

RESOLUTION R - 76

June 23, 1971

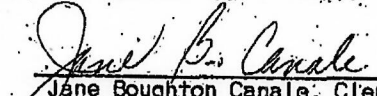
Planning Board
of the
Township of Brick

BE IT RESOLVED by the Planning Board of the Township of Brick on this 23rd day of June, 1971, that the plat entitled Block 852, Lots 4 and 11, Laurelton Plaza, Inc., submitted by Charles Marousis, president, be granted Major Preliminary Subdivision approval.

CERTIFICATION

I, Jane Boughton Canale, Clerk to the Planning Board of the Township of Brick, County of Ocean, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the twenty-third day of June, 1971.

IN WITNESS WHEREOF, I have set my hand this twelfth day of July, 1971.


Jane Boughton Canale, Clerk,
Planning Board of the Township of Brick.

RESOLUTION R-77

June 23, 1971

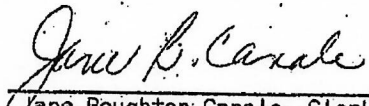
Planning Board
of the
Township of Brick

BE IT RESOLVED by the Planning Board of the Township of Brick on this 23rd day of June, 1971, that the plat entitled Block 852, Lots 4 and 11, Laureilton Plaza, Inc., submitted by Charles Marousis, president, be granted Major Final Subdivision approval.

CERTIFICATION

I, Jane Boughton Canale, Clerk to the Planning Board of the Township of Brick, County of Ocean, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the twenty-third day of June, 1971.

IN WITNESS WHEREOF, I have set my hand this twelfth day of July, 1971.


Jane Boughton Canale, Clerk
Planning Board of the Township of Brick

R E S O L U T I O N R - 9 4

August 11, 1971

Planning Board
of the
Township of Brick

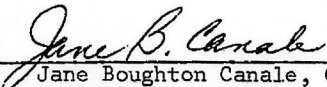
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Brick that the application of Laurelton Plaza for Site Plan approval for a site known as Block 852, Lots 4 and 11, as shown on the tax map of Brick Township, dated Revised 7/6/71, drawn by Donald W. Smith Associates and entitled Site Plan Proposed Commercial Building is hereby approved subject to the following conditions:

1. That the service area off Olden Street to the rear of the existing stores facing Route 88 be shown as an egress and ingress, minimum of 25 feet each.
2. That a block be shown for the Planning Board Engineer's signature.
3. That the Secretary and the Chairman withhold their signatures until the above conditions have been met.

C E R T I F I C A T I O N

I, Jane Boughton Canale, Clerk to the Planning Board of the Township of Brick, County of Ocean, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the eleventh day of August, 1971.

IN WITNESS WHEREOF, I have set my hand this twenty-third day of August, 1971.



Jane Boughton Canale, Clerk
Planning Board of the Township of Brick

0-2

PLANNING BOARD TOWNSHIP OF BRICK

RESOLUTION

Case # ~~80-0195-91~~

Dated: September 10, 1980

WHEREAS, the applicant, El Greco Inc., a New Jersey Corporation has entered into a certain agreement with the Township Council of the Township of Brick concerning their Plenary Retail Consumption License, assigned license #1506-33-003-001 issued by the Township of Brick; and

WHEREAS, said agreement dated August 11, 1980 requires that the applicant make application to the Planning Board of the Township of Brick for an amended site plan to allow the erection of a stockade fence sealing off the entrance to Forge Pond Road from the subject property; and

WHEREAS, the applicant has made a diligent and prompt application to the Brick Township Planning Board of a plan entitled "Site Plan of Proposed Parking Lot Fencing, Lot 8, Block 852" prepared by Donald W. Smith Associates dated August 1, 1980; and

WHEREAS, the purpose of the amended site plan was merely to amend the original site plan so as to show the "as is" condition of the subject property and not for the purpose of requiring the granting of waivers or variances as may be necessary were the application to be a complete application.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Brick, as follows:

1. That the Board does hereby acknowledge the amendment to the El Greco site plan to reflect a stockade

fence six (6') foot high along Forge Pond Road for the purpose of fulfilling the conditions of the agreement entered into on August 11, 1980 between El Greco Inc., and the Township Council of the Township of Brick.

2. Said approval of the amended plan to reflect the construction of the stockade fence shall be subject to the following conditions:

- (a) Applicant label the drawing on the submitted site plan as 1a of 2 and append the same to the original approved plan entitled "Site Plan Proposed Commercial Building, Lot 4 and 11, Block 852" prepared by Donald W. Smith Associates, dated May 17, 1971, latest revision being October 18, 1971.
- (b) The original site plan must be amended to read Sheet 1 of 2 and a note added to both drawings stating that this approval applies to the proposed fencing and parking on Lot 8, Block 852, and that all conditions and agreements of the original site plan approval resolution are still in effect.
- (c) The applicant shall post an inspection fund with the Township Clerk in an amount to determined by the Township

Engineer.

- (d) Before the issuance of a building permit, the applicant shall furnish the Township with a performance bond in an amount to be determined by the Township Engineer. Said performance bond to be updated at six (6) month intervals at the discretion of the Township Engineer.

3. That the Board Clerk be, and she is hereby authorized to forward a copy of this Resolution and a copy of the site plan of proposed parking lot fencing, Lot 8, Block 852, to all agencies within the Township wherein the original site plan is on record. Said resolution and amended site plan to be affixed to the original site plan dated May 17, 1971 with latest revision being October 18, 1971.

4. All other conditions of the original site plan approval are hereby made a part hereof as if set forth in full.

Moved By: _____

Seconded by: _____

Voting in the Affirmative: _____

Voting in the Negative: _____

Abstaining: _____

Absent: _____

Certification

I, E. JOAN KULL, Clerk of the Planning Board of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify that the foregoing Resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 10th day of September, 1980.

IN WITNESS WHEREOF, I have set my hand this 10th day of September, 1980.

