

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10604204

R-14-06

BRICK TOWNSHIP PLANNING BOARD
PRELIMINARY AND FINAL SITE PLAN APPROVAL

RESOLUTION R- 14 -06

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Case No. PB-2548-PSP-V-FSP-7/05

February 8, 2006

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WHEREAS, JSM @ BRICK, L.L.C., AS APPLICANT, having a mailing address of 160 Stelton Road, Piscataway, New Jersey 08854, has applied to the Brick Township Planning Board for preliminary and final site plan approval pursuant to N.J.S.A. 40:55D-46, 50, 51, 60, and 70; and

WHEREAS, COSTCO WHOLESALE CORPORATION, AS OWNER, having a mailing address of 45940 Horseshoe Drive, Sterling, Virginia 20166, has consented to this application; 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, public hearings were held on December 14, 2005 and January 25, 2006, at 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, Aravind Aithal, Esq., of Bob Smith & Associates, Attys., Attorney for the Applicant, presented the testimony of a number of witnesses in support of the application:

Brett W. Skapinetz, P.E., P.P., of Bohler Engineering, P.C., Applicant's Engineer;
John Harter, P.E., Atlantic Traffic and Design Engineers;
Keith Johnston, Home Depot Representative; and other witnesses;

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

1. This property is known and designated as Block 1170, Lot 5, and is located on New Jersey State Highway Route 88 West of Route 70.

2. The property tract is 14.84 acres and is located in the B-3 (Highway Development) Zone. The site currently contains a 112,000 square foot masonry building, (operating as Brick Costco) parking and stormwater facilities.

3. Applicant is proposing to renovate the existing building and parking facilities and construct a 18,619 square foot garden center, with a new total building area of 128,825 square feet, parking facilities and other site improvements which is to operate as a Home Depot Home Improvement store. Further, Applicant intends to demolish the Costco tire center and the liquor store; and has proposed a modification of the existing building entrance/exit area, re-striping of the entire parking area, the addition of a garden center and an outdoor storage area, together with landscaping improvements.

4. The present plan submitted by the Applicant is the result of a number of the recommended modifications and changes put forward by the Board's Professionals. From the onset, through the first public hearing date of December 14, 2005 through to the second public meeting of January 25, 2006 and up through the workshop session of February 1, 2006, the Applicant has made it clear that it has sought to work together with the Board's Professionals and the Planning Board, to revise and refine this plan so that the changes benefit the Applicant, the Board, adjoining neighbors and other residents, and customers and visitors to Brick Township.

5. Applicant first introduced Mr. Brett Skapinetz, P.E., P.P. of Bohler Engineering P.C., (Applicant's Engineer), who gave an overview of the Applicant's plan for the edification of the Board. Mr. Skapinetz testified that because it was an existing building site, the Applicant has had to modify the "standard" Home Depot plan---and the newly- configured retail building, garden center, outdoor storage with modified and re-striped parking, and a changed traffic circulation pattern. Further, Mr. Skapinetz opined that, by re-configuring the parking layout, and modifying the entrance/exit of the

building, the traffic circulation and customer access to the site would become safer and more convenient.

6. After much discussion, Applicant additionally agreed to not have “tent sales” or “sidewalk sales” at the site—even though the Applicant felt that the provided parking of 549 parking stalls would be sufficient) in deference to the Board’s and Board’s Professionals recommendation that tent sales (with their commonsurate increase in customer traffic, but decrease in available parking by at least twenty-four (24) stalls) would be a problem. Mr. Skapinetz also recited that subject to NJDOT approval, the Applicant would also agree to provide sidewalks along the site’s entire frontage along Route 88, after the Board’s Professionals strongly recommended same. Mr. Skapinetz recited that he thought, even with the difficulties of the existing building and site, that this plan and its necessary variances and design waivers, will work well to serve the greater Brick Township area—and be an asset to the community.

