

BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)



LDS BR-PZ 10302548

BRICK TOWNSHIP PLANNING BOARD

PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH VARIANCES AND DESIGN WAIVERS

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CASE NO. PB-2033-PSP-V/FSP-12/91

February 13, 1992

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 preliminary and final major site plan approval, variances and design waivers pursuant to N.J.S.A. 40:55D-46, 50, 51 & 60; 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 January 8 and January 29, 1992 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 Development zone.

3. The applicant proposes to construct a 103,800 square foot retail facility and a 6,800 square foot tire center (total

*File-2
Price Club
Montenegro
Berdall
Fitzsimmons
Jorrell
Bldg
Eng. &
Zoning
R.F.S.*

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proposed building area is 110,600 square feet) on the site. The zone permits retail uses and distribution centers for sale of goods in bulk or wholesale quantities. The building is proposed to be located at the north side of the site adjacent to Allaire Avenue. Three access driveways will be provided. Customer parking is proposed on the south and west sides of the building, with employee parking located on the north side of the building. Loading docks and mechanical equipment are proposed to be located on the east side of the building.

4. The Board's Engineer, T & M Associates, prepared reports to the Board dated January 3, 7 and 8, 1992. The Board hereby adopts the findings in those reports and incorporates those documents in this Resolution by reference.

5. The following variances and design waivers have been applied for:

<u>VARIANCE</u>		
<u>Item</u>	<u>Required</u>	<u>Proposed</u>
Parking Stall Size	10' x 20'	9' x 18'

<u>DESIGN WAIVERS</u>		
<u>Item</u>	<u>Required</u>	<u>Provided</u>
Acceleration/ Deceleration Lanes	Yes	No
Access driveway width	25 foot	24 foot
Sidewalk	Yes	No

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6. The applicant submitted a report entitled "Traffic Impact Study, The Price Club" prepared by Horner and Canter Associates dated December 24, 1991. The report specifically analyzed the general impact of this proposed development, and included a study of this development and two other proposed major retail developments (Wal-Mart and Sam's Place) to analyze the traffic impact of this and other facilities in the vicinity of the Laurelton Intersection. Mr. Jerry Canter, a principal in the traffic engineering firm, testified that he participated in the exterior design of the site relating to the location of ingress, egress, traffic circulation and parking facilities. The Price Club is proposing three access driveways from Route 70, Route 88 and the connector road between those two highways. The driveway locations are identical to those approved by the New Jersey Department of Transportation ("NJDOT") for a previous site plan approved by this Board to develop the property as a shopping center.

7. The site was designed to provide parking on the basis of 6.5 parking spaces per thousand square feet of floor area as compared to ordinance requirements of 5 parking spaces per 1,000 square feet of floor area. Mr. Canter testified that the proposed number of parking spaces (697) versus the required

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number of spaces (533) would meet the needs of the facility at its peak operating times. The witness stated that parking spaces were designed as 9' x 18' based upon the fact that the size of automobiles has decreased in recent years. Further, Mr. Canter testified that his firm had undertaken studies to analyze the habits of patrons of Price Club in existing facilities. Based upon the type of products being sold and the format under which the products are marketed, purchased items are packed in boxes instead of paper bags. Mr. Canter testified that virtually all patrons unloading boxes from shopping carts pack the boxes in the truck of their automobiles as opposed to the usual habit of retail shoppers in placing purchased items within the passenger area of their automobile. This type loading mitigates, in part, the necessity to provide parking stalls with a width of 10 feet.

8. Mr. Canter testified that NJDOT did not require acceleration or deceleration lanes on Route 70 or 88 when reviewing the prior proposed shopping center use, which in his opinion would create a more substantial traffic impact than The Price Club. Accordingly, he concluded that NJDOT would probably not require acceleration or deceleration lanes for this use; however, the final decision on this subject remains for determination by the NJDOT.

