

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10503066

BRICK TOWNSHIP PLANNING BOARD
AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL
AND DESIGN WAIVERS

RESOLUTION R-19-95

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CASE NO. PB-2130-PSP/FSP-9/94

March 8, 1995

WHEREAS, James and Nancy Mercandante, having a mailing address of 2146 Lanes Mill Road, Brick Township, New Jersey 08724, has applied to the Brick Township Planning Board for preliminary and final site plan approval with variances and design waivers pursuant to N.J.S.A. 40:55D-46, 50, 51, and 60; and

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

WHEREAS, public hearings were held on February 22, 1995 and March 1, 1995 in the Municipal Building, at which time 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 as Block 835, Lot 27, on the Municipal Tax Map.

2. The property is located in a B-1 neighborhood business zone. The applicants propose to upgrade an existing business office and showroom ("dura plex" window and siding specialist) in the B-1 neighborhood business zone. The upgrade includes the installation of curbs and sidewalks along the site's Route 88 frontage, the construction of a 1-story building and a trash enclosure, additional landscaping, and the removal of 2 trailers.

3. The site has an area of 14,200 sq. ft. and its location is on the western side of New Jersey Route 88 between

File 2
Mercandante
Montiney
Gravett/Heller
Ford
Curley
Bledy
Eng. 2
Zoning
B.F.S.

Hoffman and Laurelton Streets.

4. The existing use is business and the proposed use continues to be business. The proposed site plan consists of the construction of a 576 sq. ft. "storage building", construction of a curb and sidewalk along Route 88, repaving the front portion of the site, and constructing a crushed stone parking lot along the rear of the site with a trash storage area.

5. Lynch, Giuliano & Associates, P.A. prepared a report to the Board dated November 28, 1994. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

6. Michael P. Fowler, Municipal Planner, prepared a report to the Board dated December 9, 1994. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

7. The following variances and design waivers have been applied for:

	<u>Required</u>	<u>Provided</u>
Parking Adjacent to Residential Zone	25 Ft.	20 Ft.
Sign Setback	10 Ft.	+/-3 Ft. Side (Ex.) +/-5.5 Ft. Front
Parking Facilities Adjoining R.O.W.	20 Ft.	2 Ft. (island)
Parking Isle Width	25 Ft.	16 Ft.
Trash Storage Setback	10 Ft.	+/-6 Ft.
The Applicant has not proposed any site area lighting		
The Applicant has not proposed the required level of sight triangle		
The Applicant has not proposed any curbing for the interior parking lot.		

The applicant has proposed the site grading to follow existing conditions. The storm drainage report indicates minor increases in the site runoff and, therefore, requires a waiver.

With regard to Ordinance 354-2g-93, the proposed trash enclosure is located within 10-feet of the side yard property line. A minimum of three(3) sides of the enclosure are to be landscaped. Only two (2) sides of proposed plantings are shown, therefore requires a waiver.

8. The Board finds that the requested variances and design waivers are reasonable and should be granted because:

(a) The Board finds that the 20 Ft. provided for parking adjacent to the residential zone is reasonable in that the applicant is going to plant one staggered rows of evergreen and install a board on board fence along the property line which abuts the residential zone.

(b) The Board finds that the sign setback from the required 10 Ft. to allow a setback of +/-3 Ft. side (Ex.) and plus +/-5.5 Ft. Front is reasonable based upon the configuration of the front of the Applicant's property, and further based upon the consideration that it will not propose a safety hazard.

(c) The Board finds it reasonable to allow only 2 Ft. for parking facilities adjoining the ROW based upon the configuration of the lot, and further based upon the fact that the Applicant will have parking spaces in the rear of the facility. The Board has also taken into consideration the fact that the Applicant testified that 99% of his business involves delivery to offsite locations and that there is very little public traffic onto the Applicant's property for business.

(d) In regard to the parking aisle width, 25 Ft. is

required and 16 Ft. is provided and the Planning Board feels that 16 Ft. is reasonable based upon the size of the Applicant's lot and the nature of his business with little public traffic.