7. John Harter, P.E., reviewed his traffic study conducted by his company, Atlantic Traffic and Design Engineers; Mr. Harter addressed the review and analysis of Board’s Traffic Engineer, Mark Kataryniak’s, and, and in large part, agreed to Mr. Kataryniak’s suggested changes. Mr. Harter further commented that he would cooperate with the Board’s Professionals and the Township of Brick in their request to seek a timing change of the Route 70/Connector Road Intersection, and agreed to supply Mr. Kataryniak with further traffic calculations. Mr. Harter testified that he believed that the revised/modified plan “works” and gave examples of Mr. Kataryniak’s worthwhile recommendations such as the one-way westbound circulation for the customer pick-up lane; and for the addition of a “truck turn-around” at the northwestern corner of the parking lot, so as to avoid having delivery or other trucks traveling past the garden center area. The Board requested that further discussion with the NJDOT be coordinated with

the Applicant and the Board's and Brick Township's Professionals, as to the attempted resolution of the Route 70/Connector Road signal intersection timing issue.

8. Mr. Keith Johnston, Home Depot's representative, testified that by virtue of his employment, he was very familiar with the layouts of numerous Home Depots in the surrounding area—and that this subject site is a little smaller than the usual size of a Home Depot facility. He further testified that because of the tremendous business generated by the Rte. 70/Lakewood Home Depot store, that this new Brick location is anticipated to do very well, and will be open for customers from 6AM to 10PM everyday. He agreed that the Applicant would not have an issue with the standard Planning Board requirement that all lighting (except security lighting) are to be turned off no later than one (1) hour after the store's closing, or the anticipated time of 11PM. (However, Applicants representatives advised that the store would be re-stocked in the evening and therefore certain interior and exterior lighting would need to remain on.) He further recited that the Home Depot will comply with all of Brick Township's trash and recycling Ordinances, and will have designated areas inside the store and out, for their storage. Mr. Johnston reiterated that he felt the 549 proposed parking stalls were more than sufficient for this site's use (particularly in comparison to the very busy Lakewood store—which has less stalls, but as some Board members pointed out, is part of a larger shopping plaza—not a sole location like this subject site). Mr. Johnston wanted to assure the Board that he believed that with the recited revisions, this location will be a beautiful addition to Brick Township and Ocean County's home improvement shopping needs.

9. Mr. Richard E. Lapinski, P.P., A.I.C.P., the Applicant's Planner, testified that the variances and design exceptions as requested by Applicant, were all reasonable and necessary, that the benefits that the requested variances outweigh any detriment caused, and that the approval of same would result in a better application, than would the

strict application of the zoning requirements. Mr. Lapinski further testified that the Applicant had met the difficult challenges present in re-configuring an existing site.

10. The proposed preliminary and final site plan is shown on plans entitled "Preliminary & Final Site Plan, Proposed Home Depot for JSM @ Brick, LLC, 1722 New Jersey State Highway Route 88, Block 1170, Lot 5; Tax Map #61, Township of Brick, Ocean County, New Jersey," dated May 25, 2005, last revised January 9, 2006, consisting of twelve (12) sheets, as prepared by Bohler Engineering, P.C. Also submitted is a Drainage Report dated July 2005, as prepared by Bohler Engineering, P.C. and architectural plans prepared by Casco, dated July 12, 2005.

11. Birdsall Engineering, Inc., the Board's Engineer, represented by James A. Priolo, P.E., P.P., C.M.E., prepared a report to the Board dated December 12, 2005 and an updated report dated January 19, 2006. The Board hereby adopts the findings in those reports and incorporates those documents into this resolution by reference.

12. Michael P. Fowler, AICP/PP, Municipal Planner, prepared a report to the Board dated December 12, 2005 and an updated report of January 23, 2006. The Board hereby adopts the findings in those reports and incorporates those documents into this resolution by reference.

13. Birdsall Engineering, Inc., Board Traffic Engineer, represented by Mark Kataryniak, P.E., P.T.O.E., prepared a report to the Board dated December 2, 2005, and an updated report dated January 23, 2006. The Board hereby adopts the findings in those reports and incorporates those documents into this resolution by reference.

