

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



BRICK TOWNSHIP PLANNING BOARD
SITE PLAN APPROVAL WITH DESIGN WAIVERS

RESOLUTION R-124-85

November 13, 1985

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

WHEREAS, application has been made by New Jersey Special Realty Corp., owner of Lot 1, Block 1149, Brick Township Tax Map for site plan approval for three commercial buildings totalling 97,600 sq. feet 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 28th day of October, 1985, 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.
3. That the proposed structures consisting of a 50,400 sq. foot Channel Home Center, a 42,200 sq. foot multi-tenant

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N.J. Spec Realty
Pogonsky
Ellis Smith
Montone
Galeano
Bledy
Eng.
Zoning

commercial building and a 5,000 sq. foot commercial building are for commercial buildings and structures which are permitted within the zone.

4. That the application, as submitted, requests the following design waivers:

	<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. (VanZile Rd.)

5. The Planning Board finds that these requested design waivers are reasonable under the circumstances and should be granted for the following reasons:

A. The proposed parking setback of 15 feet along Route 70 will clearly have no adverse impact for the reason that the distance between the property line of the subject premises and the Route 70 right-of-way is 200 ft. and the likelihood that the Route 70 right-of-way will probably never be developed to its full extent.

B. The proposed parking space length of 18 feet for those parking stalls which abut the green belt or curb reflects the

fact that at such locations the front bumper overhang eliminates the need for the additional two feet of length. In addition, the reduced parking stall length in such situations reduces the total impervious surface and improves drainage and water percolation.

C. In view of the extensive size of the proposed commercial structures at this location, the request for two proposed ground signs rather than the one that is permitted by Ordinance is reasonable under the circumstances in order to provide public direction at the two entrances to this location and to provide adequate public information as to commercial activities at this location.

D. The proposed sign setback from the right-of-way line of 10 feet rather than the 25 feet required is not an excessive request in view of the 200 foot setback from the pavement and also for the reason that such signs would not be as visible to the public. It is recognized that the signs serve a public convenience by notification to the public of commercial services available at the site, provide direction for public access and provide information to the public.

E. The requested design waiver for no curbing and sidewalk along Route 70 will not adversely impact the public interest since there is over 200 feet setback from the actual right-of-way and based upon the fact that there is limited pedestrian

access and otherwise no need for these structures at this location.

F. The proposed 40 foot buffer from the adjoining residential zone along Van Zile Road, 50 feet required, is appropriate under the circumstances since the distance between the apartment structures across Van Zile Road to the actual buffer area is much greater than the 50 feet required by ordinance. In fact, Van Zile Road is 60 feet in width and when taken together with the 40 foot wide buffer there is a total of 100 feet of separation between the garden apartments and this commercial property. This is found to be more than sufficient buffer provided there is proper planting and landscaping of the buffer area.

G. In connection with pedestrian access, it is found that the proposed pedestrian walkway and footbridge to the adjoining commercial stores are sufficient to provide adequate pedestrian access under the circumstances thus substantially reducing the need for sidewalks along Route 70.

6. The Planning Board finds that the requested exceptions from the requirements for site plan approval set forth as design waivers are reasonable and within the general purpose and intent of the provisions for site plan review and approval and that the literal enforcement of these provisions of the ordinance is impracticable and will exact undue hardship because of

peculiar conditions pertaining to the land in question.

7. The Planning Board finds that the requested design waivers can be granted without substantial detriment to the surrounding area and the public good without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Brick provided the conditions and requirements set forth herein are fully complied with by the applicant.

NOW, THEREFORE, BE IT RESOLVED that the application of New Jersey Special Realty Corp. for site plan approval for Lot 1, Block 1149, Brick Township Tax Map, together with design waivers, is hereby approved on this 13th day of November , 1985 subject to the following conditions:

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

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

C. That the applicant shall comply in all respects with the conditions and requirements set forth in the Report of the Planning Board Engineer dated September 18, 1985 and in the Report of the Township Planner dated October 28, 1985.

D. In addition, the applicant shall comply with the

following specific conditions as a condition of this approval:

1. The exterior of all facades of all buildings shall consist of prefinished textured splitfaced block with brown aluminum fascia as represented by the applicant, with the understanding that the sides and rear of all buildings shall be of the same material.
2. The landscape plan previously submitted shall be supplemented so as to provide for shrubbery on the westerly property line, and this supplementary plan shall be subject to review and approval by the Planning Board Engineer.
3. The details of the design and construction of the signs shall be submitted to the Planning Board for review and approval.
4. Isolux diagrams are to be submitted to the Planning Board Engineer in order to determine sufficiency of lighting at the site and shall be subject to review and approval by the Planning Board Engineer.
5. The applicant shall construct lighting and pedestrian crossing signs in the vicinity of the footbridge at such locations and of such design as may be approved by the Planning Board Engineer.
6. This approval is subject to approval by the Fire Commissioners of the revised plan.
7. The applicant shall install an irrigation sprinkler system as a condition of this approval, and the applicant

shall submit a detailed plan showing the design and the construction of the sprinkler system for review and approval by the Planning Board Engineer.

8. Trash enclosures are to be located 10 feet away from the side of the building. The trash enclosures shall be constructed of the same material as the exterior of the building. The said trash enclosures shall have structural steel reinforcement located inside and along the back wall thereof in order to prevent loading and unloading the dumpster from causing damage to the trash enclosure walls, the design of which shall be subject to review and approval by the Planning Board Engineer. Said trash enclosure shall have a chain link gate with privacy slats.

9. The garden center shall be enclosed by the use of decorative block walls.

10. The applicant shall submit a maintenance schedule for maintenance of all systems and facilities subject to review and approval by the Planning Board Engineer.

11. Prior to the clearing and removal of trees from the detention basin and site, the applicant is to notify the Planning Board Engineer for on site inspection for clearing limits, and any clearing shall be in accordance with the approval of the Planning Board Engineer as to such clearing limits.

12. Safety guard rails shall be installed in the vicinity of each exit door in the rear of the Channel Building.

13. Safety guard rails shall be installed along the parking area that adjoins the detention basin to prevent vehicle access to the detention basin.

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MOVED BY: Mr. Gunther

SECONDED BY: Mr. Cierzo

VOTING IN THE AFFIRMATIVE: Mr. Cevalasco

Mr. Cierzo Mrs. Hartman Mr. Scherer Mr. Vespi

Mr. Gunther Councilman Scarpelli Mr. Taubenkimel

VOTING IN THE NEGATIVE: _____

ABSTAINING: _____

ABSENT: Mr. Geller Mayor Newman

INELIGIBLE TO VOTE: Mr. Hayes

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 13th day of November, 1985.

IN WITNESS WHEREOF, I have set my hand this 14th day of November, 1985.

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.

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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. Said performance bond shall be updated on a six (6) month basis at the discretion of the Township Engineer.

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