

BRICK TOWNSHIP PLANNING BOARD

RESOLUTION FOR APPROVAL OF SITE PLAN WITH VARIANCES

RESOLUTION R-50-83

CASE NO. 1260

August 10, 1983

WHEREAS, application has been made by Murray Firestone and Joseph Laudadio (Lanes Mills Apartments) for approval of its proposed amended site plan of Lots 1, 2 and 3, Block 757 as shown on the Tax Map of the Township of Brick, in accordance with plans entitled "Amended Site Plan, Lots 1, 2 and 3, Block 757" prepared by Anderson, Ballis & Lindstrom, Inc., sheets 1-10 dated February 23, 1983, with the latest revision date being May 3, 1983; and

WHEREAS, applicants are seeking variances with regard to lot area, lot density, and minimum building separation; and

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

WHEREAS, the Board, after carefully considering the evidence presented by the applicant at the hearing of July 13, 1983, 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 seeks, through an amended site plan, to develop the above referenced property with attached condominium units, consisting of a total of 12 buildings containing a total of 128 units. The density proposed is 7.43 units per acre. Associated with the condominium units are a recreational building, pool area, basketball and tennis courts. The previously approved site plan as to the site was approved by the Brick Township Planning Board under Zoning Ordinance #200 adopted June, 1960, when this property was previously zoned rural agricultural. The applicant relies upon the Planning Board's original site plan approval granted in June of 1972 with regard to the present application; and

WHEREAS, the Planning Board has determined that the failure to grant the requested 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

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Laudadio
J. B. & L.
Laudadio
Lanes Mills
Apartment
Complex
Brick
Township
Planning
Board
Zoning*

August 10, 1983

detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and the Zoning Ordinance of the Township of Brick for the following reasons:

The applicant seeks a variance as to lot area in that the ordinance requires 25 acres and the applicant has provided 17.266 acres. The Planning Board has noted that the applicant is seeking approval for the same 128 units for which they were granted approval by the Brick Township Planning Board in June, 1972. The Planning Board finds that it should grant this variance. Applicant also seeks a variance as to density in that the ordinance requires no more than 6 units per acre, while the applicant provides 7.54 units per acre. As stated above, the applicant has not increased the number of units, nor the density, as that for which it was granted approval by the Brick Township Planning Board in 1972 and the Planning Board finds that it should grant this variance also. Applicant also seeks a variance as to minimum building separation in that the ordinance requires a minimum of 100 feet and the applicant, in one instance, provides as little as 42 feet. The Planning Board has, on numerous occasions through its own engineer, reviewed various ways of situating the building in order to accommodate the other needs such as parking, etc. It finds that the present proposed plan is the one most likely to furnish the greatest benefit to the future residents and to the Township as a whole and it, therefore, finds that it should grant this variance as to minimum building separation, and

WHEREAS, the Planning Board is of the opinion, based upon the above factual findings, that the said proposed amended 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 that the application of Murray Firestone and Joseph Laudadio (Lanes Mills Apartments) for amended site plan approval as per the maps aforesaid, be on this 10th day of August, 1983, granted approval subject, however, to the following conditions:

1. Standard Planning Board conditions for site plan approval as contained on Attachment A attached hereto and made a part hereof.
2. Ocean County Planning Board approval shall be indicated upon the plan.

August 10, 1983

3. This approval is conditioned upon the applicant filing a Deed of consolidation relative to Lots 1., 2 and 3 of Block 757.

4. Applicant shall construct additional rear yard storm drainage if, at the discretion of the Township Engineer, adequate overland drainage is not apparent due to construction variances or poor soil absorption.

5. If during construction, poor quality soils are encountered within the roadway or building areas, an undercutting of existing soils and backfilling with select material and the installation of underdrains shall be required to an extent to be determined by the Township Engineer.

6. As part of this approval, the applicant shall be required to install a lawn sprinkler system in order to maintain lawns, etc.

* 7. Applicant shall submit master deed and by-laws for review and approval by the Planning Board.

*documents were reviewed by previous
chairman Paul Hayes and found to
be in conformance.*

4/5/84 Ray [Signature]

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Moved By: Mr. Gunther

Seconded By: Mr. Metz

Voting in the Affirmative: Councilman Anderson

Mr. Cierzo Mr. Metz Mr. Vespi

Mr. Gunther Mr. Scherer Mrs. Kenney

Voting in the Negative:

Abstaining:

Absent: Mrs. Cook Mr. Kadar Mayor Newman

Ineligible to Vote: Mr. Hayes

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 10th day of August, 1983.

IN WITNESS WHEREOF, I have set my hand this 12th day of August, 1983.

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

ATTACHMENT A

STANDARD PLANNING BOARD CONDITIONS FOR SITE PLANS

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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.

LYNCH, CARMODY, GIULIANO & KAROL, P.A.

CONSULTING ENGINEERS • LAND PLANNERS • SURVEYORS

May 23, 1983

Thomas F. Lynch
Cornelius P. Carmody
Michael J. Giuliano, Jr.
John D. Karol

Brick Township Planning Board
401 Chambers Bridge Road
Brick Town, NJ 08723

Re: Case No. 81-0195-1260
Firestone & Laudadio
Lots 1, 2 and 3, Block 757
Site Plan - Lanes Mill
Third Review

RECEIVED
MAY 25 1983
BRICK TOWNSHIP PLANNING BOARD

Dear Board Members:

I have reviewed the plans entitled "Amended Site Plan Lots 1, 2 and 3, Block 757" prepared by Anderson, Ballis & Lindstrom, Inc., Sheets 1-10, dated February 23, 1983, and have the following comments:

The applicant intends, through an amended site plan application to develop the above referenced property with attached condominium units consisting of a total of 12 structures with 128 units. This design will yield a density of 7.43 units per acre. Associated with the condominium units is a recreation building, pool area, basketball and tennis courts, which are located at the north-westerly portion of the site.