E. JOAN KULL, Clerk
Planning Board of the Township of Brick

03

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RESOLUTION R341-81

WHEREAS, application has been made to the Township Council of the Township of Brick to transfer Plenary Retail Consumption License #1506-33-003-002 from EL GRECO, INC., to B.C. REST. OF BRICK TOWN, INC., at 1759 Highway #88, Brick, business to be conducted under the Trade Name of BEEFSTEAK CHARLIE'S and

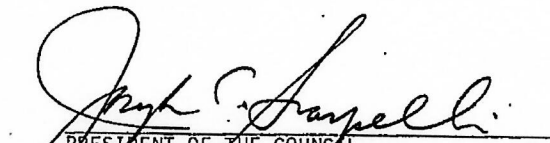
WHEREAS, the application has been found to be in proper form; and

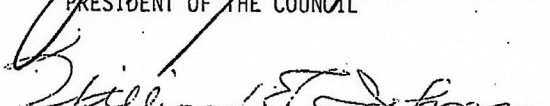
WHEREAS, no objections have been filed objecting to the transfer of this license; and

WHEREAS, the requisite fee has been deposited with the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, on this 27th day of October, 1981 that Plenary Retail Consumption License #1506-33-003-002 be transferred to B.C. REST. OF BRICK TOWN, INC. and to be trading as BEEFSTEAK CHARLIE'S, transfer to become effective on the 28th day of October, 1981.

ADOPTED: October 27, 1981

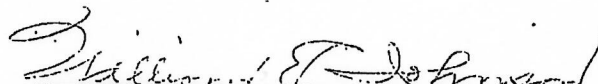

PRESIDENT OF THE COUNCIL


MUNICIPAL CLERK

CERTIFICATION

I, WILLIAM E. JOHNSON, Clerk of the Township of Brick, County of Ocean and State of New Jersey do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of the Township Council held on the 27th day of October, 1981.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of this Township this 27th day of October, 1981.


WILLIAM E. JOHNSON
MUNICIPAL CLERK

PLANNING BOARD OF BRICK TOWNSHIP

RESOLUTION GRANTING CONDITIONAL USE FOR AMUSEMENT
GAMES ARCADE

RESOLUTION R-22-82
Case No. CU-4

March 10, 1982

WHEREAS, application has been made by L & H Amusements, Inc., a New Jersey Corporation/Laurelton Plaza, Inc., a New Jersey Corporation, for a conditional use of a portion of its premises for an amusement device arcade, at Lots 4 and 11, Block 852 as shown on the Tax Map of the Township of Brick, in accordance with a set of plans and plat plans bearing the date of February 1, 1982, showing the proposed use area, submitted in accordance with the Brick Township Conditional Use Ordinance No. 354-2EE-81; and

WHEREAS, the applicant seeks to operate an amusement game arcade area adjoining a restaurant upon the site; and

WHEREAS, such proof of service as may be required by New Jersey Statutory and Municipal Ordinance requirements upon appropriate property owners and governmental bodies has been furnished to the Board; and

WHEREAS, the Planning Board having heard the matter on February 24, 1982, and after carefully considering the evidence and testimony presented by the applicants, adjoining property owners, and general public and the exhibits produced and the Planning Board having made the following factual findings:

1. Applicant(s) propose the installation of 27 amusement devices or machines more commonly known as video game machines

and/or pin ball machines in a portion of its building presently housing a restaurant known as "Beefsteak Charlies". The proposed use is in conformity with the applicable ordinance and the Planning Board finds that the conditional use can be granted and the Planning Board further finds that the use at the

Site 2
L & H Amusements
Laurelton Plaza
Wilmington
Crown
Guliano
Bldg
Charlton

March 10, 1982

specified location will comply with the Zoning Ordinance and that the granting of the conditional use will not adversely affect the health, safety, or general welfare of the Township.

NOW, THEREFORE, BE IT RESOLVED that the application of L & H Amusements, Inc., a New Jersey Corporation/Laurelton Plaza, Inc., a New Jersey Corporation, for a conditional use approval as per the application and maps aforesaid, be on this 10th day of March, 1982, given approval, said approval to be subject to the following conditions:

1. Applicant(s) shall 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 condition of this approval.
2. That applicant(s)' hours of operation shall be limited to 12 noon to 10 p.m. on all days of the week, including Sundays and holidays.
3. Applicant(s) 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.
4. Applicant(s) shall be limited to a maximum of 27 machines and shall obtain licenses for each device in accordance with the applicable Municipal Ordinance of Brick Township.
5. There shall be an attendant, over the age of 18 years, on duty in the arcade at all times the arcade is in operation.
6. The applicant(s) shall, prior to the operation of the arcade, erect or re-erect a gate on the back fence leading

RESOLUTION

Page 3

CASE NO. CU-4

March 10, 1982

to Forge Pond Road and shall keep said gate closed and locked. This condition shall only remain in full force and effect while applicant(s) are operating a game room or arcade upon the subject premises.

7. The applicant(s) shall utilize only one entrance to the arcade, i.e., that is the entrance through the lobby. The other doors in the arcade room shall be designated as emergency exit doors and shall not be used as an entrance(s) and shall be equipped with activated panic alarms.

8. The existing fence along Forge Pond Road shall be put in good repair.

RESOLUTION R-22-82

CASE NO. CU-4

MARCH 10, 1982

Moved By: Mrs. Cook

Seconded By: Mrs. Wiessel

Voting in the Affirmative: Mrs. Cook

Mr. Hayes

Mr. White

Mrs. Wiessel

Voting in the Negative:

Ineligible to Vote: Mr. Metz

Disqualified from Voting: Mr. Gunther

Abstaining:

Absent:

Councilman Anderson

Mr. Kadar

Mayor Kinnevy

CERTIFICATION

I, E. Joan Kull, Clerk to the Planning Board of the Township of Brick, County of Ocean, and State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 10th day of March, 1982