(e) The Board finds the trash storage setback to +/-6 Ft. is reasonable based upon the staggered row of evergreens which will border the back side of the property along the residential lot, and further based upon the conditions for the breakage of glass which will be addressed hereafter.

(f) The Applicant has proposed lights for motion detectors, and those lights will be installed solely on the main existing building for security at the rear side of the property. The Board finds that this is reasonable in that the lack of lighting will accommodate the residential properties to the rear of the Applicant's site.

(g) The Board finds it is reasonable that the Applicant did not propose any site triangle in that he will install a stop sign in accordance with the recommendation of the Board's Engineer and the Board's Engineer testified that a site triangle is not necessary in this case, and he recommended a waiver.

(h) The Board finds it is reasonable not to have any curbing for the interior parking lot in that the parking lot will not be paved. The Applicant provided expert testimony which indicated that there would be better drainage on the property without the curbing on the interior parking lot.

(i) The Applicant has proposed site grading to

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follow existing conditions and the Board finds this request reasonable based upon the fact that the flow of water on their property is north to south.

9. 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 property and is consistent with the intent and purpose of the Municipal Development Ordinance. The improvement as proposed constitutes a substantial aesthetic and functional upgrade. 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 and Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board on this 8th day of March, 1995, 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.

3. The Applicant shall comply with all terms and conditions proposed in the report of Lynch, Giuliano & Associates, P.A. dated November 28, 1994, except as follows:

Item 2 is waived.

Item 3 - The Applicant is in compliance with same.

Item 4 - The Applicant will provide a 12 Ft. wide handicapped parking space adjacent to the front of the structure, thereby allowing a 16 Ft. wide aisle for access through the front of the site.

Item 5 - not required

Item 6 - The Applicant will give the MUA an easement if required.

Item 7 - The Applicant will provide signage before the bay doors of the garage as a designated loading zone.

Item 11-1 - Not applicable.

Item 11-2 - Not required.

In regard to Item 11-3 through Item 11-6, the Applicant will comply in regard to landscaping, the township engineer is to direct at the construction phase in regard to landscaping and the Applicant agrees to replant anything that doesn't grow. The Applicant agrees to plant a staggered row of evergreen at the rear of the property.

Item 11-7 - A waiver was granted, however, bollards are required.

4. The Applicant shall comply with all of the conditions proposed in the report of Michael P. Fowler dated December 9, 1994, except as follows:

IV-j, is stricken from the report

5. All delivery vehicles making a delivery to the site must turn off his engine during the course of the delivery.

6. Applicant is only allowed to break glass Mondays through Friday between 1 PM and 4 PM for a maximum of 30 minutes per day, and the Applicant is subject to the conditions of the noise ordinance and this resolution in no way justifies or allows or authorizes the Applicant to violate the noise ordinance and he is subject to prosecution of same in the event that he violates the noise ordinance.

7. All white fencing in front of the property is to be removed and the bench on the property is to be removed.

8. No manufacturing is allowed on the site.

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9. No outdoor storage is allowed on the site.

10. The applicant is to install a stop sign on his property in accordance with the recommendation of the planning board engineer.

11. The Applicant is to provide at the front of the office a 12 Ft. space for handicapped parking.

12. The Applicant is to provide an easement to the MUA, if required.

13. The leaders on the shed are to be directed to the parking lot and not to the side yards.

14. The Applicant is to provide the required quantity of shrubs to the front of the property.

15. The Applicant shall comply with all conditions proposed in the report of the Bureau of Fire Safety dated October 31, 1994.

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MOVED BY Mr. Scherer

SECONDED BY: Councilwoman Fayad

VOTING IN THE AFFIRMATIVE: Mrs. Barlo Mr. Cierzo

Councilwoman Fayad Mrs. Fox Mr. Heidrick Mr. Underwood

Mr. Scherer

VOTING IN THE NEGATIVE: _____

INELIGIBLE TO VOTE: _____

ABSTAINING: _____

ABSENT: Mrs. LaDuke Mayor Scarpelli Mr. Petoia Mr. Reo

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 March , 1995.

IN WITNESS WHEREOF, I have set my hand this 14th day of March , 1995.

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.