14. The Bureau of Fire Safety, by Kevin C. Batzel, Bureau Chief/Fire Marshal, prepared a report to the Board dated September 16, 2005. The Board hereby adopts the finding in that report and incorporates that document into this resolution by reference.

15. The Brick Township Shade Tree Commission, represented by Dorothy La Posa, Chairwoman, prepared a report to the Board dated September 14, 2005. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

16. The Brick Township Police Department, Traffic Safety Unit, represented by Ptl. Gerard Lampiasi, prepared a report to the Board dated September 20, 2005. The Board hereby adopts the findings in that report and incorporates that document in this resolution by reference.

17. Applicant has sought variances as follows:

(a) In accordance with Section 190.11, the minimum front yard setback of 75 feet is required, whereas Applicant proposes 54.3 feet (from Route 70).

(b) In accordance with Section 190-34.1, the maximum allowable percentage of impervious coverage in the B-3 Zone is 65%, whereas (with turn-around area in northwestern rear of site) Applicant proposes 65.76%.

(c) In accordance with Section 190-160, 636 parking spaces are required, whereas Applicant proposes 549 parking stalls (with an agreement by Applicant that approximately fifty (50) additional parking spaces, in a double row will be "greenbanked" on the former lot 7 of the northwestern portion of site adjacent to Route 88);

(d) In accordance with Section 190-161.E, no single driveway shall exceed thirty-five (35) feet in width and any driveway greater than twenty eight (28) feet in width shall be separated by a divider barrier, whereas Applicant proposes no change in the existing driveway to Route 70, which is currently at forty (40) feet, without a barrier.

(e) In accordance with Section 190-161.J., parking spaces shall provide an access area of twenty-five (25) feet between each row of parking stalls, whereas the

Applicant proposes twenty-three point eight (23.8) feet as it exists at the southernmost part of the parking lot.

(f) In accordance with Section 190-164(c)(5), one building-mounted sign is permitted, whereas the Applicant proposes four (4) separate building mounted signs, namely: ("Tool Rental," "Customer Pick-Up," "Nursery," and "Home Depot") the Applicant is well within the total coverage area permitted for the signs, but the sheer number of signs exceeds the amount permitted one (1) by the Ordinance. For information and traffic safety reasons, the Applicant has requested this variance which is largely similar to other retail signs on other commercial properties. (Because of the difficulties in utilization of an existing building, and the unusual configuration of site and aforementioned safety and informational reasons, the Board Engineer recognizes that same is reasonable.) Applicant shall not expand the size, but only utilize the existing message space of the existing freestanding signs; but will obviously change the sign "content" from a recitation of "Costco" to a recitation of "Home Depot."

(g) In accordance with Section 190-260.A., one shade tree is required for every ten parking stalls. (Although Applicant recited that it believed that it has complied with this Ordinance—the opinion of Board's Professionals is that a variance is needed and that same is reasonable.)

(h) In accordance with 190.4, minimum front yard setback, seventy-five (75) feet is required, whereas Applicant proposes 74.9 feet. (from Allaire Avenue) (Applicant agrees to comply with Ordinance and no longer seeks this variance, so said variance is not granted).

(i) In accordance with 190.11, minimum front yard setback for accessory use, seventy-five (75) feet is required, whereas Applicant proposes twenty-five (25) feet (from Allaire Avenue R.O.W. to proposed generator).

(j) With the exception of the corner lots, lots shall have frontage on no more than one street, yet Applicant proposes (existing condition) frontage on four (4) streets (Route 70, Route 88, Connector Road and Allaire Avenue)

(k) In accordance with 190-161M, berms are required on all major roadways—Applicant proposes no berms along the Route 70 frontage—and along the 590 feet of Route 88 frontage—and Applicant only proposes one-hundred (100) feet of one-and-one-half (1 1/2) foot to two (2) foot berms.

