

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10301176

PLANNING BOARD TOWNSHIP OF BRICK
RESOLUTION FOR APPROVAL OF SITE PLAN WITH
VARIANCES AND WAIVERS

Resolution R-67-82

Case No. 1283

September 22, 1982

WHEREAS, application has been made by Laurelton Plaza, Inc., a New Jersey Corporation, for approval of its proposed site plan of Block 852, Lots 6 and 7 in accordance with the plan entitled "Preliminary and Final Site Plan Proposed Office Building Reconstruction Lots 6 and 7, Block 852, prepared by Donald W. Smith Associates," dated March 23, 1982, with latest revision date being June 29, 1982; and

WHEREAS, the applicant intends to construct a two-story office building within Lot 7 and have associated parking within Lots 7 and 6 of Block 852; and

WHEREAS, the applicant seeks variances as to lot area, lot width, front yard set backs and side yard set back; and

WHEREAS, applicant seeks waivers as to the ordinance requirement that no parking area shall be located closer than 20 feet from any street right of way or any easement dedicated for road widening purposes; and further seeks a waiver as to the requirement that soil boring logs shall be indicated on the plan and further seeks a waiver as to the requirement that concrete curbing shall be installed; and

WHEREAS, such proof of service as maybe required by New Jersey Statutory and Municipal Ordinance requirements upon appropriate property owners and governmental bodies has been furnished to the Board; and

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WHEREAS, the Board after carefully considering the evidence presented by the applicant at the hearing of September 8, 1982, and of the adjoining property owners and general public and having reviewed the exhibits produced, the Planning Board has made the following factual findings:

The applicant's property is located in the B-3 (Highway Business) district and is located on Forge Pond Road and Route 70. The two lots comprising this application contain a total of 0.514 acres upon which the applicant wishes to erect a two-story office building. The building proposed is to contain a total of 3,000 square feet of office space and has a front yard setback of 58.6 feet on Route 70 and 20 feet on Forge Pond Road. Considering the amount of square footage to be contained in the office building and the amount of land area available for auto parking, the Planning Board finds that it should grant its approval of this application; and

WHEREAS the Planning Board has determined that failure to grant the request of relief would result in exceptional and undue hardship to the applicant's property and that the relief requested by the 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:

The applicant seeks variances as to:

- (1) Lot area in that 0.514 acres are provided and 2 acres are required;

(2) and further seeks a variance as to Lot width in that 75.04 feet are provided while 200 feet are required; and

(3) As to front yard set back on Route 70 in that 58.6 feet are provided and 75 are required; and

(4) As to front yard set back on Forge Pond Road in that 20 feet are provided and 75 feet are required; and

(5) A final variance as to side yard set back in that 25 feet are provided and 30 feet are required.

The Planning Board finds that it should grant the variances as stated above in that the proposed use, an office building with only 3,000 square feet of useable space will not create a traffic or other problem on the site proposed. The site is at the intersection of Route 70 and a county road, Forge Pond Road, and the Planning Board finds that it should grant these variances in that it is of the opinion that the proposal will be in conformity with the Zoning Ordinance and Master Plan of the Township of Brick; and

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 ordinance 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:

Due to the configuration of the proposed site, the applicant has requested that a waiver be granted with regard to the ordinance requirement that no parking area shall be located closer than 20 feet from any street right of way or any easement dedicated for road widening purposes. Planning Board finds that it should grant this waiver in that the shape

of the lot requires such approval in order to use the lot for the office building as intended by the applicant. The applicant further seeks a waiver from the requirement that a soil boring log shall be indicated on the plan. The Planning Board finds that due to the nature of the site, as a planned office building, that it should waive the requirement as to a soil boring log; and

WHEREAS, the Planning Board is of the opinion, based upon the above factual findings, that the said proposed site plan is such as would encourage the 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 Laurelton Plaza, Inc., for site plan approval, as per map aforesaid, be on this 22nd day of September, 1982, granted approval subject, however, to the following conditions:

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. 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.

9. Applicant shall provide concrete bumper stops in place of concrete curbing.

10. Applicant shall put a six-foot stockade fence and maintain said fence in good condition in return for permission not to install the required bufferring.

11. Light standards shall be placed in such a position so that the light is directed inward and a shield shall be placed over any light placed in the northwest corner of the site, ie. relocate light standard No. 1 to northwest corner of site.

12. Curbs and sidewalks shall be constructed by the applicant along the entire frontage along Forge Pond Road.

NOW, THEREFORE, BE IT RESOLVED that the requested variances as to lot area, lot width, front yard setbacks and side yard setback be and the same are hereby granted for the reasons set forth above and subject to the conditions set forth above; and

NOW, THEREFORE, BE IT RESOLVED that the requested waivers as to the location of the parking area closer than 20 feet to a right of way, indicating soil boring logs and providing concrete curbing for the parking area, be and the same are hereby granted for the reasons set forth above and subject to the conditions set forth above.

RESOLUTION R-67-82

Page 7

CASE NO. 1283

September 22, 1982

Moved By: Mr. Hayes

Seconded By: Mr. Gunther

Voting in the Affirmative: Mr. Gunther

Mr. Hayes Mr. Lomano

Mr. Kadar Mrs. Kenney

Voting in the Negative:

Ineligible to Vote: Mr. Metz

Abstaining:

Absent:

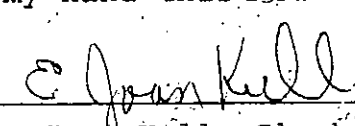
Councilman Anderson Mayor Kinnevy

Mrs. Cook Mrs. Wiessel Mr. Lucci

CERTIFICATION

I, E. Joan Kull, Clerk to 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 September, 1982

IN WITNESS WHEREOF, I have set my hand this 23rd day of September, 1982.


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