IN WITNESS WHEREOF, I have set my hand this 11th day of March, 1982

E. Joan Kull

E. Joan Kull, Clerk
Planning Board of the Township of Br.

BRICK TOWNSHIP PLANNING BOARD
RESOLUTION AMENDING CONDITIONAL USE FOR
AMUSEMENT GAMES ARCADE

Resolution R-86-82

Case No. CU 4

November 10, 1982

WHEREAS, the Planning Board by resolution number R-22-82 granted a conditional use for an amusement games arcade to L & H Amusements, Inc., a New Jersey Corporation/Laurelton Plaza, Inc., a New Jersey Corporation for use of a portion of its premises at Lots 4 and 11, Block 852 as shown on the Tax Map of the Township of Brick; and

WHEREAS, the applicant has requested that the resolution of approval be amended in order to allow it to operate the game room until 1 a.m. in the morning; and

WHEREAS, such proof of service as may be required by New Jersey Statutory Municipal Ordinance requirements upon appropriate property owners and governmental bodies has been furnished to the Board; and

WHEREAS, the Planning Board having heard the matter on October 27, 1982, and after carefully considering the evidence and testimony presented by the applicants, adjoining property owners, and general public and the exhibits produced and the Planning Board having made the following factual findings:

1. Applicant proposes to increase its hours of operation in the evening. Original the applicant requested the hours from 12 noon to 10 p.m. on all days of the week, including Sundays and holidays. Applicant had advised the Planning Board that the Game Room was utilized in conjunction with the restaurant business (Beefsteak Charlie's) at the site. Applicant now seeks to maintain later hours up to and including 1 a.m. The proposed

File - 2
L & H Amusements
Laurelton
Plaza
Inc.
Brick
NJ
November 10, 1982

November 10, 1982

use is in conformity with the applicable ordinance and the Planning Board finds that the extension of hours of the conditional use can be granted but that not beyond the hour of 11 p.m. at the specified location. The Planning Board further finds that the granting of the extension to 11 p.m. on all days of the week including Sundays and holidays will not adversely affect the health, safety or general welfare of the Township.

NOW, THEREFORE, BE IT RESOLVED that the application of L & H Amusements, Inc., a New Jersey Corporation/Laurelton Plaza, Inc., a New Jersey Corporation, for an extension of its prior conditional use approval be given approval, i.e., to stay open to 11 p.m., said approval to be subject to all the conditions as contained in Planning Board resolution R-22-82 dated March 10, 1982 and to further condition that the applicant must close his game room at 10 p.m. unless the restaurant "Beefsteak Charlie's" is also open. If the restaurant is closed earlier than 11 p.m., then the game room must also close earlier.

Resolution R-86-82

Page 3

Case No. CU 4

November 10, 1982

Moved By: Mrs. Cook

Seconded By: Mrs. Wiessel

Voting in the Affirmative: Mrs. Cook

Mr. Gunther Mr. Lomano Mrs. Wiessel Mrs. Kenney

Mr. Kadar Mr. Metz Mr. Lucci

Voting in the Negative: Mr. Hayes

Abstaining:

Absent: Councilman Anderson Mayor Kinney

CERTIFICATION

I, E. Joan Kull, Clerk to the Planning Board of the Township of Brick, County of Ocean, and State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 10th day of November, 1982

IN WITNESS WHEREOF, I have set my hand this 12th day of November, 1982.

E. Joan Kull
E. Joan Kull, Clerk
Planning Board of the Township of Brick

BRICK TOWNSHIP PLANNING BOARD

RESOLUTION AMENDING CONDITIONAL USE FOR
AMUSEMENT GAMES ARCADE

Resolution R-86-82

Case No. CU 4

November 10, 1982

WHEREAS, the Planning Board by resolution number R-22-82 granted a conditional use for an amusement games arcade to L & H Amusements, Inc., a New Jersey Corporation/Laurelton Plaza, Inc., a New Jersey Corporation for use of a portion of its premises at Lots 4 and 11, Block 852 as shown on the Tax Map of the Township of Brick; and

WHEREAS, the applicant has requested that the resolution of approval be amended in order to allow it to operate the game room until 1 a.m. in the morning; and

WHEREAS, such proof of service as may be required by New Jersey Statutory Municipal Ordinance requirements upon appropriate property owners and governmental bodies has been furnished to the Board; and

WHEREAS, the Planning Board having heard the matter on October 27, 1982, and after carefully considering the evidence and testimony presented by the applicants, adjoining property owners, and general public and the exhibits produced and the Planning Board having made the following factual findings:

1. Applicant proposes to increase its hours of operation in the evening. Original the applicant requested the hours from 12 noon to 10 p.m. on all days of the week, including Sundays and holidays. Applicant had advised the Planning Board that the Game Room was utilized in conjunction with the restaurant business (Beefsteak Charlie's) at the site. Applicant now seeks to maintain later hours up to and including 1 a.m. The proposed

File - 2

L & H Amusements
withington
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Chankalian
Zoning

November 10, 1982

use is in conformity with the applicable ordinance and the Planning Board finds that the extension of hours of the conditional use can be granted but that not beyond the hour of 11 p.m. at the specified location. The Planning Board further finds that the granting of the extension to 11 p.m. on all days of the week including Sundays and holidays will not adversely affect the health, safety or general welfare of the Township.

NOW, THEREFORE, BE IT RESOLVED that the application of L & H Amusements, Inc., a New Jersey Corporation/Laurelton Plaza, Inc., a New Jersey Corporation, for an extension of its prior conditional use approval be given approval, i.e., to stay open to 11 p.m., said approval to be subject to all the conditions as contained in Planning Board resolution R-22-82 dated March 10, 1982 and to further condition that the applicant must close his game room at 10 p.m. unless the restaurant "Beefsteak Charlie's" is also open. If the restaurant is closed earlier than 11 p.m., then the game room must also close earlier.

Resolution R-86-82

Page 3

Case No. CU 4

November 10, 1982

Moved By: Mrs. Cook

Seconded By: Mrs. Wiessel

Voting in the Affirmative: Mrs. Cook

Mr. Gunther Mr. Lomano Mrs. Wiessel Mrs. Kenney

Mr. Kadar Mr. Metz Mr. Lucci

Voting in the Negative: Mr. Hayes

Abstaining:

Absent:

Councilman Anderson

Mayor Kinnevy

CERTIFICATION

I, E. Joan Kull, Clerk to the Planning Board of the Township of Brick, County of Ocean, and State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 10th day of November, 1982

IN WITNESS WHEREOF, I have set my hand this 12th day of November, 1982.