18. Applicant has sought design waivers for:

(a) In accordance with Section 190-207, subject to NJDOT approval, sidewalks and curbs are required on all municipal streets. (Applicant shall modify its plan to provide sidewalks and curbs along the Route 88 portion of the subject site—but requests this waiver for sidewalks only, subject to NJDOT approval, along the Route 70 portion of the property, as same would not be utilized.)

Each of these variances and design waivers may be granted as appropriate after testimony and Applicant's significant revisions to its original proposed plan. Each of these variances and design waivers are of limited nature, particularly given the Applicants' concessions, modifications and improvements as well as the changes to the originally proposed plan and the myriad difficulties retrofitting an existing site; however, they do not do substantial detriment to the public good, zone plan or zoning ordinance. Under these circumstances, each of these variances and design waivers may be granted.

19. With the exception of the variances and design waivers granted hereinabove, the Applicant has complied with the requirements of the site plan Ordinance. The plan is consistent with the intent and purpose of the Master Plan and the Municipal Development Ordinance. Accordingly, the Board finds that the benefits of the proposed development outweigh any detriments, and the relief requested can be granted

without substantial detriment to the public good and will not substantially impair the intent and purpose of the Township Zoning Ordinance or Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Planning Board on this 8th day of February, 2006, that this application be approved subject to the following conditions:

1. The Applicant shall comply with all standard Planning Board conditions for preliminary site plan approval as set forth on Attachment 'A.'

2. The Applicant shall comply with all representations and agreements made by the Applicant, its Attorney, or any of its Professionals during the presentation of this case to the extent that those representations were not superceded by items embodied in this Resolution.

3. The Applicant shall comply with the following paragraphs contained in the updated report of Birdsall Engineering, Inc.'s James A. Priolo, P.E., P.P., C.M.E., dated January 19, 2006: 4. (Applicant agreed to add to the plans the anticipated hours of operation (6AM to 10PM, 7 days a week); 5. (Applicant agreed to recite on the plans the certification for the Record Holder beneath the signature line, along with the certification of the Applicant, as well as the Notary Public's signature, which should indicate the Notary's date of commission expiration); 6. (Ocean County Planning Board approval to be recited on plan); 7. (Applicant shall submit to any other outside agency having jurisdiction); 8. (Applicant to comply with the posting of performance guarantees per the Township Land Use Ordinance and Municipal Land Use Law).

4. The Applicant shall comply with the following comments contained in the updated report from Michael P. Fowler, AICP/P.P., Municipal Planner, dated January 23, 2006 including: V. Comments: A. (Applicant's representative indicated that it is their understanding that Applicant is not presently proceeding with any previously approved

gas station or building addition approvals); B. (Applicant shall distinguish "Fire Zone" striping from the striping for "Customer Pick Up," , after consultation with Mr. Batzel of the Board of Fire Safety, and with the Board's Engineer/Planner); C. (Applicant provided testimony to fully address pedestrian safety at the entrance/exit locations, including adding of more bollards and pedestrian stop signs); D. (Applicant did revise its plans to recite additional cart corrals of coin/key type); E. (Applicant shall comply that the wooded areas within the Route 70 R.O.W. will remain undisturbed—including a prohibition against clearing of underbrush or vegetation at site); F. (Applicant agreed to provide, subject to CAFRA approval, in response to Board's concern over adequate parking, approximately fifty (50) "greenbanked" parking stalls in the former Lot 7 at the northwestern Route 88 area of site); G. (Applicant shall maintain that any areas proposed for outdoor display should be depicted on the plans with dimensions noted. Display areas should be physically "painted" on the pavement to ascertain future compliance); H. (Applicant testified that it is not anticipating that further changes would be required by NJDOT for a CAFRA modification); I. (Applicant shall comply that recyclables would be kept inside in a designated area—then properly brought outside to an outside-designated area which location and size shall be subject to approval of Board's Engineer and Planner); J. (Applicant testified hours of operation 6AM to 10PM seven (7) days a week—and lights will be turned off one hour after the closing of the store); K. (Applicant shall extend the curbing and the sidewalk along the property on Route 88, subject to NJDOT approval-but has requested a waiver for sidewalks along property on Route 70); L. (Applicant shall meet with Board's Architectural Review Committee to review elevations and the garden center); M. (Applicant shall comply that lumber will be off-loaded by delivery trucks and then moved into the store within one (1) hour); N. (Applicant shall maintain that it intends to "re-message" the existing freestanding signs

