

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10604101

BRICK TOWNSHIP PLANNING BOARD
MINOR SITE PLAN APPROVAL

Resolution R- 42 -05

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Case No. PB-2535-MSP-2/05

May 11, 2005

File 2
App
App Att
PB Att
PB Eng
Zoning
Tax A
Eng 2

WHEREAS, TOWNSHIP OF BRICK, AS APPLICANT, having a mailing address of 401 Chambers Bridge Road, Brick, New Jersey 08723, has applied to the Brick Township Planning Board for minor site plan approval pursuant to N.J.S.A. 40:55D-47, 51, 60, and 70; and

WHEREAS, LAURELTON FIRE COMPANY NO. 1, INC., as owner, having a mailing address of P.O. Box 312, Brick, NJ 08723, has consented and authorized this application;

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 April 27, 2005 in the Municipal Building, at which time testimony and exhibits were presented on behalf of the applicant and all interested parties having been heard;

WHEREAS, the Board makes the following factual findings and findings of law:

1. This property is known and designated as Block 847, Lots 1-12, on the Municipal Tax Map.
2. The 43,407 square foot tract is located along Route 88, Olden Street and West Princeton Avenue, and is in both the B-2 and R-75 Zone. The amended site plan

was given approval in accordance with Resolution R-29-88 dated February 24, 1988. Applicant proposes the construction of a one-hundred and thirty-five foot communications tower (to replace the existing one-hundred foot communications tower), as well as the supplementation and relocation of existing landscaping, the installation of a 20' x 20' concrete pad, the installation of a six foot high fence, and the re-striping of two existing parking stalls as/and for handicap spaces.

3. Applicant's Engineer, James A. Priolo, P.E., P.P., C.M.E., testified that there is no request for any further variances, or for any further design waivers. Mr. Priolo further recited that this communications tower will be utilized solely for the Township of Brick's communication needs - including the Emergency Broadcasting System, and that Brick Township has agreed that they will not lease any portion of the tower space to other entities. Further, Mr. Scott Kenneally, Brick Township's attorney, and Mr. Priolo, both indicated that this one-hundred thirty-five foot (135') replacement tower (for the existing one hundred foot (100') tower), is reasonable and desirable in light of current and future Township needs and health and safety concerns. Also, modifications to the existing site are minimal, such as relocation of certain landscaping and the re-striping of two (2) parking stalls as handicapped spaces. Further, it was represented that the construction of the one-hundred and thirty-five foot tower will not affect the community's beneficial and necessary use of the Laurelton Fire House including its presence as a Fire House utilized by community volunteers including truck bays, office areas, an assembly hall and support activities; but will further enhance that worthwhile use.

4. The application is shown on plans entitled, "Laurelton Fire House, Proposed Communications Tower, Brick Township, Ocean County, N.J., November

2004" dated 2/2/05, consisting of two (2) sheets, as prepared by Birdsall Engineering Inc.

5. Applicant has requested no additional variances – and none are granted.

6. Applicant has requested no additional design waivers – and none are granted.

7. As recited above, the applicant has complied with the requirements of the minor 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.

NOW, THEREFORE, BE IT RESOLVED by the Township Planning Board on this 11th day of May 2005, which this application be approved subject to the following conditions:

1. The applicant shall comply with all standard Planning Board conditions for minor site plan approval as set forth on Attachment 'A.'

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

3. The applicant shall comply with all the previous terms and conditions of Resolutions of approval which have not been modified by this subject Resolution; including the amended site plan approval recited as Resolution R-29-88 granted February 24, 1988.

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MOVED BY:

Mr. Fredo

SECONDED Mr. Vespi
BY:

VOTING IN THE

AFFIRMATIVE: Mr. Vespi, Mr. Petoia, Mrs. LaDuke, Mr. Dockery,

Mr. Fredo, Councilwoman Scaturro, Mr. Kelly

VOTING IN THE

NEGATIVE:

INELIGIBLE TO

VOTE: Mr. Reilly, Mr. Aiello, Mr. Brando

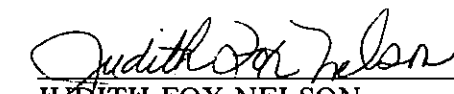
ABSTAINING:

ABSENT: Mr. Gross

CERTIFICATION

I, **JUDITH FOX NELSON**, 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 11th day of May, 2005.

IN WITNESS WHEREOF, I have set my hand this 16th day of May, 2005.


JUDITH FOX NELSON
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 submit 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.
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.
12. Applicant shall provide proof of application for Title NJSA 39:5 A-1 to the Planning Board.