

**BRICK, TOWNSHIP**  
**OF**  
**(PLANNING AND ZONING DEPT.)**



LDS BR-PZ 10302497

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

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CASE NO. PB-2025-(1551)PSP-V/FSP-9/91      October 9, 1991

WHEREAS, Brick Plaza Associates (formerly Channel Plaza), having a mailing address of 1688 Victory Boulevard, Staten Island, New York 10314-0023, has applied to the Brick Township Planning Board for preliminary and final site plan approval with variances and design waivers pursuant to N.J.S.A. 40:55D-46, 50, 51 & 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 September 25, 1991 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 Lot 1, Block 1149 on the Municipal Tax Map.
2. The property is located in the B-3 zone.

File -2  
B.P.A.  
D.W. Smith  
R. Shea  
Fitzsimmons  
Farrell  
Bldg  
Eng. 2  
Zoning  
B.F.S.

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3. The applicant is proposing to amend its existing approved site plan to expand the parking area to provide additional parking for a proposed supermarket. The existing bank facility, which is located in the 41,500 square foot retail building, is proposed to be relocated to the 7,000 square foot retail building.

The Channel Home Center, which previously occupied the area proposed for the supermarket, had a partially enclosed storage area on the west side of the building. The applicant is proposing to enclose this area to increase the floor area of the supermarket by 5,000 square feet.

4. The Board's Engineer, T & M Associates, prepared a report to the Board dated September 20, 1991. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

5. Variances relating to parking setback, parking space length, permitted number of ground signs, sign setback from a right-of-way, curbing and sidewalk installation along Route 70, landscape buffer depth from a residential zone, display sign area and minimum required parking were granted by Resolution R-13-87 dated January 28, 1987. These variances are detailed in the engineering report.

6. The applicant now requests additional variances relating to relief from the minimum buffer required from a

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residential zone, parking stall size, parking aisle width, parking setback from a right-of-way, minimum landscaped area, minimum parking spaces provided, parking lot landscaping and provision of a minimum number of shade trees. The specific details of the requested variances are outlined at page 3 of the engineering report. During the presentation of the hearing, the applicant withdrew its request to provide less than the minimum number of shade trees, and agreed that 61 shade trees would be planted on the site.

7. The following design waivers have been requested:

REQUIRED

PROVIDED

Submission of a  
Traffic Report

Waiver requested because  
the use of the property will  
remain as a shopping center

Submission of  
Architectural Plans

Requested waiver of this  
provision based upon limited  
expansion of the building area

8. The Board finds the requested variances and design waivers are reasonable and should be granted because:

(a) The existing shopping center has been constructed pursuant to a 1987 Resolution of the Board granting site plan approval, variances and design waivers. Modifications (to the extent permitted by this Resolution) will not adversely affect the site. At present, the owner has lost its anchor tenant (Channel Lumber), and must secure a new anchor tenant to remain a

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viable operation. The Board finds that the proposed supermarket is a permitted and reasonable use at this location, and that certain site accommodations are necessary to allow for the proper operation of the supermarket and satellite tenants.

(b) The improvements proposed by the applicant will upgrade the site, thus, improving this property and benefitting neighboring properties.

(c) Several of the variances and design waivers relate to existing conditions on the site. The Board finds that the benefits of the deviations proposed substantially outweigh any detriment to this site or neighboring properties.

(d) Relief relating to parking stall size and the composition of impervious areas are made to comport with conditions contained in the initial CAFRA approval. Considering existing site conditions and requirement previously imposed under the CAFRA review, the Board finds it is reasonable and appropriate to grant these variances.

9. 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 relief requested can be granted without substantial detriment to the public good and will not substantially impair

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the intent and purpose of the Township zone plan, zoning ordinance or master plan, subject to the applicant's compliance with the various conditions contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board on this 9th day of October , 1991, 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 the applicant's representatives during the presentation of this application.

3. The applicant shall comply with all conditions proposed in the Board's engineering report of September 20, 1991, except the conditions set forth in sections 1.2, 1.6, and 2.6 of that report.