E. Joan Kull

E. Joan Kull, Clerk
Planning Board of the Township of Brick

PLANNING BOARD, TOWNSHIP OF BRICK

RESOLUTION FOR APPROVAL OF AMENDED SITE PLAN WITH WAIVER

RESOLUTION R-68-82

CASE NO. 1284:

September 22, 1982

WHEREAS, application has been made by Laurelton Plaza, Inc., a New Jersey Corporation, for approval of its amended site plan of Block 852, Lots 4-11 & 8, as shown on the tax map of the Township of Brick, in accordance with the plan entitled "Site Plan proposed commercial building, tax map sheet 45-A, Lots 4-11 & 8, Block 852, " dated May 17, 1971, with the latest revision date being June 29, 1982, prepared by Donald W. Smith Associates, sheet 1 of 1; and

WHEREAS, the applicant intends, through an amended site plan, to revise and add parking for the site and indicate cross-access easements, and the deletion of buffer areas located along the northwesterly property lines, and further intends to include the parking area for lot 8 with a cross-access easement for the proposed site plan for lots 6 and 7, (see Brick Township Planning Board Case No. 1283, and plan entitled "Preliminary and Final Site Plan proposed office building reconstruction Lots 6 and 7, Block 852, prepared by Donald W. Smith Associates," dated March 23, 1982, with latest revision date being June 29, 1982); and

WHEREAS, the applicant seeks a waiver as to parking spaces and further seeks a waiver as to the width of the parking aisles; and

WHEREAS, such proof of service as may be required by New Jersey Statutory and Municipal Ordinance requirements upon appropriate property owners and governmental bodies has been furnished to the Board; and

*File - 2
Laurelton Plaza
Wilmington
see Smith
Canning
Giuliano
Bldg
Charkalian*

WHEREAS, the Board, after carefully considering the evidence presented by the applicant at the hearing of September 8, 1982, and of the adjoining property owners and general public and having reviewed the exhibits produced, the Planning Board has made the following factual findings:

Applicant intends to amend its site plan, including consolidating Lot 8 with Lot 4-11, to revise and add parking for the site and to indicate cross-access easements and deletion of buffer areas located along the northwesterly property lines. Additionally, the applicant proposes to include the parking area for lot 8 with a cross-access easement for the proposed site plan for lots 6 and 7, Block 852. There is presently situated upon the site a motion picture theater and restaurant and it adjoins a site whereon is located a retail shoe store. The parking available, including by way of agreement with the adjoining property owner, Kinney Shoe Stores, is almost in accordance with the requirements of the ordinance for the existing uses. The Planning Board finds that it should grant its approval of this application for amended site plan as no new building construction is proposed; and

WHEREAS, the Planning Board has determined that the requested waivers are reasonable and within the general purpose and intent of the provisions for site plan review and if literal enforcement of the provisions of the ordinance were required, it would be impractical or exact undue hardship to the applicant because of the peculiar conditions pertaining to the lot in question for the following reasons:

Applicant seeks a waiver from the requirement that parking aisles have a minimum width of 25 feet. The Planning Board finds that the applicant has some aisles which are 20 feet wide and some 24 feet, but finds that such a deviation from the

requirements in this case should be waived due to configuration of the existing buildings. The applicant further seeks a waiver as to the number of parking spaces in that 318 are required and 311 are provided. The Planning Board finds that due to the fact that the building upon the site is in existence and that the deviation from the requirement is so small in number that it should grant this waiver; and

WHEREAS, the Planning Board is of the opinion, based upon the above factual findings, that the said proposed amended site plan is such as would encourage the development and design consistent with the Master Plan of the Township of Brick and should be approved;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Brick that the application of Laurelton Plaza, Inc., for site plan approval as per the map aforesaid, be on this 22nd day of September, 1982, granted approval, subject, however, to the following conditions:

1. 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."
2. All materials, methods of construction, and details shall be in conformance with the current Township of Brick "Engineering Specifications and Construction Details," available at the office of the Township Engineer.
3. Applicant shall obtain any other approvals with respect to submission to any other federal, state, county or municipal agency having jurisdiction over same. Upon receipt of the 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.

4. 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.

5. Applicant shall supply evidence by way of a statement from the Brick Township Tax Collector that all taxes are paid to date at the date of the fulfillment of the conditions of this Resolution.

6. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

7. Before the issuance of a building permit, the applicant shall furnish the Township Clerk with a performance bond in an amount to be determined by the Township Engineer. Said performance bond shall be updated on a six (6) month basis at the discretion of the Township Engineer.

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

9. Applicant shall furnish a deed for consolidation of Lot 8 with Lot 4-11 to the Planning Board attorney for his approval.

10. Applicant shall install a stop sign with regard to traffic leaving the site and entering onto the Laurelton Circle.

11. All other cross-access agreements shall be furnished to the Planning Board Attorney for his approval.

12. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer. Before the issuance of a building permit, the applicant shall furnish the Township with a performance bond in an amount to be determined the the Township Engineer, said performance bond to be updated at six month intervals at the discretion of the Township Engineer.

13. A six foot high stockade fence shall be constructed along the westerly property line running from the southerly right of way line of West Princeton Avenue to the Northerly corner of Lot 10, Block 852 (110 L.F.[±]).

14. The entrance from West Princeton Avenue shall be right turn only and the appropriate aisle shall be striped accordingly.

15. Applicant shall remove parking space number 183 (at the northerly corner of the existing building and adjust the parking schedule accordingly.

RESOLUTION R-68-82

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CASE NO. 1284

September 22, 1982

Moved By: Mr. Hayes

Seconded By: Mr. Gunther

Voting in the Affirmative: Mr. Gunther

Mr. Hayes Mr. Lomano

Mr. Kadar Mrs. Kenney

Voting in the Negative:

Ineligible to Vote: Mr. Metz

Abstaining:

Absent:

Councilman Anderson Mayor Kinney

Mrs. Cook Mrs. Wiessel Mr. Lucci

CERTIFICATION

I, E. Joan Kull, Clerk to the Planning Board of the Township of Brick, County of Ocean, and State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 22nd day of September, 1982

IN WITNESS WHEREOF, I have set my hand this 23rd day of September, 1982.

