

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

RESOLUTION R-36-98

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CASE NO. PB-2236-PSP-V/FSP-12/97

May 13, 1998

WHEREAS, WAWA, INC., having a mailing address of 260 West Baltimore Pike, WaWa, PA 19063, 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, -60 and -70; and

WHEREFORE, 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

WHEREFORE, a public hearing was held on April 8, 1998 and April 22, 1998 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

WHEREFORE, the Board makes the following factual findings and findings of law:

1. The property is designated as Block 470.01, Lot 16 on the Municipal Tax Map.
2. The property is located in the B-2 General Business Zone, and more particularly being an isolated lot surrounded by Cedar Bridge Avenue, Jackson Street, Jackson Avenue and Brick Boulevard.
3. The applicant is proposing to construct a WaWa Convenience Store upon this site as further shown in a site plan entitled "Proposed Food Store, Block 470.01, Lot 16, tax map sheet No. 35.01, Cedar Bridge Avenue and Brick Boulevard (Ocean County Route 549, Township of Brick, New Jersey, prepared by Bohler Engineering with the cover sheet signed by E.L. Steinfeldt, P.E., consisting of eight sheets) and an architectural plan dated December 3, 1997 prepared by Lynch Martinez Architects. The site is uniquely shaped as an oval and totally surrounded by a jughandle, and therefore there are

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atpao
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ayle
mley
2006
nj
mny
OAH
JFS
de luf

certain difficulties applying the standard definition concerning lot width and depth found within the township ordinances.

4. Bay Pointe Engineering prepared a report to the Board dated March 11, 1998, which report was supplemented and updated by an April 8, 1998 report. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

5. Michael P. Fowler, Municipal Planner, prepared a report to the Board dated April 6, 1998. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

6. The Shade Tree Commission prepared a report to the Board dated February 17, 1998. The Board hereby adopts the findings in that report and incorporates said document in this resolution by reference.

7. The Traffic Safety Officer prepared a report to the Board dated February 9, 1998. The Board hereby incorporates said document in this resolution by reference.

8. The Brick Township Bureau of Fire Safety filed a report with this Board dated February 11, 1998. The Board hereby adopts the findings in that report and incorporates said document in this resolution by reference.

9. The applicant has sought certain variances as follows, the disposition of which is shown below:

(a) To locate parking facilities within 12.8 feet of Jackson Street 10.5 feet from Cedar Bridge Avenue, and 9.5 feet from Brick Boulevard, whereas twenty (20) feet is required;

(b) To have entrance and exit signs that exceed the three (3) square feet allowed;

(c) To have a driveway entrance on Cedar Bridge Avenue 88 feet from the intersection, whereas 100 feet is required.

The Board finds that it is reasonable and appropriate to grant these variances which result from the nature of the applicant's operation, the unique location and configuration of this site being an extremely busy highway intersection that is oval-shaped. The denial of these variances would render a hardship in making the property difficult to use and to identify for the passing motorist. The granting of these variances advances the purpose of zoning by providing for better traffic circulation. The benefits granting the variances clearly outweigh the detriments of granting them. The grant of the variance, however, is conditioned upon the proposed entrance and exit signs to be located near the proposed access driveways having the top of signs set no higher than four (4) feet from ground level.

10. The applicant seeks certain waivers identified below and the disposition of which is stated herein:

(a) The requirement to show all utilities within two hundred (200) feet of the subject property;

(b) Requiring that berming be located along all property frontages abutting major roadways which would include Brick Boulevard and Cedar Bridge Avenue;

(c) The requirement that there be a thirty (30) foot wide landscape buffer on Jackson Street;

(d) That shade trees be required at the end of each row of parking stalls.

The Board finds that it is reasonable to grant these waivers for the following reasons:

(a) The unique location of this site and the need to provide adequate sight distances make strict adherence to the berthing requirement here inappropriate;

(b) There is significant greenery, landscaping and buffering provided so that the requirements with respect to thirty (30) feet of buffering and shade trees may be reasonably waived;

(c) The number, nature and location of all utilities within two hundred (200) feet are such that it would not add to the Board's knowledge in determining this application and it would not be any detriment if they are not so provided.

The Board notes that the unique nature of this site, while justifying certain of the variance and waiver requests does require specific conditions attached to this resolution of approval so as to provide adequately for public health, safety and welfare, particularly as it relates to traffic and general operations of the use. In this regard, certain of these issues have been noted in the Planner and/or Engineer's reports as well as in the comments made at the public meetings by interested citizens. The Board specifically notes that those items mentioned in the Engineer's report of April 8, 1998 in paragraphs four, five, six, seven, ten and eleven will be met. In addition, certain of the items mentioned in paragraph V of the Planner's report dated April 6, 1998 will be met, more specifically subparagraphs A, B, D, E, H, I and J. The Board notes that notwithstanding these comments from the Engineer and Planner having been met by the applicant that

there are certain other requirements that must be met so as to adequately provide for the public health, safety and welfare. These additional items are grounded in the nature of this site and the nature of the use will be required by reason of conditions to this approval.

11. The applicant having complied with the requirements of the site plan ordinance and except for such variances and waivers as have been granted for the reasons stated hereinabove, is therefore entitled to site plan approval as stated herein.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 13th day of May, 1998 that this application shall 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.

X The applicant shall comply specifically with the terms and conditions of the Engineer's report of April 8, 1998 specified hereinabove and the Planner's report of April 6, 1998 specified hereinabove.

