

BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)



LDS BR-PZ 10603935

R-7-03

RESOLUTION
PLANNING BOARD OF THE TOWNSHIP OF BRICK
REVOKING AND RESCINDING PREVIOUSLY GRANTED
MINOR SITE PLAN APPROVAL WITH VARIANCES
AND DESIGN WAIVERS

Resolution R- 7 -03

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Case PB-2312-ASP-9/99

JANUARY 8, 2003

WHEREAS, the Brick Township Planning Board granted minor plan approval with variances and design waivers to JOHN A. CATALANO, Block 820, Lot 60, as designated on the official Tax Map of the Township of Brick, by Resolution R-112-99 adopted on December 8, 1999; and

WHEREAS, said approval concerned the proposed construction of a 301 square foot addition to existing "Ye Olde Country Store", which is an existing retail building used as a delicatessen, luncheonette and convenience store. It is located on the southerly side of Route 88 at its intersection with Forge Pond Road. The purpose of the proposed addition was to "square off" an existing jog in the building to provide additional needed space.

WHEREAS, a hearing was held on this application on December 18, 2002 at the Municipal Building, at which time all interested parties had an opportunity to be heard.

WHEREAS, the applicant has requested that the Planning Board act immediately to void, rescind and revoke the minor site plan approval, including voiding the executed minor site plan, and authorize the release and return of the posted performance bond, 10% cash deposit, and any remaining balance of inspection escrow monies minus any outstanding Board professional fees and costs; and

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WHEREAS, the Planning Board has considered the request made by the applicant to void any and all necessary other legal permits so as to effectuate the applicant's desire to revoke and void minor site plan approval with variances and design waivers granted by Resolution R-112-99 on December 8, 1999; and

WHEREAS, applicant has acknowledged that by this revocation and voiding of previously awarded approval that any further application concerning this site would require a completely new application, with commensurate public hearings, costs, and fees.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Brick, on this 8th day of January, 2003, that the request of John A. Catalano for the revocation, rescinding and voiding of the minor site plan approval with variances and design waivers previously granted December 8, 1999, by Resolution R-112-99 is granted; the minor site plan approval with variances and design waivers shall be noted as "void", as will the executed minor site plan maps; and a copy of this resolution shall be supplied to the Township Clerk and the Township Attorney for appropriate action of the Township Council to formally authorize the release and refund of the balance of: (1) posted performance bond; (2) 10% cash deposit; and (3) remaining balance of inspection escrow monies minus any outstanding Board professional fees and costs.

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January 8, 2003

MOVED BY: Mr. Scherer

SECONDED BY: Mr. Petoia

VOTING IN THE
AFFIRMATIVE: Councilman Underwood, Mr. Kelly, Mrs. LaDuke,
Mr. Aiello, Mr. Dockery, Mr. Petoia, Mr. Reilly, Mr. Vespi
Mr. Scherer

VOTING IN THE
NEGATIVE:

PRESENT BUT NOT VOTING Mr. Fredo

INELIGIBLE TO
VOTE:

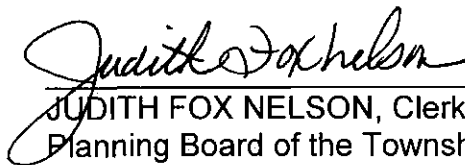
ABSTAINING:

ABSENT: Mr. Higgins

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 8th day of January 2003.

IN WITNESS WHEREOF, I have set my hand this 13th day of January, 2003.


JUDITH FOX NELSON, Clerk
Planning Board of the Township of Brick