E. Joan Kull
E. Joan Kull, Clerk
Planning Board of the Township of Brick

BRICK TOWNSHIP PLANNING BOARD
ABRIDGED SITE PLAN CHANGE OF USE APPROVAL

Resolution R- 22-03

Page 1 of 5

Case No. PB-ABR-221-CU2/03

March 12, 2003

WHEREAS, LAURELTON PLAZA OFFICES, L.L.C., having a mailing address of P.O. Box 1802, Point Pleasant Beach, New Jersey 08742, has applied to the Brick Township Planning Board for abridged site plan/change of use approval pursuant to N.J.S.A. 40:55D-46, 50, 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 meeting was held on March 5, 2003 in the Municipal Building for a discussion of the reasons for the abridged site plan approval/change of use approval, and at which time testimony and exhibits were presented on behalf of the applicant; and

WHEREAS, the applicant proposes conversion of that abandoned movie theater structure of approximately twenty-thousand square feet (20,000) to ten-thousand (10,000) square feet professional/office use and remaining ten thousand square feet divided into five (5) rental units each two-thousand (2,000) square feet.

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

1. This property is known and designated as Block 852, Lots 4 on the Municipal Tax Map.
2. The property is located at 1759 Route 88; and the site is adjacent to Route 88 and Route 70, near the former Laurelton Circle. The site contains a

FILE
APPLICANT
BFS

structure, most recently used as a movie theatre, and is further adjacent to retail, office and restaurant uses.

3. The applicant proposes change of use from existing abandoned Cinemagic Movie Theatre of twenty-thousand (20,000) square feet, and a paved parking lot, to ten-thousand (10,000) square feet to professional/medical office use and the remaining ten-thousand (10,000) square feet, divided into five (5) rental units of two-thousand (2,000) square feet held for office/retail use. The proposed change of use/abridged site plan is shown on a survey of Block 852, Lot 4, Township of Brick, Ocean County, New Jersey," dated May 29, 1998 consisting of one sheet, as prepared by Ronald W. Post Surveying, Inc.

4. Michael P. Fowler, AICP/PP, Municipal Planner, prepared a report to the Board dated March 5, 2003. 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 February 13, 2003. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

7. Mr. Fowler in his report of March 5, 2003, recites that: (a) no variances are required, (b) no additional parking spaces are required, (c) internal driveways require no alteration or intrusion, (d) drainage requires no alteration (e) landscaping requires no reduction or intrusion (f) notice to property owners within two hundred (200) feet was given February 7, 2003, (g) property maintenance codes adhered to per letter from Brick Township Code Enforcement dated January 8, 2003, (h) taxes are paid to date (i) and prior approvals are in compliance. Mr. Fowler recited that several neighbors would prefer all office use rather than an office/retail mixed use.

The neighbors also requested that the fencing which blocks the driveway to Forge Pond Road from subject site remain, but be repaired/replaced as per plan approval.

In its newest location, applicant agreed to modify its request to permit the conversion of ten-thousand (10,000) square feet to professional/medical office use – and agreed to leave the remaining ten-thousand (10,000) square feet vacant, recognizing that the applicant would shortly be returning to this Board for Minor Site Plan Approval.

Applicant, through its two representatives, advised that they looked forward to continuing with the upgrading of the site, by way of exterior and interior rehabilitation work, including a stucco exterior coating and the readying of the ten-thousand (10,000) square feet for the "back office" use of Meridian Heath Care's Hospice Unit. Applicant advised that the structure will remain the appearance of a professional services building, and has hired an architect to assist them in the transformation of site.

Applicant further agreed that within six (6) months of the date of this Resolution, they will make formal application for Minor Site Plan Approval by this Board.

8. The applicant has complied with the requirements of the abridged site plan ordinance. The abridged site plan /change of use 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 12th day of March, 2003, that this abridged site plan application for change of use be approved subject to the following conditions:

1. The applicant shall comply with all representations and agreements made by the applicant, its representatives, or its other professionals during the presentation of this case.
2. The applicant shall comply with the comments contained in the report from Michael P. Fowler, Municipal Planner, dated March 5, 2003
3. The applicant shall comply with the comments contained in the report from the Bureau of Fire Safety dated February 13, 2003.
4. The applicant shall make formal application for minor site plan within six (6) months of the date of this change of use/abridged site plan approval.
5. Applicant agrees to maintain the location of existing fence which blocks access to Forge Pond Road from site, but to replace portions of fence needing repair, to satisfaction of Board's Engineer/Planner.

RESOLUTION R-22-03
Case No. PB-ABR-221-CV-2/03

Page 5 of 5
March 12, 2003

MOVED BY: Mr. Vespi

SECONDED BY: Mr. Fredo

VOTING IN THE AFFIRMATIVE: Mr. Kelly, Mr. Aiello, Mr. Dockery, Mr. Vespi,
Mr. Reilly, Mr. Fredo

VOTING IN THE
NEGATIVE:

INELIGIBLE TO
VOTE:

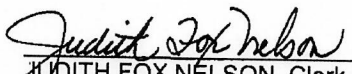
ABSTAINING:

ABSENT: Councilman Underwood, Mrs. LaDuke, Mr. Petoia, Mr. Higgins
Mr. Scherer

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 12th day of March, 2003

IN WITNESS WHEREOF, I have set my hand this 14th day of March,
2003.


