

RESOLUTION

BOARD OF ADJUSTMENT, TOWNSHIP OF BRICK

WHEREAS, WKR INVESTMENTS, A NEW JERSEY PARTNERSHIP, has applied to the Board of Adjustment of the Township of Brick for permission to convert an existing roller rink facility to a retail sales outlet to market pools, spas, recreational equipment and seasonal items. This would require a change of use variance pursuant to N.J.S.A.40:55D-70D to allow a business use in a hospital support zone. These premises are located at Allaire Road and Route 88 West in the Township of Brick and known as Block 1170 Lots 10.03, 11, and 12 on the Tax Map of the Township of Brick.

The applicant seeks a variance with regard to front yard lot width, 200 feet required and 175 feet provided.

Applicant further seeks a variance from the requirements of Brick Code Section 44A-70.2F(2) with regard to free standing sign being limited to 10 feet in height. Applicant agrees that the sign will be set back 25 feet from the property line bordering on Route 88, that it will be 50 square feet in area and will not exceed 15 feet in height.

The applicant has moved to amend the application with regard to item number 11, number of parking spaces, to reflect that 173 off street parking places have been provided and that the minimum required are 153 spaces.

Which premises are in a Hospital Support Zone; and WHEREAS, the Board after carefully considering the evidence presented by the applicant and of the adjoining property owners and general public, has made the following factual findings:

1. Applicant seeks a change of use variance pursuant to N.J.S.A. 40:55D-70D along with preliminary and final site plan approval for a change of use of a pre-existing non-conforming use of a roller skating rink to be converted into a retail store for the sale of pools, spas, recreational equipment and seasonal items. The proposed site is located in the Hospital Support Zone.

2. The applicant seeks a variance with regard to Lot frontage on Route 88, 200 feet required and 175 feet provided.

3. Applicant seeks a variance with regard to the Code of the Township of Brick Section 44A-70.2 F (2). Applicant has agreed that the sign to be constructed shall be 50 square feet in total area, setback from the Route 88 property line 25 feet with a maximum height of 15 feet.

4. The proposed use is considerably more compatible to the Zone Plan than the old use which had some negative impact for surrounding residential neighbors with considerable noise levels late at night and problems with youth in and about the area late at night.

5. The proposed use would be less intense than the existing use. The hours of operation would be less than the existing use. Improvements to the property will enhance the site and the surrounding community. This will add a visual improvement on Route 88 with the existing house on Route 88 to be demolished.

6. Parking on site will be more than adequate for the proposed use.

7. The applicant has expressed a willingness to cooperate with the Township to resolve and remedy drainage problems presently existing in the area.

8. The adjoining residential property owner, Charles Jacoby, appeared and testified in favor of this application.

9. The applicant has agreed to lot consolidation of the three existing lots by Deed; all conditions as set forth in the letter of David F. Owen, P.E., P.P., Board of Adjustment Engineer, dated April 13, 1988; the applicant has agreed to be bound to install all landscaping and/or buffers as deemed necessary by the Board of Adjustment Engineer; applicant has agreed to post a bond with the Township for all improvements in an amount to be set by the Township Engineer.

10. The proposed use promotes the general welfare because the proposed site is particularly suitable for the use proposed.

11. The grant of the use variance and the lot frontage and sign location variances are not inconsistent with the intent and purposes of the Master Plan and Zoning Ordinance of the Township of Brick.

12. The Board finds that this property cannot reasonably be developed with a conforming use in that this site contains an existing building which is particularly suitable for the proposed use.

WHEREAS, the Board has determined 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.

NOW; THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Brick, on this 19th day of April, 1988 that the application of WKR INVESTMENTS, A NEW JERSEY PARTNERSHIP

be granted subject to the following conditions:

1. Applicant shall consolidate lots 10.03, 11 and 12, Block 1170 as shown on the Tax Map of the Township of Brick by Deed of Consolidation subject to approval by the Board Attorney.

