

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10503001

BRICK TOWNSHIP PLANNING BOARD

PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH VARIANCES AND DESIGN WAIVERS

RESOLUTION: R-39-94

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CASE NO. PB-2105-PSP-V/FSP-3/94

June 8, 1994

WHEREAS, Smith & Sons Realty Co., L.P., having a mailing address of 550 Brick Boulevard, Brick, NJ 08723, 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 May 25, 1994 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 3, Block 446.05 on the Municipal Tax Map.

2. The property is located in the B-2 General Business zone.

3. This site is commonly known as Riviera Plaza. The proposed construction at the site will consist of the demolition

File - 2
Smith/Sons
Stonkey
L/O
Fitzsimmons
Curley
Bledsoe
Engel
Zoning
BFS
STC.

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of the existing Perkins Pancake House and construction of a new masonry building for Boston Chicken (Building No. 1), realignment of the majority of the parking spaces within the parking lot, and a facelift of the remaining two structures, Buildings 2 and 3. Additionally, the site is proposed to receive landscaping throughout the parking area and a two-story tower addition is to be added adjacent to the northwest corner of Building No. 2.

4. Lynch, Giuliano & Associates prepared a report to the Board dated April 7, 1994. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

5. Michael P. Fowler, Municipal Planner, prepared a report to the Board dated April 22, 1994. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

6. The following variances have been applied for:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
Front yard setback (Building No. 1)	50 feet	42 feet
Front yard setback (Building No. 2)	50 feet	27.34/30.61 feet
Front yard setback (Building No. 3)	50 feet	20.88/44.5 feet
Minimum side yard setback (Building No. 3)	50 feet	30.54 feet

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Setback of accessory
building (solid waste
storage area)

50 feet

0 feet

Location of solid
waste storage area
within a front yard

Not permitted

Solid waste storage
area located in the
front yard on
Duquesne Boulevard

Minimum setback of
sign designating
Riviera Plaza
(Cedar Bridge Road)

10 feet

0 feet

Maximum sign area

50 sq. ft.

96 sq. ft.

Minimum setback of
parking facilities in
proximity to a street
right of way

20 feet

0 feet

Minimum parking stall
size

10' x 20'

9' x 18'

Maximum driveway width
without an island

28 feet

46' (Brick Blvd.)
28' +
(Cedar Bridge Rd.)
42' (Voyager Way)
39' (Duquesne Blvd.)

Buffer adjacent to
residential zone

60 feet

0 feet

7. The following design waivers have been applied for:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
Installation of sidewalks along Voyager Way	Yes	No

8. The Board notes that the applicant proposes extensive site improvements, and has made provisions for planting and buffering to upgrade the site.

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

(a) The existing Perkins Pancake House is being demolished, and a new masonry building for Boston Chicken (Building No. 1) is proposed. Building No. 1 cannot be setback further than 42 feet without causing substantial reduction in the parking area. Based upon the fact that the former building in this area intruded into the front yard setback, and the intrusion of the proposed building is minimal, the Board finds that the location of this building is reasonable. Further, the Board finds that it is preferable to intrude into the front yard setback area on this site rather than reduce parking facilities.

(b) The violation of the minimum front yard setback relating to Buildings 2 and 3 and the violation of the minimum side yard setback relating to Building 3 are existing conditions. Also, the violation of the setback area of the accessory building (solid waste storage area) is an existing condition.

(c) The location of parking spaces within 20 feet of a right of way is an existing condition.

(d) The Board finds that the provision of 9' x 18' parking stalls is adequate, and that this parking space dimension is a requirement of the New Jersey Department of Environmental Protection and Energy under CAFRA review.

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(e) Notwithstanding that the driveways exceed 28 feet in width along Brick Boulevard, Duquesne Boulevard and Voyager Way, the Board finds that adequate provisions have been made for access to the site.

(f) The intrusion into the required setback area of the signs designating Riviera Plaza and the sign along Brick Boulevard are existing conditions. Accordingly, the Board determines it is reasonable to allow the signs to remain in their current location.

