

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10302257

BRICK TOWNSHIP PLANNING BOARD
PRELIMINARY MAJOR SUBDIVISION APPROVAL WITH DESIGN WAIVERS

RESOLUTION: R-136-89

December 13, 1989

CASE NO.: PB-1935-PMS-3/89

WHEREAS, application has been made by William James, owner of Lot 4, Block 1068 and Lots 18, 19, and 20 Block, 1068.01, Brick Township Tax Map, for preliminary major subdivision approval to subdivide said premises into fifty (50) proposed residential building lots together with an additional lot containing proposed detention basin and wetlands, wetlands buffer and other open space areas, together with design waiver for street jogs less than the required 125 feet and lack of a cul-de-sac terminus at the proposed terminus of Austin Avenue; 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 having examined the exhibits of the parties in interest and having heard and considered the comments of the public, if any, at a special meeting held on September 7, 1989; and

File - 2
James
Stanzione
Montone
Clark
Reddy
Eng - 2
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In conjunction with this resolution the Planning Board has made the following finding of fact:

1. The applicant is the owner of the subject premises.
2. The property is located in the R-7.5 single family residential zone.
3. The proposed subdivision consists of fifty (50) residential building lots and one lot containing wetlands area, wetlands buffer areas, a detention basin to service the subdivision and certain conservation areas, and this residential subdivision is a permitted use within the zone.
4. The fifty (50) proposed residential building lots fully conform with the bulk and area requirements of the zoning ordinance. However, it is noted that the useable rear yard areas of proposed lots 5 through 8 in Block 1068.06 which front on proposed Maxwell Court and the rear yards of Lots 3 and 4 in Block 1068.05 are severely restricted by the wetlands buffer area. This concern shall be the subject of a condition set forth in this Resolution of Approval which condition shall be required to be complied with by the applicant.

5. the application, as submitted, requests a design waiver for lack of a cul-de-sac terminus at the southwesterly terminus of Austin Avenue. The Planning Board finds that this requested design waiver is reasonable and should be granted for the following reasons:

- A. Only one (1) lot will be impacted by the lack of a cul-de-sac on this terminus. However, this lot will have a driveway which will provide for an adequate turn around for vehicles seeking access for this particular lot and accordingly this is found to be a reasonable request since there is adequate turn around for vehicles.

B. During the consideration of this application, the applicant presented testimony and evidence as to the proposed extension of Austin Avenue to a future subdivision on adjacent premises which subdivision will be required to have a cul-de-sac constructed therein. Based upon the zoning of the adjacent premises and the lack of ability to utilize the adjacent premises for any purpose other than residential lots, it is anticipated by the Planning Board that it is very likely that Austin Avenue will be extended and that this extension will result in the construction of a cul-de-sac.

C. Under the circumstances, and based upon the minimal impact of the lack of a cul-de-sac, and the fact that if a temporary cul-de-sac is constructed that it will result in excess curbing and pavement which will most likely not be removed at some future date, the requested waiver of a cul-de-sac at this location is deemed to be appropriate.

6. The application additionally requests street jogs of approximately 45 feet for existing Hayes Avenue and proposed Maxwell Court and the Planning Board finds that under the circumstances and based upon the fact that Hayes Avenue is an existing street, that this requested design waiver is appropriate and should be granted.

7. During consideration of this application, it was pointed out to the Planning Board that on an overall basis, the net runoff for this project as a whole has been reduced. However, the runoff from the Maxwell Court area and the Miller Avenue area will, in fact, increase. However, the testimony was to the effect that this runoff would be piped to an existing drainage system and that the impact on this system would be minimal.

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Under the circumstances, the Planning Board has determined that it is appropriate to grant a storm water management waiver with respect to the increased runoff for the Maxwell Court and Miller Avenue area.

NOW, THEREFORE, BE IT RESOLVED that the application of William James, owner of Lot 4, Block 1068 and Lots 18, 19, and 20 Block 1068.01, Brick Township Tax Map for preliminary major subdivision approval to subdivide said premises into fifty (50) proposed residential building lots together with an additional lot containing a proposed detention basin and wetlands, wetlands buffer, and other open space areas, together with various design waivers is hereby **APPROVED** on this 13th day of December 1989 subject to the following conditions:

1. The applicant shall comply with all standard Planning Board conditions for preliminary major subdivision approval as set forth in attachment "A".

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

3. The applicant shall comply in all respects with the conditions and requirements set forth in the report of the Planning Board Engineer dated September 7, 1989 and the report of the Township Planner dated August 21, 1989, Paragraph III.C.F.; IV. E., as to resurfacing and curbing of Austin Avenue, only; VII.A.(2)(3)(4)(5).

4. The approval of this subdivision is based upon the assumption that the wetlands consist of an intermittent wetland and will require a fifty (50) foot buffer. In the event the buffer is required to exceed fifty (50), an amended preliminary major subdivision application shall be filed with the board and shall be subject to review and approval by the Planning Board.

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5. In accordance with the representation and agreement of the applicant, the applicant will preserve and maintain as many existing trees as possible. Clearing limits shall be delineated in the field by the construction of temporary silt and snow fences.

6. This approval is specifically conditioned upon compliance with the condition that in no event shall any lot have less than 7,500 square feet of useable area after deducting buffer areas.

7. Proof of Department of Environmental Protection certification of the wetlands line delineated on this map shall be provided.

8. Pavement widths shall be thirty (30) feet with curbing, for purposes of public safety and welfare and in order to conform with Township Ordinance requirements.

9. All wetlands and wetland buffer area shall be left in their natural state. All wetlands areas shall be set forth in a conservation conveyance which shall be provided to the Township of Brick or the State of New Jersey.

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MOVED BY: Mr. Scherer

SECONDED BY: Mr. Cierzo

VOTING IN THE AFFIRMATIVE: Mr. Cierzo Mr. Geller

Mr. Vespi Mrs. LaDuke Mr. Pettit Mr. Scherer

Mr. Mangarelli

VOTING IN THE NEGATIVE: _____

ABSTAINING: Mr. Kazawic

ABSENT: 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 adopted by the said Planning Board of the Township of Brick at a regular meeting held on the 13th day of December, 1989.

IN WITNESS WHEREOF, I have set my hand this 13th day of December, 1989.

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Attorneys at Law
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TOMS RIVER, NEW JERSEY 08754

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

ATTACHMENT "A"

STANDARD PLANNING BOARD CONDITIONS-PRELIMINARY MAJOR SUBDIVISION

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DECEMBER 13, 1989

1. Applicant should obtain any other approvals with respect to submission to any other Federal, State, County or Municipal agency having jurisdiction over same. Upon receipt of 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.

2. 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.

3. Applicant to supply evidence by way of a statement from the Brick Township Tax Collector that all taxes are current as of the date of the fulfillment of the conditions of this approval.

4. Applicant shall post an Inspection Fund with the Township Clerk in an amount to be determined by the Township Engineer.

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

6. 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".