9. As to the proposed driveway width, Mr. Canter testified that the 24 foot aisle width would safely accommodate vehicular

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circulation throughout the site, and that the deviation from the required width (25 feet) was minimal. As to sidewalks, the witness testified that there are no sidewalks nor is it projected that pedestrian traffic will occur on Route 70 and the connector road between Routes 70 and 88; however, the applicant stipulated that a sidewalk would be installed on Route 88 where pedestrian traffic is more likely to occur.

10. The applicant presented testimony from Joseph S. Lalka of Birdsell Engineering, Inc., the engineering firm that prepared the site plan. Mr. Lalka testified that 9' x 18' parking stalls are commonly found in shopping centers, and would properly accommodate patrons of the proposed use. The witness pointed out that the smaller parking spaces would enable the applicant to provide additional green area throughout the site, including the parking facilities and internal circulation traffic lanes. The witness testified that the principal access aisles throughout the site range in width from 28 to 33 feet, and that the variance relating to parking aisle width is limited to aisles serving parking spaces as opposed to aisles maintained for through traffic. Mr. Lalka concluded that the 24 foot parking aisle width would not present a safety hazard.

11. The Board finds that the requested variances and design waivers are reasonable and should be granted because:

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A. The proposed parking stalls (9' x 18') reasonably accommodate the type of use which is proposed at this site. The Board notes that the loading and packing of automobiles for the proposed use differs that the packing of purchased goods ordinarily occurring at other retail facilities. It is anticipated that virtually all of the goods purchased from The Price Club will be packed in the trucks of automobiles and not within the passenger compartments of the vehicles.

B. The NJDOT did not require acceleration/deceleration lanes when it approved the ingress/egress plans for the prior shopping center. Accordingly, the Board anticipates that the proposed use, which has a significantly less intense traffic impact than the prior proposed shopping center, will not require such facilities.

C. Based upon testimony and the Traffic Impact Study presented by the applicant, the Board finds that the deviation of one foot with respect to the width of access driveways between parking stalls is a minimal deviation, and will not adversely affect traffic circulation at the site. The Board notes that the principal access aisles for main routes of onsite vehicular circulation range between 28' and 33' in width. Based upon the testimony and exhibits presented, the Board concludes that a 24 foot width between parking stalls will adequately accommodate patrons of the facility.

D. The Board finds that it is not necessary to construct sidewalks on Route 70 and the connector road between Routes 70

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and 88 because it is not probable that pedestrian traffic will occur on these highway areas; however, the Board determines that it is necessary that sidewalks be installed along Route 88 in anticipation of pedestrian traffic. During the course of its presentation, the applicant voluntarily stipulated that it would install sidewalks along Route 88. Further, it is noted that the report of the Environmental Commission dated January 27, 1992 recommends that sidewalks be installed for pedestrian use along State Highway 88.

E. The Brick Traffic Safety Bureau submitted a report to the Board dated January 3, 1991. The Bureau recommended that the owner apply and receive approval under Subtitle I of Title 39 so that all traffic control signs will be enforceable under the provisions of State Law. It also recommended that yield to pedestrian signs and parking only in designated areas and between painted lines be installed and be subject to Title 39 regulation, as well as the designation of loading areas and employee parking. The Board concurs with the recommendation in that report, and incorporates the recommendations of the Bureau of Traffic Safety in this Resolution by reference.

F. The Brick Township Bureau of Fire Safety made a report to the Board dated December 23, 1991. The Bureau recommended that five conditions be imposed relative to fire safety, all of which were agreed to by the applicant. Accordingly, the Board

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adopts the five recommendations made by the Bureau, which are incorporated as part of this Resolution and made conditions hereof.

G. The Brick Shade Tree Commission made a report to the Board dated January 25, 1992. The Commission recommended that an irrigation system be employed in all planted areas. Further, the Commission recommended that sod be used in parking area recharge planters. The applicant agreed to install an irrigation system; however, proposed to seed and mulch in lieu of installing sod.

