

BRICK, TOWNSHIP OF (PLANNING AND ZONING DEPT.)



LDS BR-PZ 10302524

BRICK TOWNSHIP PLANNING BOARD
MINOR SITE PLAN APPROVAL WITH VARIANCES

RESOLUTION: R-36-92

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CASE NO. PB-2039-MSP-V-1/92

June 10, 1992

WHEREAS, Guiseppe and Vittoria Sal Pietro, having a mailing address of 1842 Beach Boulevard, Point Pleasant, NJ 08742, have applied to the Brick Township Planning Board for minor site plan and variance approval pursuant to N.J.S.A. 40:55D-50 & 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, a public hearing was held on May 27, 1992 in the municipal building, at which time testimony and exhibits were presented on behalf of the applicants 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 Lot 10.01, Block 670 on the Municipal Tax Map.

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

3. The applicant proposes to construct a 525 square foot addition to an existing restaurant located at the corner of

File 2
Sal Pietro
Onlousky
L/D.
Fitzsimmons
Jennell
Blossy
Eng
Zoning
D.F.S.
S.F.C.

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Hooper and Cedar Bridge Avenues. The addition will provide interior space for a vestibule, coat room, bar with seating and expand the existing kitchen area. There is no net increase of impervious coverage as the proposed addition replaces a paved area. The restaurant presently accommodates 130 patrons, and there is no proposed increase in the number of customer seats within the facility.

4. The Board's Engineers, T & M Associates, prepared a report to the Board dated April 2, 1992. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

5. The Bureau of Fire Safety prepared a report to the Board dated February 26, 1992. The Board adopts the findings in that report and incorporates that document in this Resolution by reference.

6. The Bureau of Traffic Safety prepared a report to the Board dated March 17, 1992. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

7. The following variances are required:

<u>Item</u>	<u>Required</u>	<u>Provided</u>
Lot Width	125'	122' (existing)
Front Setback	50'	7.12' (existing)

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Landscaped Area	20% (minimum)	12% (existing)
Accessory Structure Side Setback	10'	6.7' (existing trash enclosure)
Rear Setback	50'	4.11' (existing trash enclosure)
Parking Spaces	10' x 20'	9' x 18'

8. All of the variances noted above result from existing conditions. The 525 square foot addition does not create any new variances. Based upon the limited size of the addition and the fact that new variances are not created, the Board finds it is reasonable and proper to grant relief for the deficiencies relating to existing conditions.

9. The applicants have complied with the requirements of the municipal site plan ordinance and the overall plan for the improvement of this property is consistent with the intent and purpose of the municipal development ordinance. Accordingly, the Board finds 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 Land Use Ordinance or master plan.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board on this 10th day of June, 1992, that this application be approved subject to the following conditions:

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

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

3. The applicants shall comply with all requirements set forth in the report of the Board Engineer dated April 2, 1992, except that compliance with items 1, 2, 3 and that part of 4 requiring additional landscaping are hereby waived.

4. The applicants shall comply with all conditions set forth in the report of the Bureau of Fire Safety dated February 26, 1992.

5. The applicants shall comply with all conditions set forth in the report of the Bureau of Traffic Safety dated March 17, 1992.

6. The applicants shall require that patrons and employees park within the confines of the site. The current practice of parking automobiles on adjacent Lot 10, which is a vacant property, shall be discontinued.

7. The existing landscaping shall be shown on the site plan.

8. This approval is granted upon the condition that there is no increase in seating for restaurant patrons. The current number of seats available is 130, which shall be the maximum number of seats permitted.

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MOVED BY: Mrs. Barlo

SECONDED BY: Mr. Anderson

VOTING IN THE AFFIRMATIVE: Mayor Zboyan Mr. Anderson

Councilman Cantillo Mr. Heslin Mrs. LaDuke Mr. Vespi

Mr. Wylie Mrs. Barlo Mr. Heidrick

VOTING IN THE NEGATIVE:

INELIGIBLE TO VOTE:

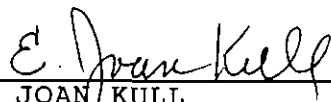
ABSTAINING:

ABSENT: Mr. Skirde Mr. Jordan

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 10th day of June, 1992.

IN WITNESS WHEREOF, I have set my hand this 15th day of June, 1992.


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.