

BRICK TOWNSHIP PLANNING BOARD

AMENDED SITE PLAN APPROVAL WITH DESIGN WAIVER

RESOLUTION R-134-86

November 12, 1986

CASE NO.: 1568-ASP-8/86

WHEREAS, application has been made by Fairmount Investments, a partnership, owner of premises known as Lot 28, Block 842.7, Brick Township Tax Map, for amended site plan approval to construct a one-story 9,936 sq. foot building for commercial retail stores together with requests for design waivers for number of parking spaces, and parking stall length for one (1) stall.

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 23rd day of

October , 1986; and

In conjunction with this Resolution, the Planning Board has made the following findings of fact:

1st-2
Fairmount
Layle
A.B.L.
Northme
Kulinski
Hornell
Eng
Bedy
Young

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1. The applicant is a New Jersey partnership and is the owner of the subject premises.

2. The property is located in the B-1 Zone.

3. The proposed building for use as commercial retail stores is for a use which is permitted within the Zone.

4. The site was the subject of a previous site plan approval by Resolution R-121-85 adopted November 13, 1985, at which time approval was given for a plan substantially similar to that presently proposed with design waiver given for 46 parking spaces and waiver of traffic report. This amended application is being submitted due to a surveying error which located the building 10 ft. closer to the Route 88 right of way, which error was discovered after the building was substantially completed.

5. The application, as submitted, requests the following design waivers:

<u>Item</u>	<u>Required</u>	<u>Proposed</u>
A) Number of Parking Spaces	50	46
B) Parking Space Length	20 ft.	18 ft. (one space only)

6. The Planning Board finds that the requested design waivers for 46 parking spaces, 50 required, and for one (1) parking stall of 18 ft. length are reasonable requests based upon the fact that the literal enforcement of these requirements is impracticable and will exact undue hardship because of peculiar conditions pertaining to the subject premises, and

that these waivers should be granted provided the conditions set forth hereafter are complied with by the applicant.

7. That during the consideration of this application, the Planning Board expressed great concern regarding the traffic circulation and traffic pattern on the site. Because of the error in building location, the front traffic access aisle is now 18 ft. wide and one-way. Because of this, the Planning Board is of the opinion that on-site traffic should be allowed to circulate completely around the building to avoid situations where patrons disregard correct traffic flow. However, the establishment of an access aisle to the rear of the building will result in some encroachment into the rear buffer area..

NOW, THEREFORE, BE IT RESOLVED that the application of Fairmount Investments, a partnership, for amended site plan approval for Lot 28, Block 842.7 to construct a one story building for commercial retail stores together with design waivers for number of parking spaces and for one (1) parking stall of insufficient length is hereby APPROVED on this

12th day of November , 1986, subject to the following conditions:

1. Applicant shall comply with all standard Planning Board conditions for site plan approval as set forth on Attachment "A".
2. Applicant shall comply with all representations and agreements made by applicant or applicant's representatives during the consideration of this application.

3. Applicant shall comply with the conditions and requirements set forth in the Report of the Planning Board Engineer dated August 28, 1986 and the Report of the Township Planner dated October 3, 1986.

4. In addition, the applicant shall comply with the following specific conditions and requirements as a condition of this approval:

✓A. The handicapped parking spaces shall be moved to the middle of the front parking spaces.

✓B. The 2 painted island shown on the plan shall be revised so as to be constructed as curbed islands which shall be planted with low-lying shrubs. The technical details and plantings of such curbed areas shall be subject to review and approval by the Planning Board Engineer.

✓C. In accordance with the representation made by the applicant during the consideration of the original application, no tractor-trailers shall be permitted on the subject premises for loading, unloading or delivery of goods to retail establishments to be located therein.

✓D. The front and sides of the structure shall be of brick construction, and the rear shall be of decorative block or brick,

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all in accordance with the representation of the applicant made during the original application.

Q M. The trash storage area shall have an exterior construction of a material the same or similar to the main building with a chain link gate with slats, and shall have structural steel reinforcement located inside and along the back wall in order to prevent trucks which are unloading the dumpster from causing damage to the structure. The design of such reinforcement shall be subject to review and approval by the Planning Board Engineer.

P.C.G. Based upon concerns about safe traffic circulation on the site, and based upon the agreement of the applicant to this condition, the Planning Board shall require as a condition of this approval that the applicant provide to the Planning Board, within 6 months after full occupancy of the site, or within 1 year of the date of this approval, the report of a traffic engineer acceptable to the Planning Board, reviewing the actual on-site traffic situation during times of peak usage. If, as a result of that report and as a result of investigation of the site by the Planning Board and its professional staff, it is determined by the Planning Board in its sole discretion that complete traffic circulation around the building should be required for purposes of safety, the applicant shall be required to submit an application for amended site plan approval to establish such required circulation.

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MOVED BY: Mr. Scherer

SECONDED BY: Mr. Cierzo

VOTING IN THE AFFIRMATIVE: Mr. Cierzo Mr. Geller

Councilman Scarpelli Mr. Kazawic Mr. Scherer

Mr. Vespi

VOTING IN THE NEGATIVE: Mr. Cevasco Mrs. Hartman

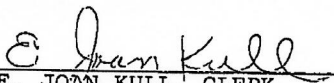
ABSTAINING: _____

ABSENT: Mr. Gunther Mr. Hayes Mayor Newman

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 12th day of November, 1986.

IN WITNESS WHEREOF, I have set my hand this 17th day of November, 1986.


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

ATTACHMENT "A"

STANDARD PLANNING BOARD CONDITIONS FOR SITE PLANS

RESOLUTION R-134-86

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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 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.

