

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10302564

BRICK TOWNSHIP PLANNING BOARD

AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH VARIANCES AND DESIGN WAIVERS

RESOLUTION: R-70-92

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CASE NO. PB-2051-ASP-V-6/92

December 9, 1992

WHEREAS, Alexander Amodio, having a mailing address of 451 Brick Boulevard, Brick, NJ 08723, has applied to the Brick Township Planning Board for amended preliminary and final site plan approval with variances and design waivers pursuant to N.J.S.A. 40:55D-46, 50, 51 and 60; 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 in the municipal building on November 12, 1992, 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 Lots 6, 7 and 30, Block 547 on the Municipal Tax Map.
2. The property is located in the B-2 zone.
3. The applicant is requesting amended site plan approval to revise parking areas, landscaping and ingress/egress

File
Amodio
Montenegro
McS/D
Letzmann
Jonnell
Blog
Eng. 2
Zoning
BFS
STC
Code Enfrnt

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driveways. Site redesign is necessary, in part, to accommodate the widening of Brick Boulevard by the County, which eliminates eight parking spaces at the front of adjacent Lot 8. New curbing and access driveways are proposed at the front of the site; a new 26 car parking area for employees is proposed at the rear of the site; and a landscape buffer is to be provided to the east side of the new parking area.

4. The Board's Engineer, T & M Associates, prepared a report to the Board dated October 5, 1992. The Board adopts the findings in that report and incorporates that document in this Resolution by reference.

5. The following variances are required:

<u>Item</u>	<u>Required</u>	<u>Proposed</u>
Loading Zones	1	0
Buffer With	60'	20' (adjacent to Lots 21, 26 & 7.01)
Rear Setback Accessory Structure	50'	20' (trash enclosure)
Parking Space Size	10' x 20'	9' x 18'

6. The following design waivers are required:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
Sidewalks	Yes	No (along Brick Boulevard)
On-Site Stormwater Detention	Yes	No

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7. The applicant previously received site plan approval for the expansion of the building. This approval covered the subject property and adjacent Lots 7.01, 8 and 9. Due to economic conditions, the applicant has not undertaken the expansion project; however, the applicant is desirous of preserving this approval to accommodate future expansion plans.

8. David Magno, P.E. & P.P., the applicant's engineer, and offered the following testimony in support of the request for variances and design waivers:

(a) Loading zones - This is an existing condition, and there is an adequate area behind the store to permit loading from vans and step-vans. While the area is not adequate for larger vehicles, Mr. Magno explained that the General Store operation is serviced by a distribution center in the Lakewood Industrial Park. Delivery by large vehicles is made to the Lakewood site, and a van and/or step-van are used to transport inventory from Lakewood to Brick Township.

(b) Buffer width - This is an existing condition, which will be alleviated, in part, by the relocation of the solid waste dumpster.

(c) Rear Setback - Accessory Structure - The solid waste dumpster will be relocated at the southeast corner to

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provide a 35 foot separation from Lot 7.01. While this lot is used for residential purposes, it is zoned commercial. The 35 foot separation from the residential property will improve existing conditions.

(d) Parking space size - Based upon the average size of motor vehicles, 9' x 18' parking spaces will reasonably accommodate business patrons.

(e) Sidewalks - The applicant does not propose to install sidewalks in order to discourage pedestrian traffic along Brick Boulevard.

(f) On-Site Stormwater Detention - Revised on-site detention facilities are not necessary because there is no new impervious area being added to the site as a result of this development plan. If on-site detention is provided, it would be necessary to destroy a substantial part of the existing parking lot to provide a new underground drainage system.

9. Mr. Magno offered the following comments relating to improvements suggested in the report of the Board Engineer:

Item 3 - The applicant proposes to provide an isolux lighting plan for the proposed new gravel parking area. A gravel surface is suggested so that an additional impervious area is not added to the site. The applicant proposes to sign this area as "Employee Parking Only".

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Blacktop curbing along the spaces to the rear of the building is proposed to be maintained instead of concrete curbing. This is an existing condition resulting from the installation of this curbing when the applicant received prior site plan exemption approval from the Board. Likewise, the railroad tie retaining wall at the southwest corner of the property was constructed following this approval.

Item 6 - The existing system at the site is working, and that there are no adverse drainage conditions being experienced at the site.

Item 9 - A board on board fence is proposed to enclose the dumpsters in lieu of a concrete block enclosure. At present, the dumpsters are not enclosed.

