

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10502858

BRICK TOWNSHIP PLANNING BOARD

AMENDED MINOR SITE PLAN APPROVAL WITH VARIANCES
AND DESIGN WAIVERS

RESOLUTION R-14-96

PAGE 1

CASE NO. 2177-MSP-V-11/95

January 24, 1996

WHEREAS, Faith Nafziger, having a mailing address of 151 North Oakland Street, Lakewood, NJ 08701, has applied to the Brick Township Planning Board for minor site plan approval with variances and design waivers pursuant to N.J.S.A. 40:55D-70C; and

WHEREAS, proof of service as required by law upon property owners and governmental bodies has been furnished and determined to be in proper order; and

WHEREAS, a public hearing was held on January 10, 1996 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 Block 701.29, Lot 1 on the Municipal Tax Map.

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

3. The applicant proposes to utilize 1,300 sq.ft. of the existing Pagnetta Plaza commercial building for Day-Care Center. The commercial unit to be occupied is labeled as Building A and is currently vacant. In addition, the applicant, proposes to utilize 300 sq.ft. of the adjacent landscaped buffer as a recreational area.

4. Pagnetta Plaza received Planning Board approval on December 11, 1985 and was constructed in accordance with the conditions of Resolution R-122-85.

5. The site is 2.16 acres and is located at the

File-2
Nafziger
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the property owner, and that they would submit a plan addressing handicapped parking, parking, and circulation, which plan is subject to the approval of the Borough Engineer and the Board Planner. The request for a variance from parking within 20 ft. is reasonable and should be granted in that said parking is needed for the operation of the center.

12. The applicant has complied with the requirements of the Site Plan Ordinance and the overall development plan for this property constitutes a substantial upgrading of the shopping center, and 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 24th day of January, 1996 that this application be approved subject to the following conditions:

1. The applicant shall comply with all terms and conditions proposed is the report of Lynch, Giuliano and Associates dated November 30, 1995.

2. The applicant shall comply with all conditions set forth in the report of Michael P. Fowler dated January 3, 1996.

3. The applicant shall comply with conditions set forth in the report of Kevin C. Batzel dated November 29, 1995.

4. The applicant shall comply with all standard Planning Board conditions for site plan approval as set forth

northwest corner of the Chambers Bridge Road/Sprucewood Drive intersection.

6. The existing use is a Commercial Strip Center, and the proposed use is a Day Care Facility occupying 1,300 sq.ft. of the existing commercial center.

7. Lynch, Giuliano and Associates prepared a report to the Board dated November 30, 1995. The Board hereby adopts the findings and incorporates that document in this Resolution by reference.

8. Michael P. Fowler, Municipal Planner, prepared a report to the Board dated January 3, 1996. The Board hereby adopts the findings and incorporates that document in this Resolution by reference.

9. Kevin C. Batzel, Bureau Chief/Fire Official prepared a report to the Board dated November 29, 1995. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

10. The plan as submitted requires a variance/waiver for parking, whereby 107 stalls exist and 111 stalls are required. Additionally, the Ordinance requires a buffer for commercial uses adjacent to residential uses. The required buffer for the site should equal 60 ft. The buffer with, along the existing northerly property line equals 15 ft. The applicant proposes to construct the recreation area within the 15 ft. buffer area up to the property line. A variance is required for parking within 20 ft. of the right of way.

11. The Board finds that the variance/waiver for parking is reasonable and should be granted because it is an existing condition, and the applicant indicated he would confer with

in Attachment "A."

5. The applicant shall comply with all representations and agreements made by the applicant or its attorney during the presentation of this case.

6. The applicant shall construct two gates and a fence, forming a containment area as discussed at the public hearing and executive session; subject to the approval of the Township Engineer, the Planning Board Planner, and the Bureau of Fire Safety.

7. The applicant shall submit a plan encompassing handicapped parking, parking spaces, and circulation, subject to the approval of the Township Engineer, Planning Board Planner, and the Bureau of Fire Safety.

8. This approval is conditioned upon the applicant receiving the approval of the plan as submitted by the appropriate state agencies.

9. If the plan as submitted by the applicant is changed by any of the appropriate State agencies, the applicant must notify the Planning Board of said change, and reapply it to the Planning Board for approval of that change.

10. The application is approved conditioned upon applicant securing a letter from the appropriate State Agency approving the facility prior to the commencement of its operation.

11. The applicant shall install a 3 hour fire wall on the wall adjoining the deli.

12. The applicant must secure a letter of approval from Kevin C. Batzel in regard to the amended site plan, setting forth the change in the parking and fenced containment area.

13. The sponsor of a center that has been approved to be located in a multi-use building shall notify the Bureau of Licensing within the Department of Human Services, Division of Youth and Family Services, of any change in use by other occupants of the building as specified in N.J.A.C. 10:122-3.2(a), and the applicant shall also notify the Planning Board in regard to any change of use addressed aforesaid.

14. The site is 2.16 acres and is located at the Northwest corner of the Chambers Bridge Road/Sprucewood Drive intersection. The existing use is a Commercial Strip Center, and the proposed use is a Day Care Facility occupying 1,300 sq.ft. of the existing Commercial Center.

15. Lynch, Giuliano & Associates prepared a report to the Board dated November 30, 1995. The Board hereby adopts the findings and incorporates that document in this Resolution by reference.

16. Michael P. Fowler, Municipal Planner, prepared a report to the Board dated January 3, 1996. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

17. Kevin C. Batzel, Bureau Chief and Fire Official prepared a report to the Board dated November 29, 1995. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

18. The plan as submitted requires a variance/waiver for parking whereby 107 stalls exist and 111 stalls are required. Additionally, the Ordinance requires a buffer for commercial uses adjacent to residential uses. The required buffer for the site should equal 60 ft. The buffer with, along with the

existing northerly property line equals 15 ft. The applicant proposes to construct the recreation area within the 15 ft. buffer area up to the property line.

19. The Board finds that the variance/waiver for parking is reasonable and should be granted because it is an existing condition, and the applicant indicated he would confer with the property owner and that they would submit a plan addressing handicapped parking, parking, and circulation, which plan is subject to the approval of the Board Engineer and the Board Planner.

20. The applicant has complied with the requirements of the Site Plan Ordinance and the overall development plan for this property constitutes a substantial upgrading of the shopping center, and is consistent with 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.

RESOLUTION R-14-96

PAGE 7

CASE NO. 2177-MSP-V-11/95

January 24, 1996

MOVED BY Mr. Scherer

SECONDED BY: Mr. Underwood

VOTING IN THE AFFIRMATIVE: Mrs. Fox Mr. Underwood

Mr. Reo Mr. Bruno Mr. Scherer

VOTING IN THE NEGATIVE: Councilman Cantillo Mr. Heidrick Mr. Petola

INELIGIBLE TO VOTE: _____

ABSTAINING: _____

ABSENT: Mr. Anderson Mr. Cierzo Mrs. LaDuke

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 24th day of January , 1996.

IN WITNESS WHEREOF, I have set my hand this 30th day of January , 1996.

E. Joan Kull
E. JOAN KULL
Clerk of the Planning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

RESOLUTION R-14-96

PAGE 8

CASE NO. 2177-MSP-V-11/95

January 24, 1996

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

RESOLUTION R-14-96

PAGE 9

CASE NO. 2177-MSP-V-11/95

January 24, 1996

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.