

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10402716

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

A M E N D E D
RESOLUTION OF APPROVAL
BOARD OF ADJUSTMENT, TOWNSHIP OF BRICK

Case #BA-1890-D-P/FSP

March 17, 1999

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.

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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.

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

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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. However, the Board shall not require the applicant to relocate the underground storage tanks or the controller enclosure (kiosk). The applicant has agreed to comply with the placement of additional ballards for safety purposes as recommended by the Board Engineer.

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: R. Collier

Seconded by: A. Marchetti

Affirmative Vote: A. Marchetti, J. Rentschler, J. Vacante,

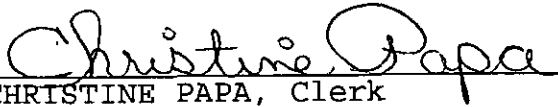
Negative Vote: R. Collier, J. Arrabito, Ehlers, S. Szucs

Abstaining:

Absent: J. MacDonald, C. Hilsheimer

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 17th day of March, 1998.


CHRISTINE PAPA, Clerk
Brick Township Board of Adjustment