from reciting "Costco" to reciting "Home Depot" with no modifications as to sign area or height of sign. Applicant shall supply detail of the signs to be added to the plan); O. (Applicant testified that the approximately 1800-2100 square feet "outdoor display area" will contain items such as: ladders, lawnmowers, snowplows, grills and the like); P. (Applicant provided testimony sufficient to satisfy the Township's Master Plan, Zoning Ordinance and Municipal Land Use Law).

5. Applicant shall comply with the following comments contained in the updated report from Birdsall Engineering's Mark Kataryniak, P.E., P.T.O.E., Traffic Review of January 23, 2006 (which reviewed the Traffic Impact Report prepared by Atlantic Traffic and Design Engineering Inc. dated July 19, 2005) as follows: A. Traffic Impact Report: 1. (Applicant has evaluated improvements to the traffic signal operation at the Route 70/ Connector Road Intersection in their report—this analysis indicates that adding an eastbound, left-turn protected phase would improve the overall operation of the intersection. Because of this condition, (a problem recited by numerous resident complaints) Brick Township has requested improvement help from the New Jersey Department of Transportation. Applicant advised that they would cooperate with Brick Township and Board's Professionals in attempting to obtain NJDOT approval to reduce the green time from the State Highway approaches. Applicant shall copy Board's Professionals on all correspondence to the NJDOT, and cooperate with the Board as to same); B. On-Site Traffic and Circulation: (a). (Applicant shall supply additional details regarding the area in front of the main entrance where loading areas are separated from what appears to be the sidewalk—Applicant has further revised the vestibule area/entrance area); (b). (Applicant shall comply that the bollards located in the front of the main entrance area should be set back further from the road—and Applicant will relocate them); 3. (a). (Applicant shall expand the pavement at the northwest corner of

the parking lot to provide a "turn around" and eliminate the need for trucks to travel in front of the garden center before backing into the loading area).

6. The Applicant shall comply with the comments contained in the report from Kevin C. Batzel, Bureau Chief/ Fire Marshal, Brick Bureau of Fire Safety dated September 16, 2005.

7. The Applicant shall comply with the comments contained in the report from Dorothy LaPosa, Chairwoman, Brick Township Shade Tree Commission, dated September 14, 2005.

8. The Applicant shall comply with the comments contained in the report from Ptl. Gerard Lampiasi of the Brick Township Police Department, Traffic Safety Unit, dated September 20, 2005.

9. All lighting within the project is to be directed downward and shall have reflective flat glass glare shields and adhere to "International Dark Sky Organization" guidelines.

10. This approval is further conditioned upon compliance with the recommendation of the architectural plans by the Planning Board's Architectural Committee, with the understanding that the building as proposed on the plans will remain substantially the same.

11. With the exception of building mounted security lighting and parking area security lighting, all site lighting (including signage) (and with recognition of Applicants' representation that the Home Depot intends to re-stock the store in the evening and will require certain interior and exterior lighting for same) shall be turned off no later than one hour after the close of business (business hours represented as 6AM to 10PM, seven (7) days a week- therefore lighting will be turned off no later than 11 PM)

with recognition of Applicants representation that the Home Depot intends to re-stock the store in the evening and will require lighting for same

12. Applicant shall keep the Planning Board's Professionals, as well as Brick Township's Professionals, abreast of the status of the Route 70/Connector Road signal intersection matter and agreed to invite the Board and Township to attend all relevant NJDOT conferences and meetings, as well as further submit copies of any and all correspondence to Brick Township, in the Township's cooperative attempt to seek NJDOT approval to modify the "green time" from the State Highways, and the traffic signal at the NJ Route 70/Connector Road intersection.

