

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

RESOLUTION R-16-97

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CASE NO. PB-2206-MSP-V-9/96

January 8, 1997

WHEREAS, Mahesh Uberoi and Madhu Uberoi, having a mailing address of 314 Commons Way, Princeton, New Jersey 08540, have applied to the Brick Township Planning Board for minor site plan approval with variances and design waivers pursuant to N.J.S.A. 40:55D-70C; and

WHEREAS, proof of service as required by law upon property owners and governmental bodies has been furnished and determined to be in proper order; and

WHEREAS, a public hearing was held on November 13, 1996 in the Municipal Building, at which time and 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 at Block 842, Lot 28 on the Municipal Tax Map. The applicant proposes to remove the existing free standing sign and construct a new sign, reconstruct and move the existing trash enclosure to the north side of the property as depicted on the plan, add an additional facade sign to the side of the existing building, and be deficient in the required number of parking spaces for an existing strip center known as Plaza 1715. It is located on the westerly side of Route 88, approximately 1,000 ft. west of Route 70 in the B-1 neighborhood business zone. The applicant is proposing to occupy the most southerly store front with the "Select Mortgage" Company.

2. Lynch, Giuliano & Associates prepared a report to the Board dated October 25, 1996. The Board hereby adopts the

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findings and incorporates that document in this Resolution by reference.

3. Michael P. Fowler prepared two (2) reports to the Board dated December 4, 1996 and January 2, 1997. The Board hereby adopts the findings in those reports and incorporates those documents in this Resolution by reference.

4. Kevin C. Batzel prepared a report to the Board dated October 9, 1996. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

5. The following variances have been applied for:

(a) The proposed freestanding sign will have a sign area of 35 ft. when a maximum area of 25 ft. is permitted in the B-1 Neighborhood Business Zone. The applicant is also requesting a variance to allow for the illumination of the sign as it is not permitted in the B-1 Zone. In addition, the B-1 Zone allows for a maximum sign height of 12 ft. and the applicant proposes a height of 15 ft. The Board finds that these variances are reasonable and should be granted in that the new sign will provide better identification of the Centers businesses. It is further reasonable in that the illuminated sign will be connected to the timers which will be addressed hereafter, and this Resolution prohibits the illumination of this sign and all other lighting on the applicant's site from the hours of 11 PM through 5 AM.

(b) The applicant requests a variance to allow a total of 55 required parking spaces when 46 spaces are currently provided, thereby showing a total deficiency of 9 parking spaces. The Board finds that this variance is

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reasonable in that site observations on many occasions has disclosed that rarely are there more than a few cars parked in the parking areas to the north and south of the existing building. The revised parking also requires a variance due to the 9 1/2 foot wide parking stalls that will be shown on the revised plan on the south end of the property. These 9 1/2 foot parking spaces are necessary to retain the 46 onsite parking spaces due to the relocation of the trash enclosure. The Board finds that this variance is reasonable and the applicant represented that they will attempt to size the parking spaces as close as to the required 10 feet as possible, however, no less than 9.5 feet in width.

(c) A variance is necessary for the existing facade sign on the left side of the building where Select Mortgage Company will be located. The Board finds that this variance is reasonable in that the existing facade sign has been in place on the building for a substantial period of time, and provides identification for the tenant therein.

(d) A variance is required for a 5 foot setback due to the relocation of the trash enclosure. The Board finds that this variance is reasonable in that the relocation of the trash enclosure moves the trash enclosure to a greater distance from the adjoining neighborhood homes, thereby creating an environment that is more aesthetically pleasing to the adjoining Lot 27, wherein the prior trash enclosure bordered closely to that property line.

6. The applicant has complied with the requirements of the Site Plan Ordinance and the overall development plan for this property constitutes a substantial upgrading of the

shopping center and is consistent with the intent and purpose of the Municipal Development Ordinance. Accordingly, the Board finds that 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 Brick Township Planning Board on this 8th day of January, 1997 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 its attorney during the presentation of this case.

X The applicant shall comply with all the terms and conditions proposed in the report of Lynch, Giuliano and Associates dated October 25, 1996.

X The applicant shall comply with all conditions proposed in the reports of Michael P. Fowler dated December 4, 1996 and January 2, 1997, more particularly as follows:

Q & E Item 1 - The applicant shall landscape on three (3) sides the trash enclosure located on the north side of the property and submit revised plans indicating the enclosure will comply with ordinance requirements.

Q & E Item 2 - The applicant shall install shielding on the wall mounted lights and the pole mounted fixture in the northwestern and southwestern corners of the site to reduce

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glare on the neighboring residences, and further, the wall mounted fixture on the roadside and of the quickstop is also to be shielded.

Item 3 - Trash removal, site cleanup activities and deliveries are to occur after 7 AM.

Item 4 - Timers are to be added to the existing site lighting which would turn off unnecessary lighting when the center's businesses were closed. All lights on the site are to be turned off from 11 PM through 5 AM.

~~5~~ The applicants shall comply with all conditions proposed in the report of Kevin C. Batzel dated October 9, 1996.

~~Q+E~~ 6. All dead landscaping is to be removed from the rear of the facility and will be replaced with new landscaping as soon as the weather permits the landscaper to plant; however, no later than June 30, 1997. Landscaping materials are subject to the approval of the Planning Board Planner or Planning Board Engineer.

~~17~~ The applicant is to notify all tenants and maintenance personnel connected with the facility of the Township Ordinance in regard to noise levels, and the applicants agree to monitor and enforce compliance with the Township Code.

~~Q+E~~ 8. Bumper stops are to be installed on the plan for parking adjacent to the New Jersey State Highway Route 88.

~~B+E~~ 9. Handicap access and ramps will be brought into compliance with the Township Code.

~~BFS~~ 10. Fire lane stripping, parking and all fire codes will be completed and brought into compliance.

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MOVED BY Mrs. Fox

SECONDED BY: Mr. Petoia

VOTING IN THE AFFIRMATIVE: Mr. Bruno Mrs. Fox

Mr. Haney Mr. Petoia Mr. Underwood Mr. Aiello Mr. Scherer

VOTING IN THE NEGATIVE: Mrs. LaDuke Mr. Reo

INELIGIBLE TO VOTE: Councilwoman Hartman

ABSTAINING: _____

ABSENT: _____

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 8th day of January, 1997.

IN WITNESS WHEREOF, I have set my hand this 14th day of January, 1997.

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 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

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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.