4. Applicant shall eliminate parking spaces from the area directly adjacent to Van Zile Road and from the rear of the proposed supermarket in such number as to reduce the total number of parking spaces on site by 18, which configuration shall be subject to the review and approval of the Board Engineer. These areas shall be planted in accordance with a landscape plan to be submitted for review and approval by the Board Engineer. The

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site plan may note that this area is being "green banked". It is the intention of this provision to attempt to provide additional green areas; however, the Board acknowledges that the applicant may file a development application in the future to construct the 18 parking spaces should the applicant be able to demonstrate that the remaining parking on the site are insufficient to support the shopping center.

5. Changes in the plan shall be made to address paragraph 1.3 of the engineering report so that the plan is revised to eliminate dead-end parking on the west side of the bank.

6. The operator of the proposed supermarket shall require employees to park at the southerly end of the site (to the rear/south of the proposed supermarket) and employers in businesses located in the existing masonry retail building shall require employees to park in the spaces along the westerly line of the site (to the rear/west of this building) in order to utilize these spaces which otherwise would probably not be used by patrons of the site. Similarly, employees of the proposed bank and the proposed retail facility, located in the free-standing 6,994 square foot building, shall be required to park to the rear (north). The site owner shall make all necessary arrangements to make this conditions known to its tenants and enforce the provisions of this condition.

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7. To address Section 2.1 of the engineering report, it is required that four parking spaces be eliminated and landscaped aisles be provided at each end along the main access drives in the vicinity of Van Zile Road.

8. To address Section 2.1 of the engineering report, the applicant shall require the operator of the supermarket to compact its trash and recyclable items within the confines of the building. In the event that the one compacter provided is insufficient to service the supermarket, the applicant shall increase the frequency of pick-up. If increasing the pick-up frequency does not remedy this condition, an additional dumpster shall be provided to service the supermarket.

9. To address Section 2.3 of the engineering report, the applicant is required to provide an enclosed area for shopping cart storage (as shown on the previously approved site plan). Further, the supermarket shall be required to impose a monetary deposit for the use of shopping carts in order to ensure the return of the shopping carts by patrons.

10. To address Sections 2.4 and 2.5 of the engineering report, the applicant is required to make an application for sign permits if there is any change in the existing signs.

11. To address Section 2.7 of the engineering report, the applicant is required to provide trash enclosures to be constructed diagonally. Further, curbs shall be constructed to surround these enclosures.



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12. To address Section 2.9 of the engineering report, the applicant is required to relocate the three handicapped spaces to the east of the supermarket to an area to be approved by the Planning Board Engineer. Further, these parking spaces should be widened to accommodate wheel-chair lift vehicles, and ramps shall be provided in the vicinity of the parking spaces to allow handicapped access to the supermarket.

13. To address Section 3.1 of the engineering report, inlets shall be provided to direct runoff to the recharge trench. All other requirements of that section shall be waived.

14. To address Section 3.1 of the engineering report, the applicant is required to revise its grading plan.

15. To address Section 5.1 of the engineering report, the applicant is required to include photogrammetric contours.

16. To address Section 6.1 of the engineering report, the applicant shall plant evergreen trees along Van Zile Avenue. The height and number of plants shall be shown on a revised landscaping plan, and shall be subject to the review and approval of the Board Engineer.

17. To address Section 6.2 of the engineering report, the applicant shall plant 61 shade trees on the site.

18. To address Section 6.3 of the engineering report, the applicant is required to provide landscaping and planting beds on the south side of the existing retail building and the north side of the supermarket.

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19. The applicant shall install a "No Left Turn" sign at the exit on State Highway Route 70.

20. The applicant shall render the existing irrigation system functional to allow for the proper maintenance of the planting, vegetation, trees and shrubs on the site.

21. There shall be no outdoor display or sale of merchandise unless proper application is made to the Planning Board pursuant to Section 190-34 of Chapter 190 (Land Use) of the Municipal Code.

22. The applicant shall comply with conditions 3 and 4 in the report of the Environmental Commission dated September 23, 1991.

23. The applicant shall comply with the two conditions set forth in the report of the Bureau of Fire Safety dated September 17, 1991.

24. The applicant shall comply with the two conditions set forth in the report of the Brick Traffic Safety Bureau dated September 24, 1991.

25. The approval of this application is based upon applicant's representation that the major tenant in the subject shopping center shall be a supermarket, and the Board has reviewed and approved all aspects of this site plan, subject to the conditions set forth herein, based on such representation. In the event that the shopping center shall not be occupied by a supermarket, this site plan approval shall be null and void.

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

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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.