2. Applicant will construct a free standing sign located 25 feet setback from the Route 88 property line, consisting of 50 square feet total area and a maximum height of 15 feet.

3. Applicant agrees to post a bond with the Township for all improvements in an amount to be set by the Township Engineer.

4. Applicant agrees to install any and all such landscaping and/or buffers as deemed necessary by the Board of Adjustment Engineer.

5. Applicant agrees to be bound to satisfy all conditions as set out in letter dated April 13, 1988 from David F. Owen, P.E., P.O., Board of Adjustment engineer.

6. With regard to stormwater management, applicant agrees to provide for two 20 feet wide drainage easements to the Township of Brick connecting Fairwood Lane and Allaire Road and Sherwood Lane and Allaire Road; and reduce tributary off-site and on-site runoff by fifty (50%) percent and/or contribute to a fair share proportion of the stormwater outfall costs upon completion of the final study by all parties, i.e., WKR Investments, Laurelton Circle Associates (Block 1170, Lots 4.1, 5.6 and 6.2), Ocean County Engineering Department and the Township. Derivation and determination of runoff flows and on-site design are to be done in complete coordination with all parties. Any on-site construction by the applicant would be considered as credit against final outfall fair share costs.

7. Applicant agrees there will be no sales displays or storage of any type outside of buildings.

8. Applicant agrees that the site plan will comply in accordance with architecture renderings and elevations as set forth in testimony by applicant and its experts.

Pursuant to the paragraph 44A-22 of the Ordinances of the Township of Brick, entitled Expiration of Variances:

Any variance from the terms of this ordinance hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within nine (9) months from the date of entry of the Judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a Court of competent

jurisdiction until the termination in any manner of such appeal or proceeding. Any construction commenced within the nine (9) month period provided for in this section shall be complete within eighteen (18) months of the date of entry of the judgment of the Board of Adjustment; except, however, that the running of the period of limitation shall be tolled from the date of filing of the appeal from the decision of the Board of Adjustment to the governing body or to a Court of competent jurisdiction, until the termination in any manner such appeal or proceeding.

Applicants attention is also drawn to paragraph 44A-36 of the Ordinances of the Township of Brick and the applicant should be aware that there is a continuing duty on the part of the applicant, subsequent to the granting of the variance to maintain the municipal taxes in order to obtain a building permit and Certificate of Occupancy thereafter of the structure to be erected herein approval.

ROLL CALL VOTE:

Moved by: Kelly

Seconded by: Acropolis

Those in favor: Fox, Acropolis, Kelly, Underwood, Leahy, Gross and Lancellotti

Those opposed:

Those not voting:

Those absent:

CERTIFICATION

I, Carole Metro Koehler, Clerk to the Board of Adjustment of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that the foregoing Resolution was memorialized by the said Board of Adjustment of the Township of Brick at a regular meeting held on the 11th day of May, 1988.

Moved by: Underwood

Seconded by: Acropolis

Those in favor: Gross, Underwood, Fox, Kelly, Acropolis, Leahy

Abstained: Taubenkimel


Carole Metro Koehler
Brick Township Board
of Adjustment

Date - 5/13/88

R E S O L U T I O N R-140

November 10, 1971

Planning Board
of the
Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Brick that the application of Edward Krupnick for a site plan approval for the site known as Block 1170, Block 10-2, as shown on the tax map of Brick Township and presented on a map which is dated amended October 8, 1971, drawn by Donald W. Smith, and entitled: Site Plan, Proposed Stores and Office Renovation, is hereby approved and the Chairman and the Secretary of the Planning Board are hereby authorized to sign said map with said approval being subject to the following conditions:

1. That the water supply and sewage disposal system be indicated on the plat.
2. The area on the plat designated paved drive be removed and shown as a seeded area.
3. That the two parking spaces at the rear of the building be removed to allow for a fire lane. The fire lane to be a hard surface road.

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 of November 10, 1971.