10. The Board finds that the proposed new "employee only" parking area should be constructed with a macadam surface. In order to accommodate the installation of this improvement, the Board agrees to permit the development in two phases. Phase I shall include all improvements except the new parking area. Phase II shall be the installation of all necessary improvements to create the new parking area.

11. The Board finds the requested variances are reasonable and should be granted because:

(a) The lack of a loading zone is an existing condition, and this area is not necessary based upon the delivery of inventory by a van and/or step-van.

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(b) The variances relating to noncompliance with minimum buffer width and rear setback of an accessory structure result from existing conditions. The existing conditions will be improved by the relocation of the dumpster to the southeast corner of the site, which will provide a 35 foot separation from the residential properties. Further, the proposed additional landscaping will mitigate intrusion into the required buffer area.

(c) Based upon the number of parking spaces provided and the configuration of the parking design, the Board finds that 9' x 18' parking spaces (except for larger spaces required for handicapped spaces) will reasonably accommodate parking and traffic circulation at this site.

12. The Board finds the requested stormwater detention design waiver is reasonable and should be granted because the existing drainage system is adequately serving the property; provided that appropriate measures are taken to permit surface run-off onto adjacent Lots 7.01, 8 and 9.

13. The Board finds the requested design waiver relating to the installation of a sidewalk is not warranted, and that a sidewalk should be installed along Brick Boulevard.

14. The applicant has complied with the requirements of the site plan ordinance and the overall development plan for this

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property is consistent with the intent and purpose of the municipal development ordinance. Accordingly, the Board finds the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the municipal land use ordinance or master plan.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board on this 9th day of December, 1992, 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 the applicant's representatives during the presentation of this application.

3. The applicant shall comply with all conditions proposed in the Board's engineering report of October 5, 1992, except as follows:

- Item 1 - The parking spaces shall be re-stripped and have a dimension of 9' x 18'. The amended parking configuration shall be designated on the site plan.

- Item 3 - Spot readings for existing and Phase I improvements shall be submitted to the Planning Board Engineer for review and approval. The lighting study for Phase II

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improvements shall address proposed lighting in the new parking area, and shall be submitted prior to the installation of this improvement.

Item 4 - In order to accommodate the site improvements, the Board agrees that Phase I shall include the installation of all improvements except the new parking area. Phase II shall relate to the construction of the new parking area and related improvements. The parking area must be constructed with a macadam surface, and the detail of improvements for this area shall be subject to the review and approval of the Planning Board Engineer.

Item 5 - The existing black-top curbing and railroad tie retaining wall may be retained, provided, that the railroad tie retaining wall is properly matched into the new concrete curbing at the southwest corner of the site. This detail shall be subject to the review and approval of the Planning Board Engineer.

Item 6 - The existing drainage system may be maintained upon the condition that the applicant obtains an easement from the owner(s) of adjacent Lots 7.01, 8 and 9 permitting the flow of stormwater onto the surface of these lots. The easement may be extinguished at such time as Lots 7.01, 8 and 9 are developed; providing that adequate arrangements are made to accommodate the drainage of this site in conjunction with the properties to be developed.

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Item 7 - The Board recognizes that the previous site plan approval, which includes the improvement of Lots 7.01, 8 and 9, is not affected by the development approval addressed in this Resolution.

Item 11 - The buffer area is waived based upon the extent of existing trees and vegetation adjacent to the site.

4. The applicant shall be required to provide underground irrigation for the proposed new island in front of the existing masonry building.

5. The applicant shall comply with all conditions contained in the report of the Bureau of Fire Safety dated August 10, 1992.

6. The applicant shall comply with all conditions contained in the report of the Environmental Commission dated October 9, 1992.

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MOVED BY: Mrs. Barlo

SECONDED BY: Mr. Heslin

VOTING IN THE AFFIRMATIVE: Mr. Anderson Councilman Cantillo

Mr. Heslin Mr. Jordan Mrs. LaDuke Mr. Wylie Mrs. Barlo

VOTING IN THE NEGATIVE: _____

INELIGIBLE TO VOTE: Mr. Digironimo

DISQUALIFIED FROM VOTING: Mr. Vespi

ABSTAINING: _____

ABSENT: Acting Mayor MacFadden Chris Heidrick

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 9th day of December, 1992.

IN WITNESS WHEREOF, I have set my hand this 15th day of December, 1992.

E. Joan Kull

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

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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.