JUDITH FOX NELSON, Clerk
Brick Township Planning Board

R-8-04

**BRICK TOWNSHIP PLANNING BOARD
MINOR SITE PLAN APPROVAL
WITH VARIANCES AND DESIGN WAIVER**

Resolution R- 8 -04

Page 1 of 10

Case No. PB-2460-MSP-V-9/03

January 28, 2004

File 2
-App.
-App.AH
-App.Eng
-P.D.AH
P.D.Eng
Zoning
Tax.A
Eng
Cost

WHEREAS, JOHN GAZONAS/LAURELTON PLAZA OFFICES, LLC, AS APPLICANT, having a mailing address of P.O. Box 1802, Point Pleasant Beach, New Jersey 08742, 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, 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 January 14, 2004 in the Municipal Building, at which time testimony and exhibits 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 852, Lot 4, on the Municipal Tax Map.

2. The 2.57 acre tract property is located on the northwestern side of Route 88 and is in the B-3 (Highway Development) Zone. The site has frontage on three right-of-ways known as Route 88, Princeton Avenue and Forge Pond Road. The site is further located on the northwest side of the former Laurelton Circle, and was the former location of various Restaurants, and most recently the

Laurelton Movie Theater. At present, the total building area is 20,000 square feet, 10,000 square feet of which is currently being utilized for professional offices occupied by Meridian Health Care. The subject application is for re-development of the remaining 10,000 square feet in an anticipated mix of retail and office use—applicant could not identify specific tenants at present. Applicant has also proposed various other modifications to the subject site – including landscaping and parking improvements.

3. Applicant and its professionals testified that this project will complete the remodeling and updating of this "difficult" site. Applicant testified that Meridian Health Care has already leased half the available space (10,000 out of 20,000 square feet) space – for its "back office" needs – and this plan proposes utilizing the remaining 10,000 square feet for retail/office use. This Board has been impressed with the quality of the work accomplished at this site and anticipates continued progress in the renovation of this tract which will be beneficial to the applicant, its expected customers/clients and to the Township of Brick.

4. The application is shown on plans entitled, "Minor Site Plan of Lot 4, Block 852, Township of Brick, Ocean County, New Jersey," dated 5/1/03, last revised 11/25/03, consisting of two (2) sheets, as prepared by Lindstrom, Diessner & Woodcock, L.L.C. Applicant also supplied architectural plans entitled "Proposed Renovation for: Pharos Contracting, 1759 Route 88, Lot 4, Block 852, Brick Township, Ocean County, New Jersey" consisting of six (6) sheets, dated 3/20/03.

5. Birdsell Engineering, Inc., prepared a report to the Board dated January 6, 2004. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

6. Michael P. Fowler, AICP/PP, Municipal Planner, prepared a report to the Board dated January 7, 2004. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

7. Kevin Batzel of the Brick Township Board of Fire Safety prepared a report dated December 10, 2003. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

8. Applicant has sought a variance for front yard setback - (75 feet required, 25.9 feet existing from building to W. Princeton Avenue). Recognizing that this application represents an improvement over the existing vacant building, the Board finds that this existing variance for a front yard setback is reasonable. Applicant has also requested a variance for lot width - (200 feet required, 154 feet existing from building) which is a reasonable and existing condition. Applicant has also requested a variance for side yard setback (30 feet required, 29.57 feet existing from lot line shared with Lot 9), which is reasonable and nominal. Additionally, a variance for minimum accessory side yard setback (20 foot required, 13 feet provided) is requested, and same is reasonable.

Further, applicant requests a variance for maximum allowable impervious area (65% maximum - applicant contends existing impervious area is approximately 95%, and that with the landscaping and other modifications of this application, will reduce the total impervious surface to approximately 87.5% as designed, or perhaps less); that request is a reasonable improvement over the existing condition. Further, per section 190-108 a minimum of twenty percent

(20%) of the site area should be landscaped. Applicant and his engineer testified that the landscaping provided is a substantial upgrading to what is presently on site to an amount approaching 15% or more—and that is reasonable. Additionally, applicant has requested a variance from the requirement on Section 190-161B which requires that parking areas be set back twenty (20) feet from all right-of-ways, and applicant has provided approximately eight (8) feet from NJ State Highway Route 88 and zero (0) feet from West Princeton Avenue. However, both are existing conditions; and as this application actually improves the traffic circulation and the entrance of the site, this is reasonable. The applicant has also requested a variance from Section 190-161D, which requires that no parking areas of a business zone should be within twenty-five (25) feet of a residential zone boundary, whereas approximately two (2) feet is provided at the rear of the building by an existing condition – this is also reasonable.

After much Board discussion, Applicant agreed to reduce its sign area variance request (which Section 190-164 recites as a maximum of fifty (50) square feet) from the Applicant's originally submitted one hundred (100) square feet proposal to a the compromised amount of eighty (80) square feet. This Board recognizes that the existing signage is about one hundred twenty-six (126) square feet – and approves the reduction in size, as well as recognizing that the location of the building necessitates a larger, more aesthetically pleasing identification sign.

Applicant has further modified its application for a variance from Section 190-164 for minimum sign setback – and has agreed to place the sign at a beneficial location, to the satisfaction of the Board's Engineer/Planner. Applicant

has further requested a variance from Section 190-224.1 which requires that a screened refuse area should not be located within a front yard, accessory setback or buffer—and the existing/proposed trash enclosure is within the front yard setback of West Princeton Avenue. The applicant has testified that the enclosure is ninety (90') feet from the closest dwelling – and this variance is reasonable.

Applicant has also requested a variance from Section 190-258 for a minimum required buffer width from a business to a residential zone—sixty (60') feet required, two (2') feet proposed (existing condition). Applicant's modified enhanced buffer will improve this existing condition for the better.

Another variance request is from Section 190-259 for minimum landscaping of twenty-five percent (25%) of total lot area – whereas originally only 8.3% was proposed – together with Applicant's modified enhancements, the Applicant's landscaping approaches a total of 12% or more and is acceptable – particularly in view of the fact that the existing condition on site was approximately 95% impervious surface.

Applicant and his professionals further testified that based on adjacent parking areas, there seem to be sufficient quantity of parking spaces available that this application meets the parking space requirements of Section 190-160. As such, no variance is requested, and none is given.

Although some Board members may have wanted the applicant to agree to perform additional remedial work at the parcels, including "green banking", it is understood that this application represents a substantial renovation and improvement of a difficult and problematic site; and is an attempt to significantly

upgrade the area. Therefore, together with all of the applicant's representations, the enumerated variances are therefore granted.

