

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10503026

BRICK TOWNSHIP PLANNING BOARD

AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL

RESOLUTION: R-13-94

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CASE NO. PB-2033-ASP-9/93

February 2, 1994

WHEREAS, The Price Club, having a mailing address of 46000 Manekin Plaza, Sterling, Virginia 22170-6514, has applied to the Brick Township Planning Board for amended preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46 and 50; 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, a public hearing was held on January 12, 1994 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 Lots 5, 6, 6.01 and 6.02, Block 1170 on the Municipal Tax Map.

2. The property is located in the B-3 Highway Business zone.

3. The applicant proposes to temporarily eliminate 47 parking spaces and one cart corral space in the northwestern

File -2
Price Club
Montenegro
Birdsall
Jitzgimmus
Curley
Bldg.
Eng. 2
Zoning
B.F.S.
S.T.C.
Code Enf.

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corner of its parking lot and convert this area to a seasonal plant sales area. The sales area contains approximately 13,611 square feet.

4. Maser Sosinski & Associates prepared a report to the Board dated November 19, 1993. 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 November 23, 1993. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

6. The applicant has applied for the following variance:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
Front yard setback for an accessory use	75 feet	24 feet

7. The applicant testified that the seasonal use will occur only during the months of April, May and June. Testimony was presented that the peak sales period of this business occurs in November and December, and that the sales volume of the business is substantially reduced from April to June. For this reason, the applicant concluded that sufficient parking spaces will be available to accommodate the principal business and the seasonal sales from April to June.

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8. Based upon the configuration of this property and the location of Allaire Avenue at the rear of the site, the Board finds that the variance to decrease the front yard setback area on a seasonal basis is reasonable and should be granted. The 24 foot setback area is heavily vegetated, and provides a substantial visual buffer to the site. Further, considering the type of materials proposed to be stored in this area, the Board finds that the front yard setback area for the accessory use may be reduced in size, subject however, to strict compliance by the applicant of the conditions established in this Resolution.

9. The applicant has complied with the requirements of the site plan ordinance and the overall development plan for this property is consistent with the intent and purpose of the municipal development ordinance. Accordingly, the Board finds the relief requested can be granted and is consistent with the intent and purpose of the municipal land use ordinance and master plan.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board on this 2nd day of February, 1994, 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".

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2. The applicant shall comply with all representations and agreements made by the applicant or the applicant's representatives during the presentation of this case.

3. The applicant shall comply with all conditions contained in the report of Maser Sosinski & Associates dated November 19, 1993.

4. The applicant shall comply with all conditions proposed in the report of Michael P. Fowler, Municipal Planner, dated November 23, 1993.

5. The plant sales area shall be used only on a seasonal basis during the months of April, May and June.

6. No business activities shall be conducted in the seasonal sales area after dusk.

7. No new signage or changes to existing signage is permitted. Advertisement shall be limited to a banner to be affixed to the fence surrounding the sales area.

8. The sales area shall be surrounded by a 10 foot high chain link fence. The fence, supporting accessories, gazebo and any other items used in connection with the seasonal sales area shall be removed from the site from July 1 to March 31 of each year.

9. The maximum height of stored materials shall be five feet.

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10. No fertilizer shall be stored in the seasonal plant sales area.

11. The applicant shall carry out a daily maintenance program in the sales area between April 1 and June 30 in order to keep this area free of dirt, debris and solid waste.

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MOVED BY: Mrs. Butler

SECONDED BY: Mr. Cierzo

VOTING IN THE AFFIRMATIVE: Mr. Cierzo Mr. Heidrick

Mr. Jordan Mrs. LaDuke Mrs. Barlo Mr. Sharkey

Mr. Digironimo

VOTING IN THE NEGATIVE:

DISQUALIFIED FROM VOTING: Mr. Heslin

INELIGIBLE TO VOTE:

ABSTAINING:

ABSENT: Councilwoman Fayad Mayor Scarpelli Mr. Wylie

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 2nd day of February, 1994.

IN WITNESS WHEREOF, I have set my hand this 3rd day of February, 1994.

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

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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 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.