

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10603619

MINOR SITE PLAN
CHARLES & DEBRA FERGUSON
BLOCK: 1170
LOT: 24.01
ZONE: H-S

**RESOLUTION OF APPROVAL
BOARD OF ADJUSTMENT, TOWNSHIP OF BRICK**

Case #BA-1558

March 18, 1992

WHEREAS, an application has been made by Charles and Debra Ferguson for the granting of a Minor Site Plan approval for Block 1170, Lot 24.01 as set forth on the Minor Site Plan plat prepared by Shepherd, Weinert & Smildzins dated March 6, 1990 and signed by Frank J. Baer, Jr., P.E. #28776; and

WHEREAS, the applicant is requesting the following Variances from the Brick Township Land Use and Development Regulations of the Code of the Township of Brick:

1. Front Setback. Seventy-five (75') feet required, thirty point one (30.1') feet existing for the residential property.
2. Side Setback. Thirty (30') feet required, twenty-nine point eight (29.8') feet existing for the commercial property.
3. Outdoor Storage. Not allowed in this particular zone, applicant is proposing outdoor storage.
4. Sign. One (1) ground sign required, applicant is proposing one (1) ground and one (1) fence sign.

File
Ferguson
Baer
Doyle
Owen
Shea
Building
Eng.
Zoning

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WHEREAS, the applicant is requesting the following Design Exceptions from the Brick Township Land Use and Development Regulations of the Code of the Township of Brick:

1. One (1) parking space per four hundred (400 s.f.) square feet required, therefore, nine (9) parking spaces are required for the within application, applicant is proposing seven (7) existing parking spaces.
2. Paved surface is required, applicant is not proposing to pave the surface.
3. Interior curbs are required, applicant is not proposing to supply interior curbs.
4. A fifty (50') foot buffer is required, applicant is proposing ten (10') foot and twenty (20') foot buffers.

WHEREAS, the Board of Adjustment has considered the application for Minor Site Plan plat approval and received a report from its professional staff, the Board of Adjustment does hereby make the following findings of fact:

A. The applicant has a proprietary interest in the property.

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B. The use proposed by the applicant is a permitted use under the Zoning Ordinances of the Township of Brick.

C. The applicant has requested approval in accordance with the Ordinances of the Township of Brick.

D. The tract in question is located at the intersection formed by the juncture of Route 88 and Squankum Road, designated as #1580 Route 88 and more particularly described as Block 1170, Lot 24-1, #61 on the Tax Map on the Township of Brick.

E. The tract in question consist of approximately two point two (2.2 a.c.) acres and is located in the H-S Hospital Support Zone.

F. It should be noted that on March 20, 1991, the applicant was granted a Special Reasons Variance by the Brick Township Board of Adjustment and as part of said Resolution, was required to obtain the within site approval and other necessary variances so as to effectuate the grant of same. Said Special Reasons Variance previously granted was designated as BA-1509.

G. As indicated above, the applicant is seeking four (4) variances from the Brick Township Land Use and Development Rules and Regulations.

H. Similarly, as indicated above, the applicant is seeking four (4) design exception from the Brick Township Land Use and Development Rules and Regulations.

I. The previous use approved by the Brick Township Board of Adjustment granted continuance of the Sunkist Landscaping wholesaling business only on the within site with no changes to

the existing residential and commercial buildings. The applicant is proposing a portable greenhouse with regard to the within application.

J. It should be noted that during the applicant's testimony with regard to the granting of the use application, representations were made that the applicant would make improvements to the site including heavy buffering along the property lines. It should be noted that a seven (7') foot high chain link fence currently exists around the area of commercial use. The site in question is also located adjacent to a residential/commercial use (formerly R&R) to the south, a nursing care center to the east, vacant property to the north and a B-1 Zone directly across Burrsville Road.

K. With regard to the buffering, the Board is requiring that the side buffers be extended toward Burrsville Road for the full extent of the existing side line fencing.

L. Similarly, with regard to the buffering, it is the opinion of the Board's Professional Staff, as well as the Board, that a single row of white pine and norway spruce place ten (10') feet on center, does not provide a visual screen. The Board is requested that the applicant have denser spacing along the side lines due to the fact that only a seven (7') foot chain link fence exists thereto. In response to this concern, the applicant has agreed to increase density eight (8') feet on center and to provide additional screening of the greenhouse from Burrsville Road.

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M. The Board heard testimony from Mr. Smildzins, the applicant's engineer, with regard to the variances that were required, as well as the design exceptions being requested by the applicant.

N. Basically, with regard to the variances, most variances were existing and the construction of the outdoor storage area was not detrimental to the neighborhood and, in fact, was a benefit thereto so as to the various items on site may be stored properly.

O. The Board made findings of fact that the portable greenhouse to be created by the applicant pursuant to the within minor site plan, was in keeping with the area.

P. Members of the Board also felt that the variances could be granted without any detriment to the zone plan or the zoning ordinance of the Township of Brick and similarly, said design exceptions requested by the applicant could be granted without any detriment to the zoning plan or the ordinances of the Township of Brick.

Q. Board members did request that the within application be granted subject to various conditions, and those conditions are listed herein.

R. Board members also felt that the operations which have taken place on the within site were advantageous and that there has been no previous problems with the site in question.

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Additionally, Board members felt that the creation of the greenhouse on the property would be a good use for this property and would, in fact, enhance same.

NOW, THEREFORE, be it Resolved by the Board of Adjustment of the Township of Brick that the Board of Adjustment does hereby grant and approve the Minor Site Plan for Block 1170, Lot 24.01 as set forth on the Tax maps of the Township of Brick subject, however, to the following conditions being satisfied:

1. Buffering must be approved by the Brick Township Board of Adjustment Engineer and consistent with representations contained herein.
2. Applicant must obtain Bureau of Fire Safety approval.
3. Applicant must obtain Ocean County Soil Conservation District approval.
4. Application and approval from all other Local, State and/or Federal Regulatory agencies having input and/or jurisdiction over this site/project.
5. Conformance with all ordinance requirements regarding site plan and/or bonding requirements and any and all attendant fees.
6. Installation of a handicapped parking stall on site.
7. Compliance with any and all Municipal requirements and/or ordinances which may be imposed upon the applicant pursuant to Brick Township Rules and Regulations.

RCS/ag
3/13/92

ROLL CALL VOTE

Moved by: S. SZUCS

March 18, 1992

Seconded by: R. Graham

Affirmative Vote: C. Patetta, R. Graham, B. Kelly, S. Szucs,
A. Marchetti, D. Jayne, J. Palmisano

Negative Vote:

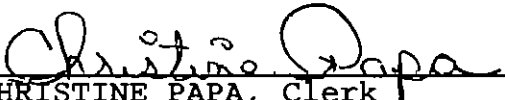
Abstaining:

Absent:

Not Voting: L. Grcich, J. MacDonald

CERTIFICATION

I, CHRISTINE PAPA, Clerk, Board of Adjustment 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 Board of Adjustment of the Township of Brick at a meeting held on this 18th day of March, 1991.



CHRISTINE PAPA, Clerk
Brick Township Board of Adjustment

ATTCHMENT "A"

STANDARD 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 or 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 Board of Adjustment 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.

8. No soil shall be removed from the site without the written approval of the Township Council.