9. Design waivers are required as follows:

(a) Applicant proposes a waiver from the requirement recited in Section 190-220 that stormwater management calculations be required to ascertain they are in accordance with N.J.A.C. 5:21-7 Stormwater Management. After further review, the Board Engineer has received the representations and materials from Applicant's Engineer that same is acceptable – same is to be provided to satisfaction of Board Engineer.

(b) Applicant also proposes a waiver from the requirement in Section 190-260A that the area of the landscaping within parking lots must be a minimum of 5% of the parking area and must contain at least one (1) shade tree for every 10 parking stalls. Applicant proposes to plant one (1) shade tree for every 14 stalls. This is a reasonable accommodation.

(c) Applicant proposes a waiver from the requirement in Section 190-260B, that planting strips be provided along adjoining parking lots providing control of vehicular movements from one parking lot to the other. With certain changes to the satisfaction of Board's Engineer, then same is reasonable.

(d) Applicant proposes a waiver from the requirement in Section 190-161M, that a minimum three foot (3') high berm is required along Route 88 and Forge Pond Road adjacent to the parking lot. Applicant recommended certain modifications, such as an enhanced area along Forge Pond Road to an approximate two (2) to three (3) foot height—because of the change in elevation of the parking areas—such changes to be completed to the satisfaction of Board's Engineer.

(e) Applicant proposes a waiver from the requirement in Section 190-224.ID., that a minimum five (5) foot wide landscaped area be provided along three sides of a trash enclosure. Applicant agreed to comply with same to satisfaction of Board's Engineer.

10. With the exception of the variances and design waivers granted hereinabove, 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 28th day of January 2004, that 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 the following paragraphs contained in the report of Birdsall Engineering dated January 6, 2004: 4(a) (b) (c) (d), 5(a) (cross access agreement has been supplied to Board's attorney) (b) (c) (d) (three (3) spaces) (e) (four-sided screen to be constructed to the satisfaction of Board's Engineer and Planner) (f) (proposal deemed sufficient) (g) (h) (i) (j), 6 (a) (hours

of operation anticipated at 6:30 a.m. to 10:00 p.m. with lights turned off no later than 11:00 p.m.) (b) (c) (Applicant's proposal to be reviewed to satisfaction of Board's Engineer/Planner) (d) (i) (ii) (iii) (e) (Applicant agreed to meet with Board's Landscape Architect for additional creative landscape design modifications to the satisfaction of the Board's Professionals) (f) (Applicant agreed to planters on the sidewalk, adjacent to building, to the satisfaction of Board's Engineer/Planner) 7, 8, 9 (a) (b) 10, 11, 12.

4. The applicant shall comply with the following comments contained in the report from Michael P. Fowler, AICP/PP dated January 7, 2004: V. Comments: A (Applicant addressed concerns of Board Professionals) B. (Applicant agreed to placement of handicapped spaces, crosswalks and depressed curbing to the satisfaction of Board's Engineer/Planner) C. (Applicant agreed to comply with residential house side shields and outdoor lighting turn off at 11:00 p.m., one hour after closing) D. (Applicant will provide to satisfaction of Board's Engineer/Planner, recognizing difficulty of site) E. (Applicant agreed to a six (6) foot high board on board fence relocated to Applicant's side of property adjacent to Lots 9, 10 and 16 to satisfaction of Board's Engineer/Planner) F. (Applicant has agreed to Board's Engineer/Landscape Architect to review and be satisfied as to the size, number and variety of proposed plantings) G. Applicant has agreed to relocate fence to Applicant's side of property and work together with Board's Engineer/Planner, to their satisfaction, in regard to trees and vegetation, as well as the berm and change of grade) H. (the display of applicant which was provided at the public hearing, and applicant's testimony that anticipated future tenants are unknown other than Meridian Healthcare) I. (After discussion – Board and Board's Professionals acknowledged that a plan of

"green banking" of 10% of available parking or 20% of excess – is probably not appropriate at this time) J. (Applicant advises do not intend to violate any cross-access easement(s) in place – but represented that as far as they could ascertain, there are no cross-access easements with the subject site and Lot 6, the State Legislative Constituent Offices Building) K (Applicant will agree to any workable solution to the satisfaction of Board's Engineer/Planner) L. and M.

5. The applicant shall comply with the comments contained in the report from Kevin Batzel, Bureau of Fire Safety, dated December 10, 2003.

6. Applicant has agreed that the mechanicals on the roof will be screened on all four sides, and will work to accomplish same to the satisfaction of Board's Engineer and Planner.

RESOLUTION R- 8 -04
CASE NO. PB-2460-MSP-V-9/03

Page 10 of 10
January 28, 2004

MOVED BY: Mr. Reilly

SECONDED
BY: Mr. Vespi

VOTING IN THE
AFFIRMATIVE: Mr. Vespi, Mr. Petoia, Mrs. LaDuke, Mr. Dockery,
Mr. Aiello, Mr. Reilly, Councilwoman Scaturro, Mr. Kelly

VOTING IN THE
NEGATIVE:

PRESENT, BUT NOT VOTING Mr. Gross, Mr. Brando

INELIGIBLE TO
VOTE:

ABSTAINING:

ABSENT:

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 28th day of January, 2004.

IN WITNESS WHEREOF, I have set my hand this 30th day of January, 2004.


JUDITH FOX NELSON
Clerk of the Planning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

RESOLUTION R-8-04

PAGE 11

CASE NO. 2460-MSP-V-9/03

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.