12. The Board finds and determines that the applicant has substantially 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 determines that the relief requested can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of Township zoning ordinance or master plan.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board on this 13th day of February, 1992, 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 application.

3. The applicant shall install and maintain an irrigation system in all planted areas as recommended in the report of the Shade Tree Commission dated January 25, 1992. The applicant shall have the option to seed and mulch or plant sod in the areas designed for planting.

4. The applicant shall comply with the five recommendations set forth in the report of the Brick Township Bureau of Fire Safety dated January 2, 1992.

5. The applicant shall apply for and obtain approval from the Commissioner of Transportation to erect, maintain and enforce traffic control devices in accordance with the report of the Brick Traffic Safety Bureau dated January 3, 1991.

6. The applicant shall install sidewalks on Route 88 as recommended by the Environmental Commission in its report dated January 27, 1992; however, the Board grants a design waiver and relieves the applicant from the necessity of installing sidewalks along Route 70 and the connector road between Routes 70 and 88.

7. The applicant shall comply with all conditions proposed in the Board's engineering reports of January 3, 7 and 8, 1992, except as follows:

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A. As to Section 1.3, compliance is not required and the parking rows may remain as designated on the applicant's proposed site plan.

B. As to Section 4, deviations from the Board Engineer's report are waived provided that the applicant comply with the landscaping plan as outlined in the report of Birdsall Engineering, Inc. (Joseph S. Lalka, P.E.) dated January 29, 1992.

C. As to Section 5.3, the applicant has indicated that this corrugated metal pipe will remain on the site as part of the drainage system. Accordingly, the applicant shall provide additional details relating to the elevation and drainage, which shall be subject to the review and approval of the Board Engineer.

D. As to Section 7 (Lighting), in order to comply with the report of the Board's Engineer, the applicant shall reduce the lighting level and provide uniformity of lighting instead of the light and dark areas of lighting suggested at the rear of the building; provide pole lights instead of exclusive use of wall mounted lights; and supplement the lighting in the employee parking area. All revisions to the lighting plan shall be subject to the review and approval of the Board's Engineer.

E. As to the review of Traffic Impact Study dated January 7, 1992, compliance is not required with items 5 and 6.

8. Existing vegetation along Allaire Road shall be pruned prior to the issuance of a Certificate of Occupancy.

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9. The construction of the parking lot and all other onsite facilities for vehicles and pedestrians shall be completed prior to the issuance of a Certificate of Occupancy.

10. The applicant shall construct shopping cart corals and make appropriate arrangements for the deposit system (\$.25) for shopping carts so that these facilities are available and operational prior to the issuance of a Certificate of Occupancy.

11. The applicant shall demolish the existing building on the site and identify the disposal site of all construction materials prior to the issuance of a Certificate of Occupancy.

12. The applicant shall submit a maintenance schedule for the daily cleaning of the entire exterior of the site, which shall be subject to the review and approval of the Board Engineer.

13. The applicant shall complete the full width overlay of Olden Street and Forge Pond Road, as required in the Board Engineer's report - Section 6.4, prior to the issuance of a Certificate of Occupancy. In the event the overlay of these streets has not been completed, the applicant shall be required to post performance guarantees as determined by the Board Engineer.

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MOVED BY: Mrs. Barlo

SECONDED BY: Mrs. LaDuke

VOTING IN THE AFFIRMATIVE: Mayor Zboyan Mr. Anderson

Mr. Heslin Mrs. LaDuke Mr. Skirde Mr. Vespi Mr. Wylie

Mrs. Barlo Mr. Heidrick

VOTING IN THE NEGATIVE: _____

INELIGIBLE TO VOTE: _____

PRESENT BUT NOT VOTING: Mr. Jordan

ABSTAINING: _____

ABSENT: Councilman Cantillo

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 13th day of February, 1992.

IN WITNESS WHEREOF, I have set my hand this 18th day of February, 1992.

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.