4. The applicant shall show on the plans to be submitted for compliance with this resolution and further place upon the site those improvements, notes or operational elements as described hereinbelow:

EMJ
B.M. (a) The site triangle easement shown shall contain landscaping that would not interfere with the purpose of the sight triangle easement being clear, visually unobstructed sight lines. If this changes as a result of compliance with this overall

resolution, the applicant shall come before the Planning Board to resolve this issue and no building permit or certificate of occupancy shall issue until the Board is satisfied that the purpose of the sight triangle easement is met.

EAR (b) Two trees shall be installed at the front corners of the building and the base of said trees shall be surrounded by a metal grate of four (4) square feet.

EAR (c) Four (4) parking stalls shall be marked as "Employees Only". These stalls shall be the two (2) immediately east of the Cedar Bridge Avenue access and the two (2) spaces immediately south of the Brick Boulevard access.

EAR (d) The applicant shall put in appropriate signage and permanent markings in conformance to the Institute of Traffic Engineer standards as to the crosswalk over which access to the site is gained from Jackson Street.

AC (e) Deliveries shall be limited to daytime hours.

EAR (f) Six (6) trash cans shall be spread out throughout the site.

AC (g) No vented cooking or grilling shall take place in the building, but foods may be cooked in the interior of the building using convection ovens and other means not requiring exterior venting.

AC (h) No tables shall be utilized in or out of the building and on the site for public seating.

EAR (i) The applicant shall adopt a cleaning and maintenance schedule through the use of steam power washing to guarantee that the exterior of the building and the property remain litter free on a daily basis. An appropriate note shall be added to the plans regarding this schedule.

AC. (j) No trucks shall enter or exit the site on the Cedar Bridge Avenue access point.

Cal. (k) A post and rail fence and shrubbery shall be provided so as to prevent access to the site from Jackson Street, at any point other than those designated with crosswalks. The fencing material shall not be wood, but shall be solid vinyl or some similar type, maintenance-free material. A note shall be added to the plans concerning this requirement.

Cal. (l) The plans shall include a note added to the landscaping plan that all shade trees shall be a minimum of 2½ inch caliper.

2. (m) The roof mounted HVAC units shall be shielded, and the units shall be six (6) inches lower than the top of the screening shield.

Cal. (n) The applicant shall install berming in accordance with the revision to the plan submitted to the Board, being one (1) foot along Brick Boulevard and three (3) feet along Jackson Street.

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May 13, 1998

MOVED BY:

Mr. Scherer

SECONDED

BY: Mr. Petola

VOTING IN THE

AFFIRMATIVE: Mr. Cevalco Mrs. Fox Mr. Kelly Mrs. LaDuke
Mr. Petola Mrs. Paxton Mr. Palmieri Mr. Scherer

VOTING IN THE
NEGATIVE:

INELIGIBLE TO
VOTE:

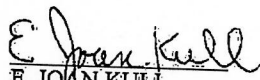
ABSTAINING:

ABSENT: Mr. Aiello Councilwoman Fayad Mr. Haney

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 13th day of May, 1998.

IN WITNESS WHEREOF, I have set my hand this 19th day of May, 1998.


E. JOAN KULL
Clerk of the Planning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

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May 13, 1998

☒ 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.

☒ 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.

☒ Prior to the issuance of a construction permit, the applicant shall furnish the Township Clerk with a cash bond and performance guarantee in an amount to be determined by the Township Engineer.

☒ Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

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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.

Comm
Site
10. For all residential uses the subdivider or site plan applicant shall provide for a trash receptacle.

11. In order to insure uniformity of trash receptacles and compatibility with the automatic trash collection system, all trash can receptacles required herein shall be obtained from the Township of Brick.

SITE PLAN FOLDER CHECKLIST

CASE NO. _____

DATE RECEIVED: _____

FEE PAID: _____

APPLICANT: _____

OWNER: _____

NAME OF SITE PLAN: _____

Each site plan application must be accompanied by the following items:

REQUIRED (N/A)

☒ 1. Original and 4 copies of application

☒ 2. Completed checklist

☒ 3. 4 copies of the site plan

☒ 4. Check for Application Fee:

☒ Preliminary: \$1,000.00

☒ Variance: 500.00

☒ Final: 500.00

Total: 2000.00

5. Check for Escrow Fee:

☒ Preliminary: \$2,000.00 + 2 acres @\$100.00 per acre 2200

☒ Variance: 500.00

☒ Final: \$1,000.00

Total: 3700.00

☒ 6. Taxpayers Identification Form

☒ 7. 4 sets of Building Elevations

☒ 8. 2 sets of Drainage Calculations

☒ 9. Proof of application to B.T.M.U.A.

☒ 10. Proof of application to Ocean County Planning Board

☒ 11. Proof of Taxes Paid to Date

N.A. 12. Proof of application to N.J.D.O.T. (if applicable)

☒ 13. \$80.00 check for Bureau of Fire Safety Review

RESOLUTION R-32

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 plat entitled Major Preliminary Subdivision Bl. 470, lots 16 and 17, having been heard at a public hearing on this date, the 22nd of March, 1972, be granted approval and the Chairman and Secretary be directed to sign said maps.

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 22nd day of March, 1972.

IN WITNESS WHEREOF, I have set my hand this 30th day of March, 1972.

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