(g) The Board finds that the proposed sign having an area of 100 square feet is reasonable and necessary to identify the site. Accordingly, the Board finds it is appropriate to grant relief from the 50 square foot maximum sign area provision.

(h) The Board finds that this development proposal constitutes a substantial upgrading of Riviera Plaza, which will improve this site and favorably reflect on neighboring properties.

10. The Board determines that the requested design waiver relating to the installation of sidewalks along Voyager Way is reasonable and should be granted because there are no sidewalks in this neighborhood. Accordingly, the imposition of this requirement is unnecessary.

11. The applicant has complied with the requirements of the site plan ordinance and the overall development plan for this

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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 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 8th day of June , 1994, 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 representatives during the presentation of this case.

3. The applicant shall comply with all terms and conditions proposed in the report of Lynch, Giuliano & Associates dated April 7, 1994.

4. The applicant shall comply with all terms and conditions proposed in the report of Michael P. Fowler dated April 22, 1994.

5. The applicant shall comply with all terms and conditions proposed in the report of the Bureau of Fire Safety dated March 24, 1994.

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6. A new facade shall be installed on Building No. 3. The facade on the side of Cedar Bridge Road shall have an overhang of less than one foot.

7. The entry to the site from Brick Boulevard shall be revised, and be subject to the review and approval of the Planning Board Engineer.

8. The landscaping plan shall be revised and be subject to the review and approval of the Planning Board Engineer.

9. The solid waste dumpster at the southwest corner of the site shall be relocated in an easterly direction and the parking area shall be shifted five feet to the north. This relocation is required to provide screening surrounding the dumpster. All sides of the dumpster, except the opening, shall be screened by the planting of arborvitae, which shall be four to six feet tall and planted on four foot centers.

The solid waste dumpster at the entrance on Voyager way shall be screened on the two sides visible from Voyager Way with the planting of arborvitae. The plants shall be four to six feet tall and planted on four foot centers.

The solid waste dumpster servicing Building No. 1 (Boston Chicken) shall be screened on all sides, except the opening, by the planting of arborvitae having a height of four to six feet and being planted on four foot centers.

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The solid waste dumpster servicing Building No. 2 shall be screened on all sides, except the opening, by the planting of arborvitae having a height of four to six feet and being planted on four foot centers.

10. The planting areas in front of Buildings 1 and 2 shall be serviced with an underground irrigation system.

11. A planting area shall be provided on the north side of Building 3, facing Cedar Bridge Road. The revised landscaping plan shall be subject to the review and approval of the Planning Board Engineer.

12. Based upon the testimony and current and proposed use of the buildings, no loading zones are required. In the event the nature of the business uses on the site are changed, the Board reserves the right to require the applicant to establish loading zones.

13. The sign identifying Building No. 1 (Boston Chicken) shall be conforming in height (25 feet) and be dimensioned at 10'7" x 6'7".

14. The landscaping plan shall be revised to designate low growth shrubs (creeping junipers or equivalent) along the south side of the site adjacent to the existing wood stockade fence. The revised landscaping plan shall be subject to the review and approval of the Planning Board Engineer.

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15. Curb stops shall be installed in front of the parking stalls facing Cedar Bridge Road.

16. 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.

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MOVED BY: Mrs. Barlo

SECONDED BY: Mrs. LaDuke

VOTING IN THE AFFIRMATIVE: Mr. Cierzo Councilwoman Fayad

Mr. Jordan Mrs. LaDuke Mrs. Barlo Mr. Digironimo

VOTING IN THE NEGATIVE:

INELIGIBLE TO VOTE:

DISQUALIFIED FROM VOTING: Mr. Heslin

ABSTAINING:

ABSENT: Mr. Heidrick Mr. Scherer Mayor Scarpelli Mr. Sharkey

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 8th day of June, 1994.

IN WITNESS WHEREOF, I have set my hand this 10th day of June, 1994.


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

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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.

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.