

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



LDS BR-PZ 10403115

**BRICK TOWNSHIP PLANNING BOARD**

**MINOR SITE PLAN APPROVAL**

**RESOLUTION** R-69-00

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**CASE NO. PB-2342 (1305) MSP-V-8/00**

**September 27, 2000**

**WHEREAS, ST. DOMINIC'S ROMAN CATHOLIC CHURCH**, having a mailing address of 250 Old Squan Road, Brick, NJ 08723, has applied to the Brick Township Planning Board for minor site plan approval pursuant to N.J.S.A. 40:55D-46, 46.01, 51, 60 and 70; 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 13, 2000 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 known and designated as Block 1091, Lot 5, on the Municipal Tax Map.

2. The property is located in the B-3 Business Zone.

3. The applicant proposes to construct a multi-purpose athletic field located at the most easterly portion of Lot 5 as shown on plans entitled "Minor Site Plan of Multi-Purpose of Athletic Field, Church of St. Dominic (Part of) Lot 5, Block 1091, Township of Brick, Ocean County, New Jersey" consisting of four (4) sheets prepared by Lindstrom and Diessner Associates, dated 9/3/99. The area is presently 400 feet by 400 feet and consists of a proposed baseball field, softball field, soccer field and a 30 x 60-foot two-story frame storage building. It will also have a six-foot chain link fence around

File-2  
St Dom  
L/O  
Daggle  
Cunley  
Bldg  
Eng-2  
Zoning  
BFS  
COAH  
Tax Assessor

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the entire perimeter of the proposed multi-purpose athletic field. The existing fields are presently in a deteriorated condition and are in need of an upgrade to support the elementary school population at St. Dominic's. This proposed upgrading will allow for safe competitive play areas that do not presently exist. During the course of the hearing the need for an additional buffer beyond the thirty feet proposed was noted. As a result the applicant has agreed to increase the buffer to 40 feet. In addition the corner of the soccer field closest to the road will be moved ten feet therefrom.

4.      Lynch, Giuliano and Associates prepared a report to the Board dated September 8, 2000. 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 September 12, 2000. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

6.      The Bureau of Fire Safety prepared a report to the Board dated September 7, 2000. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

7.      The Traffic Safety Officer prepared a report to the Board dated September 5, 2000. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

8.      The Shade Tree Commission prepared a report to the Board dated September 13, 2000. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

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9.     The applicant is required by reason of this property being located in a commercial zone to have a 100-foot buffer between the athletic fields and the Kentwood Apartment Complex to the north and west and the residences on the opposite side of Old Squan Road to the east. Typically recreation fields need not provide a buffer. The only reason it is required here is because the church pre-exists the present commercial zone in which it is located. The overall site has been developed for some period of time including a church, school, parking lot and ancillary site facilities. As a result the proposed location for the athletic field is the only suitable site. The applicant with the changes proposed has tried to provide as significant a buffer as possible. The Board finds that given these facts, this site is uniquely situated. Moreover the imposition of the commercial standard would render an undue hardship to the applicant. The 100-foot buffer would be typical were there commercial operations such as truck deliveries, loading and unloading. This is not the case here. Under these circumstances, it is determined that the granting of the variance would not do substantial detriment to the zone plan, zoning ordinance or public good and therefore it may be granted.

10.    With the exception of the variance which is granted hereinabove, the applicant has complied with the requirements of the site plan ordinance. The plan is consistent with the intent and purpose of the Master Plan and the Municipal Development Ordinance. Accordingly the Board finds that the benefits of the proposed development outweigh any detriments, and 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.

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**NOW, THEREFORE, BE IT RESOLVED** by the Township Planning Board on this 27<sup>th</sup> day of September, 2000, 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 attorney during the presentation of this case.

3.      The applicant shall comply with the following paragraphs contained in the report of Lynch, Giuliano and Associates dated September 8, 2000: 3, 4, 6, 7 and 8. With respect to paragraph 5, the applicant shall provide a copy of the existing survey which will meet this requirement.

4.      The applicant shall comply with the comments contained in the report from Michael P. Fowler, AICP/PP dated September 12, 2000.

5.      The applicant shall comply with the comments contained in the report from the Bureau of Fire Safety dated September 7, 2000.

6.      The applicant shall comply with the comments contained in the report from the Traffic Safety Commissioner dated September 5, 2000.

7.      The applicant shall comply with the comments contained in the report from the Shade Tree Commission dated September 13, 2000.

8.      The approval granted herein is given upon the following conditions which will exist for as long as the use exists:

(a)      There shall be no lighting or illumination of the field.

(b)      There will be no evening play on the fields.

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(c) There shall be no rental of the fields. Only those competitions authorized by the Pastor of St. Dominic's or his duly appointed representative including such activities in which St. Dominic's School or parishioners are involved may be allowed on the fields.

(d) Any bleachers shall be limited to three seats high and shall be made of a moveable aluminum nature as represented to the Board.

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MOVED BY: Mr. Reilly

SECONDED  
BY: Mrs. Fox-Nelson

VOTING IN THE  
AFFIRMATIVE: Mrs. Fox-Nelson Mrs. LaDuke Mr. Nerlick  
Mr. Dockery Mr. Reilly

VOTING IN THE  
NEGATIVE:

DISQUALIFIED FROM VOTING: Mr. Kelly Mr. Higgins

INELIGIBLE TO  
VOTE:

ABSTAINING:

ABSENT: Councilman Cucci Mr. Vespi Mr. Fredo Mr. Scherer

#### 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 27<sup>th</sup> day of September, 2000.

IN WITNESS WHEREOF, I have set my hand this 2nd day of October, 2000.

  
**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 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.

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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.

10. For all residential uses the subdivider or site plan applicant shall provide for a trash receptacle.

11. In order to insure uniformity of trash receptacles and compatibility with the automatic trash collection system, all trash can receptacles required herein shall be obtained from the Township of Brick.