IN WITNESS WHEREOF, I have set my hand this 15th day of November, 1971.

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

RESOLUTION R-63

May 26, 1971

Planning Board
of the
Township of Brick

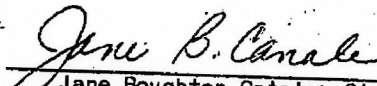
BE IT RESOLVED by the Planning Board of the Township of Brick that the application of Edward Krupnick for site plan approval for a site known as Block 1170, Lot 10-2, as shown on the Tax Map of Brick Township and presented on a map which is dated amended 5/10/71 drawn by Donald W. Smith Associates and entitled Site Plan - Proposed Stores and Office Renovation, is hereby approved subject to the following conditions:

1. That curbing be provided to keep storm water off of adjacent properties.
2. That the State of New Jersey be contacted for a permit for a driveway opening.
3. That the existing light illuminating the parking area be redirected so as not to shine on to Route 88 or adjacent property.
4. That a note be added to the plat stipulating that pavement and curbs be in accordance with Brick Township standards.
5. That the plat indicate the right of way width of Route 88.
6. That the Chairman and the Secretary be directed to withhold their signatures until the foregoing conditions have been met.

CERTIFICATION

I, Jane Boughton Canale, Clerk, 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 twenty-sixth day of May, 1971.

IN WITNESS WHEREOF, I have set my hand this tenth day of June, 1971.


Jane Boughton Canale, Clerk
Planning Board of the Township of Brick

RESOLUTION FOR FINAL APPROVAL - SITE PLAN

BRICK TOWNSHIP PLANNING BOARD

WHEREAS, application has been made by _____

of _____

for a site plan approval of the site known as Block _____ Lot(s) _____

as shown on the Tax Map of Brick Township, and presented on a map which is dated

_____ drawn by _____ and entitled _____

AND the Planning Board having heard the matter on the _____ day of _____, 19____, and considered the testimony and exhibits offered and reports of the planning and engineering consultants and being of the opinion that said site plan (should) (should not) be approved:

NOW, THEREFORE, BE IT RESOLVED that the application of E _____

KRUPNICK

for a site plan approval for the site known as Block 1120 Lot(s) 10-2

as shown on the Tax Map of Brick Township, and presented on a map which is dated

AMENDED
5-10-71 drawn by DONALD W. SMITH

and entitled PROPOSED OFFICE + STORE RENOVATION

(a) Is hereby approved and the Chairman and Secretary of the Planning Board are hereby authorized to sign said map, with said approval being subject to the following conditions:

(b) Be denied for the following reasons:

(c) Chairman & Secy are instructed to withhold signatures until the following conditions are met.

1.

RESOLUTION R - 77

October 14, 1970

Planning Board
of the
Township of Brick

WHEREAS application has been made for Site Plan approval by Edward Krupnick of a site known as Block 1170, Lot 10-2 on map dated September 11, 1970, drawn by Donald W. Smith Associates and entitled Site Plan Proposed Stores and Office Renovation, Edward Krupnick and the Planning Board having heard the matter on the 14th day of October, 1970, and reviewed the exhibits and the reports of the Planning and Engineering Consultants and being of the opinion that said Site Plan should be approved; Now, therefore,

BE IT RESOLVED by the Planning Board of the Township of Brick that the application of Edward Krupnick for Site Plan approval, known as Block 1170, Lot 10-2, as shown on the Tax Map of the Township of Brick and presented on a map dated September 11, 1970, drawn by Donald W. Smith Associates is hereby approved subject to the following conditions:

- a. that the parking lot have bumper curbs
- b. that the majority of parking spaces be 10-20 feet
- c. that the curbing and sidewalk so designated on the plat be removed
- d. that the chairman and secretary withhold signatures until these conditions have been met.

CERTIFICATION

I, Jane Boughton Canale, 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 fourteenth day of October, 1970.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, 1970.


Jane Boughton Canale, Clerk
Planning Board of the Township of Brick