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

BRICK TOWNSHIP PLANNING BOARD
SITE PLAN APPROVAL WITH DESIGN WAIVER

RESOLUTION R-121-85

November 13, 1985

CASE NO. 1568-PSP/FSP-6/85

WHEREAS, application has been made by Fairmount Investments, a partnership, contract purchaser, Gilbert F. Ebner, owner of premises known as Lot 28, Block 842.7, Brick Township Tax Map, for site plan approval to construct a one-story 9,936 sq. foot building for commercial retail stores together with requests for design waivers for number of parking spaces, landscape, buffer, parking distance from residential zone and no traffic report.

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 13th day of November , 1985; and

In conjunction with this Resolution, the Planning Board has made the following findings of fact:

*Title - 2
Fairmount
Cucci
20K
Mortgage
Licensing
Ceddy
Eng
Zoning*

November 13, 1985

1. The applicants are a New Jersey partnership and are the contract purchasers of the subject premises, the owner being Gilbert F. Ebner.

2. That the property is located in the B-1 Zone.

3. That the proposed building for use as commercial retail stores is for a use which is permitted within the Zone.

4. That the application, as submitted, requests the following design waivers:

	<u>Item</u>	<u>Required</u>	<u>Proposed</u>
A)	Number of Parking Spaces	50	46 (revised)
B)	Landscape Buffer	15 ft.	10 ft.
C)	Parking Distance Between Residential & Business Zones	25 ft.	20 ft.
D)	Traffic Report	Yes	None

5. That the Planning Board finds that the requested design waivers for 46 parking spaces, 50 required, is a reasonable request based upon the following reasons:

A. The Plan as was originally designed proposed 48 parking spaces. As a result of review by the Planning Board and conformance with the conditions required by this Resolution, the number of parking spaces shall be reduced to 46. The Planning Board finds that the literal enforcement of the parking requirements is impracticable and will exact undue hardship because of peculiar conditions pertaining to the subject premises.

6. That during the consideration of this application, the applicant established to the satisfaction of the Board that the subject premises is not a traffic generator and will not have a substantial impact on traffic at this location, and for this reason, the Planning Board waives the requirement for submission of a traffic report.

7. That during the consideration of this application, the applicant advanced no valid reasons for the granting of waivers for inadequate landscape buffer between the loading zone and Lot 27B and inadequate parking distance between the adjoining residential premises and both the northerly parking area and the southerly loading zone. The subject premises are not unusual or peculiar in size, shape topography or location and there are no peculiar conditions pertaining to the subject premises which would create undue hardship upon the applicant if the applicant were to comply with the requirements for landscaping and buffering, and parking distance from adjoining residential zones.

8. The Planning Board finds that if the application were revised to reduce the width of the loading zone to 10 feet so as to eliminate the requested design waivers for inadequate landscape buffer and inadequate parking setback from residential zone, that the application can be granted without substantial detriment to the surrounding area and public good and will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinances of the Township of Brick provided the conditions and requirements set forth hereafter are complied with.

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NOW, THEREFORE, BE IT RESOLVED that the application of Fairmount Investments, a partnership, as contract purchaser, Gilbert F. Ebner as owner, for site plan approval for Lot 28, Block 842.7 to construct a one story building for commercial retail stores together with design waiver for number of parking spaces and for no traffic report is hereby approved subject to the following conditions:

A. Applicant shall comply with all standard Planning Board conditions for site plan approval as set forth on Attachment "A"

B. Applicant shall comply with all representations and agreements made by applicant or applicant's representatives during the consideration of this application.

OK 2/12
OC
13/6
RSC
✓ C. Applicant shall comply with the conditions and requirements set forth in the Report of the Planning Board Engineer dated October 1, 1985, and the Report of the Township Planner dated September 5, 1984, paragraphs 4, 6 and 7.

D. In addition, the applicant shall comply with the following specific conditions and requirements as a condition of this approval:

Eng ✓ 1. The applicant shall submit to the Planning Board Engineer a revised site plan eliminating the deficiencies in inadequate landscape buffer, and inadequate parking distance between residential and business zone in order to cause the proposed site plan to comply in all respects with the landscape buffering and parking setback requirements of the ordinances of the Township of Brick.

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2. In accordance with the representation made by the applicant during the consideration of this application, no tractor-trailers shall be permitted on the subject premises for loading, unloading or delivery of goods to retail establishments to be located therein.

During
city
3. The front and sides of the structure shall be of brick construction, and the rear shall be of decorative block or brick, all in accordance with the representation of the applicant.

eng
4. The trash storage area shall have an exterior construction of a material the same or similar to the main building with a chain link gate with slats.

eng
5. The trash storage area shall have structural steel reinforcement located inside and along the back wall in order to prevent trucks which are unloading the dumpster from causing damage to the structure. The design of such reinforcement shall be subject to review and approval by the Planning Board Engineer.

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MOVED BY: Mr. Gunther

SECONDED BY: Mr. Hayes

VOTING IN THE AFFIRMATIVE: Mr. Cierzo

Mr. Gunther Mr. Scherer Mr. Taubenkimel

Mr. Hayes Mr. Vespi

VOTING IN THE NEGATIVE: Mr. Cevalco Mrs. Hartman Councilman
Scarpelli

ABSTAINING: _____

ABSENT: Mr. Geller Mayor Newman

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 13th day of November, 1985.

IN WITNESS WHEREOF, I have set my hand this 14th day of November, 1985.

E. Joan Kull

E. JOAN KULL, CLERK
PLANNING BOARD OF THE TOWNSHIP OF BRICK

ATTACHMENT A

STANDARD PLANNING BOARD CONDITIONS FOR SITE PLANS

RESOLUTION R-121-85

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CASE NO. 1568-PSP/FSP-6/85

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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 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.

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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.