The previously approved site plan was approved under zoning ordinance No. 200, adopted June 1960 when the property was previously zoned RA. It is the applicant's position that the site can be developed in reliance upon the original site plan approval received in June 1972.

The following lists the current zoning and subdivision ordinance requirements based upon the current RM zone:

1. Ocean County Planning Board approval has not been indicated on the plan.
2. Any approval of this application should be conditioned upon the applicant filing a deed of consolidation relative to Lots 1, 2 and 3 of Block 757.

F & L
Louis
A & B & L
Lance
Chankalcan

Env. Comm.

RESOLUTION R-24

March 22, 1972

Planning Board
of the
Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Brick that the Site Plan application submitted by Lanes Mill Corporation for Pl. 1447, Lot 1 and Pl. 757, Lots 1, 2 and 3 is hereby approved subject to the following terms and conditions:

1. That the lowest portion of any finished floor be no lower than elevation 18.
2. That, in consideration of the Planning Board of the Township of Brick amending Section 402 of the Land Subdivision Ordinance of the Township of Brick, Lanes Mill Corporation shall file a restrictive deed and incorporate in said deed an executed statement stating that the Corporation agrees to have the Tax Assessor of the Township of Brick remove lot lines to treat the property as one parcel, and that Lanes Mill Corp., or its successor, shall not convey any part of the above-mentioned property unless it shall obtain permission to do so from the Brick Township Planning Board.
3. That fire walls be installed pursuant to the recommendation of the Fire Commissioner dated March 22, 1972.
4. That fire walls be constructed according to the building code ordinances and the report of the Fire Commissioner also dated March 22, 1972.
5. All improvements, additions, modifications and deletions as indicated by the Board of Fire Commissioners and exhibited on the Site Plan are entitled "Lanes Mill Apartments, revised March 16, 1972, be shown on the final plans submitted.
6. A sketch be provided for the records of the Brick Township Planning Board showing the fire walls with balcony location which has the general purpose of breaking up the straight facades of the various apartment buildings and, further, that all construction shall be in accordance with such design and renderings.
7. That the applicant shall provide road service, maintenance, garbage removal and snow removal at their own expense.
8. That the Chairman and Secretary of the Planning Board be directed to withhold their signatures until all terms and conditions have been met.

R E S O L U T I O N R-7

January 26, 1972

Planning Board
of the
Township of Brick

NOW, THEREFORE, BE IT RESOLVED BY the Planning Board
of the Township of Brick that Case No. 487, Lanes Mill Corporation,
be held under the jurisdiction of this Board until the meeting of
February 9, 1972, and there should be a new submittal of plans.

C E R T I F I C A T I O N

I, Natalie O'Brien, Clerk to the Planning Board of the
Township of Brick, County of Ocean, 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 26th day
of January, 1972.

IN WITNESS WHEREOF, I have set my hand this 28th day of
January, 1972.

Natalie O'Brien

Natalie O, Brien, Clerk
Planning Board of the Township of Brick

R E S O L U T I O N R106-81

WHEREAS, Laudadio/Firestone are the contract purchasers of a certain project known as "Lanes Mill Apartments" located on Tax Block 757, Lots 1, 2 and 3; and,

WHEREAS, the Township has heretofore instituted proceedings requiring the demolition of the buildings located on the above referred to real property pursuant to Chapter 34 of the Code of the Township of Brick; and,

WHEREAS, Laudadio/Firestone have requested that such demolition proceedings be delayed so as to permit an application for the renewal of certain approvals which had been granted with respect to the subject property; and,

WHEREAS, the Township Council deems it in the public interest that such proceedings be delayed in accordance with the request aforesaid under the terms and conditions hereinafter provided for;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, in the County of Ocean, and State of New Jersey, as follows:

1. That, subject to the conditions hereinafter set forth, the Township hereby agrees to forbear from demolition of improvements pursuant to Chapter 34 of the Code of the Township of Brick on the property in question for a period of six (6) months from the date of this resolution.

2. That within thirty (30) days of the date of this resolution Laudadio/Firestone shall post a performance bond issued by a reputable surety company in an amount approved by the Township Engineer and in form acceptable to the Township Attorney, insuring that the principals shall complete demolition of the improvements aforesaid within five (5) months of the date of the bond to be posted.

3. That within thirty (30) days of the date of this resolution, Laudadio/Firestone shall apply to the Brick Township Planning Board for review of any and all prior approvals which may affect the subject property.

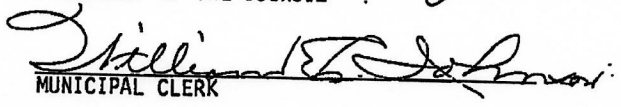
4. That Laudadio/Firestone shall make an appropriate application to the Township of Brick for issuance of the demolition of the improvements aforesaid within ten (10) days of the date of this resolution.

5. That the Township Clerk forward certified copies of this resolution to the following:

- A. The Business Administrator
- B. The Construction Official
- C. Frank Lewis, Esq.

ADOPTED: March 24, 1981


PRESIDENT OF THE COUNCIL


MUNICIPAL CLERK

C E R T I F I C A T I O N

I, WILLIAM E. JOHNSON, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on the 24th day of March, 1981.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 24th day of March, 1981.


WILLIAM E. JOHNSON, MUNICIPAL CLERK