13. Applicant shall comply with no trailer storage permitted on site.

14. Applicant shall comply that because of Board's concerns over adequate parking; and other concerns, that no "tent sales" or "sidewalk sales" shall be permitted at this site.

15. Applicant shall modify its plan to incorporate coin/key type shopping cart storage corrals, to the satisfaction of Board's Engineer/Planner.

16. Applicant shall maintain that the wooded areas within the Route 70 R.O.W. will remain undisturbed, including agreeing to a prohibition against clearing or removal of underbrush at the site.

17. Applicant shall maintain that shopping carts will be provided at site of the coin/key type with sufficient corrals necessary to secure them; Planning Board Engineer/Planner will review the number of corrals should they perceive a problem with shopping carts at site.

18. Applicant shall, (subject to CAFRA approval) based on the Board's concern over adequate parking, "greenbank" approximately fifty (50) parking spaces in a double row of parking stalls in the former lot 7 area (perpendicular to Route 88) which

portion of that area is estimated to be about sixty-one (61) feet wide, by two hundred and eighty (280) feet long.

19. Applicant shall comply to provide signage facing toward the front parking area (facing south) (as per a recommendation of Board's Engineer/Planner) that would attempt to discourage delivery and other trucks from entering/exiting the area to the immediate west of the garden center.

20. Applicant shall work with the Board's Professionals to re-configure the curbing and bollards within the covered contractor pick-up area to facilitate the revised one-way circulation and improve pedestrian safety.

21. Applicant shall not store piles of lumber outside the building (other than a maximum of one-hour, during the lumber's initial delivery periods).

22. Applicant shall maintain that the materials stored in the approximately one thousand eight hundred (1800) feet square foot "outdoor storage area" in the eastern part of site will be appropriately contained in a storage facility as per the review and recommendation of Board's Engineer and Planner.

23. Applicant shall comply that there will be no more than two (2) rental trucks available for public rental on site.

24. Applicant shall comply that the portion of the site designated as "outdoor display area" will be solely used for outdoor display. Applicant agreed that it will not utilize that area as an "outdoor payment/cash register area".

25. Applicant shall see that all plan revisions and modifications as recited herein, shall be subject to the review and approval of Board's Professionals.

26. Applicant shall comply with the fact that should there be a necessity for any drainage, utility, access or sight triangle easements—that same shall be prepared by

the Applicant's Attorney and submitted to the Board's Attorney and Board's Engineer for review and approval, prior to the recording of same in the Ocean County Clerk's Office.

27. Applicant shall comply that all requirements imposed upon the Applicant to meet the comments contained in the reports recited, (and any/all conditions recited herein) ;and the requirements shall continue during the operation of these premises by this owner, its successors and assigns.

28. Applicant shall maintain that most of its deliveries occur in the late evening/early morning hours, and agree that it will return to this Board should delivery hours or noise issues become a problem as determined by the Board's Engineer. Applicant will utilize its best efforts to abide by Brick Township's noise ordinance and the State of New Jersey's Noise Code.

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MOVED BY: Mr. Kelly

SECONDED
BY: Mr. Aiello

VOTING IN THE Mrs. LaDuke, Mr. Dockery, Mr. Aiello, Mr. Reilly,
AFFIRMATIVE:

Mr. Liloia, Mr. Kelly

VOTING IN THE
NEGATIVE: Councilwoman Scaturro

INELIGIBLE TO
VOTE:

ABSTAINING:

ABSENT: Mr. Petoia, Mr. Underwood, Mr. Gross

CERTIFICATION

I, **JUDITH FOX NELSON**, 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 8th day of February, 2005.

IN WITNESS WHEREOF, I have set my hand this 16th day of February, 2006.


JUDITH FOX-NELSON
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 submit 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 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.
12. Applicant shall provide proof of application for Title NJSA 39:5 A-1 to the Planning Board.