

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10301335

PLANNING BOARD TOWNSHIP OF BRICK
RESOLUTION FOR FINAL SITE PLAN APPROVAL
WITH VARIANCE AND WAIVER REQUESTS

Resolution R-88-80

Dated: October 22, 1980

Case #1204

WHEREAS, application has been made by Daniel Seme of Brick, New Jersey for final approval of a site plan of Block 852, Lot 3 as shown on the Tax Map of the Township of Brick, which premises are in a B-3 zone, in accordance with the map prepared by Baron Boyce Company, Inc., and entitled "Site Plan, Lot 3, Block 852" dated July 14, 1980, with latest revision date August 11, 1980; and

WHEREAS, the applicant seeks a variance for the following items:

	<u>Required</u>	<u>Provided</u>
A. Lot area	2 acres	0.483 acres (existing)
B. Lot width	200	184.10 (existing)
C. Lot depth	200	145 ' +/- (existing)
D. Front Area setback	75'	49.2' (existing)
E. Rear Yard setback	50'	22.0' (proposed)

In addition the applicant seeks a waiver of the parking requirements having provided sixteen while the ordinance requires eighteen. In addition the applicant seeks a waiver of the requirements for construction of concrete sidewalks & curbs along the frontage of Route #88 and waiver of the requirement for soil borings; and

WHEREAS, such proof of service as may be required by New Jersey Statutory and Municipal Ordinance requirements upon appropriate property owners and Governmental

File-2
Seme
Baron-Boyce
Schaenewalt
Giuliano
Blagg
Chankalson

bodies has been furnished to the Board; and

WHEREAS, the Board after carefully considering the evidence presented by the applicant at the hearing on 10/8/80 and of the adjoining property owners and general public, and having reviewed the exhibits produced, the Planning Board has made the following factual findings:

SEE FACTUAL FINDINGS ATTACHED HERETO.- Page 6

AND WHEREAS, the Planning Board has determined that failure to grant the requested relief would result in exceptional and undue hardship to applicant's property and that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and Zoning Ordinance of the Township of Brick, for the following reasons:

SEE REASONS FOR VARIANCE ATTACHED HERETO.- Page 7

WHEREAS, the Planning Board has determined that the requested waivers are reasonable and within the general purpose and intent of the provisions for site plan review and if literal enforcement of the provisions of the ordinances were required, it would be impractical or exact undue hardship to the applicant because of the peculiar conditions pertaining to the lot in question for the following reasons:

SEE REASONS FOR WAIVERS ATTACHED HERETO.- Page 8

AND WHEREAS, the Planning Board is of the opinion based upon the above factual findings that the site plan is such as would encourage development and design consistent with the Master Plan of the Township of

Brick and should be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Brick that the application of Daniel Seme, be on this October 22, 1980, granted subject, however, to the following conditions:

1. Ocean County Planning Board approval to be indicated on plan.

2. Applicant to relocate trash receptacles to the southwesterly corner of the premises and fence the new location so as to eliminate debris from being scattered in the area.

3. Applicant to meet the requirements of the Board of Fire Commissioners.

4. Applicant should obtain any other approvals with respect to submission 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.

5. 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.

6. 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 conditions of this approval.

7. The applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

8. That 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 to be updated on a six (6) month basis at the discretion of the Township Engineer.

Moved by: Councilwoman Butler

Seconded by: Mr. Nappe

Voting in the Affirmative: Councilwoman Butler

Mrs. Cook

Mr. Gunther

Mr. Kadar

Mr. Nappe

Mr. Metz

Voting in the Negative: _____

Ineligible to Vote: Mrs. Wiessel

Abstaining: _____

Resolution :

5.

October 22, 1980

Absent: Mr. Hayes

Mayor Kinnevy

CERTIFICATION

I, E. JOAN KULL, Clerk of the Planning Board of the Township of Brick, County of Ocean and 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 22nd day of October, 1980.

IN WITNESS WHEREOF, I have set my hand this 23rd day of October, 1980.

E. Joan Kull
E. JOAN KULL, Clerk
Planning Board of the Township of Brick

FACTUAL FINDINGS

Case #1204

1. Applicant seeks to construct an addition consisting of approximately 670.5 square feet to the existing retail store to be used as a cold and regular storage area.

2. Applicant testified that the existing building was constructed approximately 12 years before the zoning ordinance and that therefore certain variances for existing conditions are necessary.

3. Applicant is extending his retail sales into the adjacent building formally occupied as a bakery. The new addition, however, will not in any way increase the retail sales store since it is going to be used solely for storage of stock.

4. Applicant indicated that they would be willing to move the trash receptacle to the southwesterly corner of the property and fence a new location. This is in accordance with the request of the Fire Commissioners so as to avoid any possibility of fire in the trash receptacle.

5. Applicant testified that parking in the area is adequate and that they have never experienced difficulty in customer parking.

REASONS FOR VARIANCE

Case #1204

1. Applicant seeks a lot area, lot width, lot depth and front yard setback variance in conjunction with this application. Applicant's testimony indicated that these four variances were necessary for existing conditions. In view of the fact that the building was erected approximately 12 years before the ordinance this is non-conforming and a variance should be granted.

2. Applicant further seeks a rear yard setback variance on the new construction. Required is 50 feet while the applicant is purposing a 22 foot rear yard setback.

3. Applicant has testified that he is unable to acquire any additional area in which to eliminate the proposed variance.

4. The Board finds that this variance will not have an adverse effect upon the area since it backs up upon commercial property consisting of primarily a parking area for the movie theater. The Board further finds that this variance should be granted.

REASONS FOR WAIVERS

Case #1204

1. Applicant seeks a waiver of the parking requirements having provided sixteen (16) parking spaces while the ordinance requires eighteen (18). The Board finds that this is adequate in view of the testimony that they have never experienced any difficulty in customer parking and, in addition, the proposed addition is for storage purposes only.

2. Applicant also seeks a waiver from the requirement for a soil boring which the Board finds is reasonable considering the fact that the major part of the building is existing.

3. The applicant further seeks a waiver of the requirement for sidewalks & curbs to be constructed fronting on Route 88. The Board feels that this is warranted in view of the fact that the sidewalk & curbs would be constructed in the area utilized as backup space for customer parking.