

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10401858

BRICK TOWNSHIP PLANNING
BOARD

RESOLUTIONS - June 10, 1987-
December 16, 1987

BRICK TOWNSHIP PLANNING BOARD

AUTHORIZED SETTLEMENT OF LITIGATION

RESOLUTION R-167-87

December 16, 1987

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

WHEREAS, by application made by Sanford R. Nalitt, owner of Lot 1, Block 1149, Brick Township Tax Map, an amended site plan approval for three commercial buildings totalling 98,900 sq. ft. with requested design waivers was granted by Resolution R-13-87 adopted on January 28, 1987; and

WHEREAS, under the terms of the aforesaid Resolution R-13-87, the Planning Board approved this amended site plan with the condition that there should be no outside storage of shopping carts anywhere at this location; and

WHEREAS, the applicant commenced a civil action in the Superior Court of New Jersey, Law Division, Ocean County entitled "Sanford R. Nalitt v. Brick Township Planning Board", docket number L-047703-87, filed on March 11, 1987 wherein the denial of outside storage of shopping carts was challenged by the applicant; and

WHEREAS, the applicant has submitted a proposal for consideration by the Planning Board for the construction of a 8 ft. by 24 ft. covered cart storage area adjacent to the entrance to the building with a front wall with a height of approximately 3 ft. with four columns to support a canopy,

File-3
nalitt
Pogansky
de Smith
montone
Guliano
Garnett
Bldg
eng
Zoning

which cart storage area is to be enclosed on three sides having glass installed above the front and side walls; and

WHEREAS, with regard to this proposal, the Planning Board make the following findings:

A. This proposal eliminates the outside storage of carts and substantially reduces unsightly conditions and any potential public hazard resulting from the outside storage of carts.

B. The proposed covered cart storage area would minimally encroach upon any landscaping or sidewalk area and, in fact, a 4 ft. wide portion of the sidewalk area remains for pedestrian access.

C. The canopy is proposed to be constructed of the same or similar material as the canopy over the existing main entrance.

D. The front wall and facade materials are the same as the front wall of the building.

E. The openings between the wall of the cart storage area and the canopy shall consist of plate glass windows.

F. The proposed cart storage area will not have a deleterious effect on the overall aesthetic intent of the building design.

G. This settlement proposal will result in the elimination of the objections by the Planning Board to outside cart storage.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Brick, that for the reasons stated above, Joseph F. Martone, Esquire, attorney for the Planning Board is hereby

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authorized to enter into a stipulation of settlement which shall require the construction of a proposed covered cart storage area having an exterior dimension of 8 ft. by 24 ft. conforming to the descriptions and requirements set forth hereinabove.

BE IT FURTHER RESOLVED that the amended site plan approval with design waivers given by Resolution R-13-87 adopted on January 28, 1987 is hereby further amended for the purpose of incorporating the proposed covered cart storage area and that plans showing said revision shall be prepared by the applicant and submitted to the Planning Board for its approval.

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MOVED BY: Mr. Scherer

SECONDED BY: Mrs. Hartman

VOTING IN THE AFFIRMATIVE: Mr. Cevalasco Mr. Geller
Mrs. Hartman Mr. Mangarelli Mr. Vespi Mr. Kazawic
Mr. Scherer

VOTING IN THE NEGATIVE: _____

ABSTAINING: _____

ABSENT: Mr. Clerzo Mr. Gunther Mayor Newman
Councilman Scarpelli

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 special meeting held on the

16th day of December, 1987

IN WITNESS WHEREOF, I have set my hand this

18th day of December, 1987.

E. Joan Kull

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