additional turning radii and other revisions to the plan, the elimination of these parking spaces was required.

B. This deficiency of the twelve parking spaces below that required is a minimal and insubstantial deviation and is more than offset by the improved design and improvement in traffic safety resulting from the requested revisions.

C. Planning Board is satisfied that the literal enforcement of the requirement for number of parking spaces would be impracticable and will exact undue hardship because of peculiar conditions pertaining to the subject premises, provided the conditions and requirements set forth hereinafter are complied with by the applicant.

9. In connection with this application, the applicant has requested a variance to allow two signs, both having an area of 100 sq. ft. and a height of 25' located 10' from the property line, 25' setback required. With regard to these requested variances, the Planning Board reaches the following conclusions:

A. With regard to the proposed sign to be located at the northwest corner, the Planning Board finds that these requested variances are reasonable and should be granted based upon the location of the sign approximately 260' from the travelled way of

State Highway No. 70 and the restricted visibility for this sign.

B. With regard to the proposed sign located at the northeast corner of the site, Planning Board is concerned about the fact that this sign is located across from an existing residential use on Van Zile Road and will intrude upon such use.

C. With regard to the sign at the northeast corner, Planning Board is satisfied that the requested variance to allow its location 10 ft. from the property line is a reasonable request and should be granted but shall require that the size of said sign be reduced to 50 sq. ft. to prevent intrusion upon adjoining residential uses.

D. These requested variances can be granted without substantial detriment to the surrounding area and the public good and without substantially impairing the intent and purpose of the zone plan and the zoning ordinance of the Township of Brick.

NOW, THEREFORE BE IT RESOLVED that the application of Sanford R. Nalitt, owner of Lot 1, Block 1149, Township of Brick Tax Map, for amended site plan approval for three commercial buildings totalling 98,900 sq. ft. together with requested variances for two free standing signs and variances for sign setback and for various design waivers for Lot 1, Block 1149, Township of Brick Tax Map is hereby APPROVED on this 28th day of January, 1987, subject to the following conditions:

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

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

3. The applicant shall comply in all respects with the conditions and requirements set forth in the report of the Planning Board Engineer dated January 6, 1987 and Township Planners Report dated December 3, 1986.

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

A. There should be no outside storage of shopping carts anywhere at this location.

B. There should be no truck traffic entering between the multi-tenant building and the proposed Channel store, and necessary signage shall be installed and located at this site to permit only one way egress between these two buildings for reasons of pedestrian safety and avoidance of traffic conflict.

C. There shall be no overnight parking of tractor-trailers or trucks along the rear of the multi-tenant building.

D. Concrete bollards shall be installed adjacent to the bank building and that the bank drive-in facility for the bank drive-thru lanes.

5. There shall be no reduction of the total landscaped area from the original site plan to the amended site plan. Landscaping shall be retained in front of the Channel building and replacement landscaping shall be designed and provided at the site subject to approval of the Planning Board Engineer and the Planning Board.

6. There shall be additional landscaping installed around the proposed two free standing signs which landscaping shall be

designed by the applicant and shall be submitted to the Planning Board Engineer and Planning Board for review and approval.

7. In accordance with the agreement of the applicant, planters and benches for customers shall be installed in front of the multi-tenant building. Additionally, litter receptacles shall be installed in front of all buildings.

8. Except as revised and amended by this amended approval, all of the conditions and requirements set forth in Resolution R-124-85 adopted on November 13, 1985 shall be fully complied with by the applicant as a condition of this amended approval.

MOVED BY: Mr. Scherer

SECONDED BY: Mr. Cierzo

VOTING IN THE AFFIRMATIVE: Mr. Cevalco Mr. Cierzo

Mrs. Hartman Councilman Scarpelli Mr. Vespi

Mr. Kazawic Mr. Scherer

VOTING IN THE NEGATIVE: _____

ABSTAINING: _____

ABSENT: Mr. Geller Mr. Gunther Mr. Hayes Mayor Newman

RESOLUTION R-13-87

PAGE EIGHT

CASE NO.: 1551-A-PSP=V/FSP-4/85

January 28, 1987

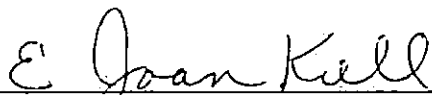
CERTIFICATION

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

28th day of January, 1987

IN WITNESS WHEREOF, I have set my hand this

30th day of January, 1987.


E. JOAN KULL, CLERK Planning Board
of the Township of Brick

ATTACHMENT "A":

STANDARD PLANNING BOARD CONDITIONS FOR SITE PLANS

RESOLUTION R-13-87

January 28, 1987

CASE NO. 1551-A-PSP-V/FSP-4/85

Page NINE

NINE 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.