R-68-06

BRICK TOWNSHIP PLANNING BOARD
AMENDED RESOLUTION OF MINOR SITE PLAN
APPROVAL WITH VARIANCES AND DESIGN WAIVERS

Resolution R- 68 -06

Page 1 of 4

Case No. PB-2460-MSP-V-9/03

November 8, 2006

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

WHEREAS, JOHN GAZONAS/LAURELTON PLAZA OFFICES, LLC,
AS APPLICANT, having a mailing address of PO Box 1802, Point Pleasant Beach,
New Jersey 08742, 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, the Planning Board has discussed the reasons for the Amended
Resolution at its hearing on October 25, 2006; and further discussions at its meeting of
November 1, 2006;

WHEREAS, the Applicants have received Minor Site Plan Approval with
Variances and Design Waivers Approval with Resolution R-8-04 dated January 28,
2004; and

WHEREAS, the Applicant received Abridged Site Plan Approval for change of
use/ restaurant use under Abridged Site Plan ABR-227 on January 5, 2005;

WHEREAS, a public hearing was held on October 25, 2006 at which time
testimony and exhibits were presented on behalf of the Applicant, and on behalf of
certain other interested parties,

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

1. This property is known and designated as Block 852 Lot 4 in the Municipal
Tax Map.

2. The 2.57 acre tract property is located on the northwestern side of Route 88 and is in the B-3 (Highway Development) Zone. The site has frontage on three right-of-ways known as Route 88, Princeton Avenue and Forge Pond Road.

3. Applicant John Gazonas/Laurelton Plaza Offices LLC, has requested that the IHOP Restaurant which has operated at the site for some time, be permitted to operate its restaurant on a twenty - four (24) hour basis.

WHEREAS, the Applicant seeks an amendment of said Resolution approval revising Page 7 and 8, Para 3, sub para 6 (a) which reads as follows: "Hours of operation at 6:30 A.M. to 10:00 P.M. with lights turned off no later than 11:00 P.M.".

WHEREAS, the Applicant wished to amend that Resolution condition to reflect a revised business hours plan of being open for business all day and all night (twenty-four hours). Mr. Nicholas D. Montenegro, Esq. represented the Applicant; and provided testimony of Mr. Lou Maschi, Manager of the IHOP restaurant. There was opposition to Applicant's request for an amended Resolution, and Mr. Christopher Hanlon, Esq. represented the owner of the adjacent residential apartments and adjacent business uses, and provided the testimony of Mr. Michael Geller, P.E., P.P. Mr. Geller testified that the requested expansion to all day and all night business hours could have a deleterious effect on the adjacent residential uses, because of the anticipated additional noise and overhead light intrusion into the surrounding area of the site;

Further, testimony of Mr. Robert Bitterman, who resides at 1763 Forge Pond Rd., recited that he believed that the expansion of the restaurant to a twenty - four hour

November 8, 2006

business operation would negatively affect him; After further discussions and further oral argument from each side, the Board has determined that:

(a) The Board is not willing to grant a change to a twenty-four hour operation to the Applicant; however,

(b) The Board did agree to modify the business hours to recite that the restaurant may modify its hours to remain open until 2 A.M.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 8th day of November, 2006 that this Application to amend Resolution R-34-05 be approved subject to the following conditions:

1. Condition #3 on Pages 7 and 8 of 10, sub-paragraph 6 (a) of Resolution R-34-05 is amended to read that, "the hours of operation are permitted at 7A.M. to 2 A.M. with lights turned off no later than 3 A.M." Further, Condition # 4 on Page 8 of 10, sub-paragraph C is amended to read "Applicant agreed to comply with residential house side shields and outdoor lighting turn off at 3:00 A.M., one hour after closing."

2. Applicant agreed to comply with Board's direction that the restaurant's outdoor speakers will be turned off at 10:00 p.m.

3. With the exceptions of the above stated Amendment, the Applicant must comply with all the conditions of the original approving Resolution No. R-8-04 dated January 28, 2004; and the Abridged Site Plan approval of January 5, 2005.

IHOP-LMVI Enterprises, Inc.
1759 State Highway 88
Block 852, Lot 4

Resolution R-34-09

Former Case No. 2460-MSP-V-John Gazonas

May 27, 2009

~~~~~  
**TOWNSHIP OF BRICK PLANNING BOARD  
ADMINISTRATIVE APPROVAL**

On May 13, 2009, the Brick Township Planning Board heard an application for an Administrative Approval in the captioned matter.

This Administrative Approval is based on the request of the applicant to install an LED Lighting Strip along the roof line of the restaurant. The Township Planning Board Engineer has reviewed the applicant's request and finds it acceptable.

This Administrative Approval, shall become part of any Resolution of Approval previously adopted by this Board.

**NOW, THEREFORE, BE IT RESOLVED**, on 05/27/2009 the applicant's request for an Administrative Approval to the Resolution of Approval be and hereby is approved.

**BE IT FURTHER RESOLVED** that the applicant be permitted to install an LED lighting strip along the roof line of the building.

**BE IT FURTHER RESOLVED** that a copy of this Administrative Approval be forwarded to the applicant, the Building Department, and the Township Clerk by the Planning Board secretary.

**BE IT FURTHER RESOLVED** that notification of this favorable Administrative Approval shall be published in an official newspaper of Brick Township by the Planning Board attorney within ten (10) days of its passage.

Filez  
App  
App Att  
PB Att  
PB Eng  
Zoning  
Eng  
Bldg  
Clerk

MOVED BY: Mr. Hahn

SECONDED BY: Mr. Palmieri

VOTING IN THE  
AFFIRMATIVE:

Mr. Marra, Mr. Palmieri, Mr. Patterson, Mr. Hahn, Mr. Catalano

VOTING IN THE  
NEGATIVE:

Mr. Underwood

INELIGIBLE TO  
VOTE:

Ms. Tabor, Councilman Toth, Mr. Coakley

ABSTAINING:

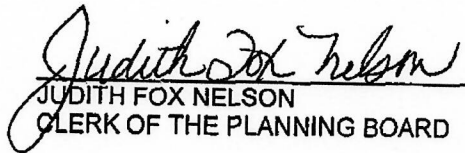
Mr. Rappoccio

ABSENT:

Mr. Liloia

**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 I am duly authorized to certify Resolutions. I certify that the forgoing Resolution was adopted by the Planning Board of the Township of Brick at a meeting held on the 27th day of May, 2009.

  
JUDITH FOX NELSON  
CLERK OF THE PLANNING BOARD