

BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)



LDS BR 10401716

BRICK TOWNSHIP PLANNING BOARD
MINOR SUBDIVISION APPROVAL WITH VARIANCES AND DESIGN WAIVERS

RESOLUTION R-44-87

March 11, 1987

CASE NO.: 1728-MS/V-10/86

WHEREAS, application has been made by P.S.D. Corp. Inc., owner of Lots 18, 19 and 29, Block 547 and by Breton Woods Home Improvement Inc, owner of Lot 25, Block 547, Brick Township Tax Map, for minor subdivision approval to subdivide said lots into two new lots for proposed commercial use together with variances for insufficient front setback for both lots and insufficient rear setback for proposed Lot 18 and insufficient side setback for proposed Lot 19 and a design waiver; and

WHEREAS, proper service has been made upon all of the property owners within 200 feet of the premises in question and proper notice and publication has been made as required by New Jersey Statute and proper proof of service has been filed by the applicant with the Planning Board of the Township of Brick; and

WHEREAS, the Planning Board having considered the application and plans filed with its secretary and having heard the witnesses and evidence and examined the exhibits of the parties in interest and having heard and considered the comments of the public, if any, on the 25th day of February, 1987; and

In conjunction with this resolution the Planning Board

File-2
PSD
CJE
Morris
Martone
Giuliano
Bldg.
Eng-2
Zoning

has made the following findings of fact:

1. The applicant, P. S. D. Corp. Inc. is the owner of Lots 18, 19 and 20 in Block 547 and the applicant, Breton Woods Home Improvement Inc. is the owner of Lot 25 in Block 547.
2. The subject premises are located in the B-2 zone.
3. The proposed minor subdivision is for a continuation of existing commercial uses which are permitted in the B-2 zone.
4. The application, as submitted, requests the following variances:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
A) Front Setback	50'	approx. 15' (lot 18)
B) Front Setback	50'	approx. 30' (lot 19)
C) Rear Setback	50'	18.2' (existing lot 18)
D) Side Setback	10'	5.6' (existing lot 19)

The Planning Board finds that the requested variances are reasonable and should be granted for the following reasons:

- A. With regard to front setback for proposed Lot 18, the existing building is presently located 34.9' from the existing R.O.W. As a result of this application, the applicant is being required to dedicate a 20' easement to the County of Ocean for road widening, thus reducing the front setback to approx. 15'. Since this involves a pre-existing building and requests for dedication by governmental authority, the Planning Board finds that this requested variance is reasonable and should be granted.

B. With regard to requested variance for insufficient front setback for proposed Lot 19, the existing building is presently located 50.6' from the existing R.O.W. As a result of the requirement for the dedication of a 20' wide easement to the County of Ocean for road widening, this front setback is being reduced to approximately 30'. Since this involves a pre-existing building and requests for dedication by governmental authority, the Planning Board finds that this requested variance is reasonable and should be granted.

C. The requested variance for insufficient rear setback for proposed Lot 18, is with regard to an existing one-story masonry building which has existed on the subject premises for a period of years.

D. The requested variance for insufficient side setback of 5.6' for proposed Lot 19 also involves an existing condition or situation involving a one-story frame building which has existed on the site for a number of years.

E. Each of these requested variances involves a pre-existing condition or situation which, if this subdivision is denied, will be permitted to remain on the subject premises in their present condition.

F. The requested variances can be granted without substantial detriment to the surrounding area and the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Brick.

5. The application, as submitted, requests a design waiver for non-perpendicular lot lines separating proposed Lots 18 & 19

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and the Planning Board finds that this requested design waiver is reasonable and should be granted for the reason that the applicant testified that there was an attempt to balance the area of the two lots and that the subdivision line is located in an appropriate location as to both lots. The Planning Board finds that the requested design waiver is within the general purpose and intent of the provisions for subdivision review and that the literal enforcement of the requirement for perpendicular lot lines is impracticable and will exact undue hardship because of peculiar conditions pertaining to the subject premises.

5. The Planning Board finds that the requested minor subdivision together with the requested variances and design waiver can be granted since the object of this minor subdivision and the companion application for site plan approval is for the purpose of cleaning up and improving the site.

NOW, THEREFORE, BE IT RESOLVED that the application of P. S. D. Corp. Inc. and Breton Woods Home Improvement Inc., owners of Lots 18, 19, 20 and 25, Block 547, Brick Township Tax Map, for minor subdivision approval to subdivide said lots into two new lots together with variances for insufficient front setback for structures on both lots, insufficient rear setback for Lot 18 and insufficient side setback for Lot 19 together with design waiver for non-perpendicular lot lines is hereby APPROVED on this

11 day of March, 1987, subject to the following conditions:

1. The applicant shall comply with all standard Planning Board conditions for minor subdivision approval as set forth in Attachment "A".
2. The applicant shall comply with all representations and agreements made by the applicant or applicant's representatives during the consideration of this application.
3. The applicant shall comply in all respects with the conditions and requirements set forth in the report of the Planning Board Engineer dated February 24, 1987.
4. This Resolution of approval is specifically contingent upon and conditioned on the granting of final site plan approval for proposed Lot 18, Block 547.

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MOVED BY: Mr. Scherer

SECONDED BY: Mr. Cierzo

VOTING IN THE AFFIRMATIVE: Mr. Cevalco Mr. Cierzo

Councilman Scarpelli Mr. Vespi Mr. Scherer

Mrs. Hartman

VOTING IN THE NEGATIVE: _____

DISQUALIFIED FROM VOTING: Mr. Gunther

INELIGIBLE: Mr. Geller Mr. Mangarelli

ABSTAINING: _____

ABSENT: Mayor Newman R. Kazawic

CERTIFICATION

I, E. JOAN KULL, Clerk to the Planning Board of the Township of Brick, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the

11th day of March, 1987

IN WITNESS WHEREOF, I have set my hand this

13th day of March, 1987.



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

ATTACHMENT "A"

STANDARD PLANNING BOARD CONDITIONS FOR MINOR SUBDIVISION

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1. Applicant should obtain any other approvals with respect to any other Federal, State County or Municipal agency having jurisdiction over same. Upon receipt of approval, the applicant shall supply a copy of said permit or permits to the Board. In the event that any other jurisdictional agency requires a change in the applicant's plans, the applicant must reapply to the Brick Township Planning Board for approval of that change.

2. Applicant shall resubmit this entire proposal should there be any deviation from this resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.

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

4. Applicant shall furnish a duplicate mylar of the filed map, certified by the applicants' engineer, to the Township Engineer.

5. Applicant shall post a bond for the setting of monuments in accordance with the map filing law, said amount to be determined by the Township Engineer. In addition to the above bond, the applicant is to post an inspection fund for the verification of compliance to the above requirement, the amount of said inspection fund to be determined by the Township Engineer.

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