

**BRICK, TOWNSHIP**  
**OF**  
**(PLANNING AND ZONING DEPT.)**



LDS BR-PZ 10402574

USE VARIANCE  
PRELIMINARY/FINAL SITE PLAN  
THE PRICE COMPANY  
Block 1170, Lot 5, ET AL  
ROUTE 70  
Zone: B-3

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

Case #BA-1890-D-P/FSP

December 16, 1998

**WHEREAS**, an application has been made by THE PRICE COMPANY for the granting of a variance on Block 1170, Lot 5, et al as set forth on the Tax Maps of the Township of Brick; and

**WHEREAS**, the Board of Adjustment, after carefully considering the evidence presented by the applicant, and the report from its professional staff, hereby makes the following findings of fact:

1. The applicant has a propriety interest in the property.  
2. The applicant has requested approval in accordance with the Ordinances of the Township of Brick.

3. The site in question is located in the B-3 zone, located at Route 70.

4. The applicant is requesting a use variance and preliminary and final site plan approval from the Brick Township Land Use and Development Regulations of the Code of the Township of Brick to construct a three-island, six-pump, 12-station gasoline fueling facility adjacent to Route 88 on the north side of the existing Route 88 entry to the property. Testimony was presented over the course of several meetings.

The title block acknowledges ownership of Lots 5, 6, 6.01, 6.02, 7 and 8, however no construction is proposed on lots 7 and 8.

All access is through existing site drive aisles and no access to Allaire Road is proposed.

File  
Price Co.  
Truhan  
Montenegro  
Owen  
Coronato  
Building  
Zoning  
Aff. House

5. Owen, Little & Associates, Inc. prepared reports dated June 18, September 14 and November 2, 1998.

The Board hereby adopts the findings in those reports and incorporates them in this Resolution by reference.

6. The applicant was represented by Nicholas C. Montenegro, Esq. The applicant presented the testimony of Daniel Seymour, Professional Engineer, as to the site plan and the location of the proposed gasoline pumps and signage. John Rea testified as a traffic engineer relative to the traffic flow coming onto the site, leaving the site and traffic flow within the site. Regional Manager from Cosco/Price Club, Mr. Jones, testified as to the operation of the proposed gasoline station and continued operation of the main facility.

The applicant, during the course of its testimony, represented that the proposed gas service station with variances as requested, is in keeping with the area and neighborhood. The applicant further testified throughout the hearing that it believes the granting of the application with variances as set forth above would, in no way, be detrimental to the public good and, in fact, would be a direct benefit to the area.

The applicant testified that 637 parking spaces are provided where 563 are required. The revised plans reflect the elimination of 60 parking spaces and two cart corrals. Deliveries of gasoline are expected to the site once a day, at most, normally deliveries will total three or four times per week. Cosco will control the deliveries and the entrance and exit of the delivery trucks for gasoline on the site. The testimony presented reflected that the

gas station would serve as an ancillary use to the main business.

The Brick Township Board of Adjustment concurs with these representations and so finds.

**WHEREAS**, the Board of Adjustment has determined that the applicants should be granted the requested relief for the following reasons:

1. The proposed use would be inherently beneficial to the owner and would pose no danger to the surrounding area, and, in fact, would be consistent with the use in the area.

2. The granting of the variance will not have a substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinances of the Township of Brick.

3. The positive criteria outweigh the negative, if any.

4. No objections were voiced to the application during the hearing.

5. The gas station will benefit the community by offering gasoline at reduced or competitive prices.

6. The revised plans amend the traffic flow pattern, relocates parking and parking corrals as requested by the Board.

**NOW, THEREFORE, BE IT RESOLVED**, by the Brick Township Board of Adjustment that the application is hereby approved subject to the following conditions:

1. The applicant must submit proof of payment of all currently due taxes to the Brick Township Board of Adjustment.

2. The applicant must conform with all requirements as contained in the Engineer's Report dated November 2, 1998.

3. The applicant must obtain reports with signed

certifications from the Township of Brick Engineer, Code Enforcement Officer and Building Department certifying that all conditions of the resolution have been adhered to.

4. No building permit shall be issued until such time as the Board of Adjustment professional fees have been confirmed by Board secretary as paid in full. In the event a building permit is issued and there are outstanding Board of Adjustment professional fees, a stop work order will be filed against the applicant/contractor(s) until such professional fees have been paid.

5. A Deed of Consolidation shall be prepared consolidating all lots into one. The Deed shall be submitted to the Board attorney, Township Tax Assessor, and Board Engineer for approval.

6. The gas station area must display signs indicating "Members Only."

7. The applicant must also submit landscaping plans and an updated plan reflecting the sign detail for Board approval before any permits for construction will be issued.

ROLL CALL VOTE

Moved by: J. MacDonald

Seconded by: A. Marchetti

Affirmative Vote: J. MacDonald, Rentschler, A. Marchetti,  
J. Vacante, P. Ehlers, S. Szucs

Negative Vote:

Abstaining:

Absent: C. Hilsheimer, L. Grcic

Ineligible: R. Collier

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 16th day of December, 1998.

  
CHRISTINE PAPA, Clerk  
Brick Township Board of Adjustment

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

RESOLUTION - *The Price Company*  
CASE NO. *BR-1890-D-PSD/FSD-2998*

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

RESOLUTION *The Price Company*  
CASE NO. *BA-1890-D-PSP/FSP-2/98*

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.

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.