

**ABRIDGED SITE PLAN APPROVAL
CHANGE OF USE
545 BRICK BOULEVARD LLC
545 BRICK BOULEVARD
Block 547 Lot 1
October 9, 2013**

**Resolution: R-34-13
Application No. ABR-267-CU-9/13**

**RESOLUTION OF APPROVAL
PLANNING BOARD, TOWNSHIP OF BRICK**

WHEREAS, an application has been made by **545 Brick Boulevard LLC**, for approval of an **Abridged Site Plan** with no Variances for **Block 547, Lot 1**, as set forth on the Tax Maps of the Township of Brick; and

WHEREAS, the Planning Board, after carefully considering the evidence presented by the applicant at the Planning Board meeting of September 25 2013, and considering the reports of the Board's professional staff, hereby makes the following findings of fact:

1. The property is owned by **545 Brick Boulevard LLC**.
2. The applicant has requested approval in accordance with the Ordinances of the Township of Brick.
3. The site in question is located at within the commercial zone.
4. The applicant is requesting approval of an Abridged Site Plan without Variances from the Brick Township Land Use and Development Regulations for the purpose of changing the use of the existing Bank of America building to a Fortunoff Backyard furniture store. The applicant proposes to remove the existing bank drive-thru lane and canopy, and replace it with a loading zone. The mezzanine above the bank teller stations in the interior of the building will be removed, and there is no basement in the building.

The following variances are requested: None

5. The Township Planner, Michael P. Fowler, AICP/PP, prepared report dated September 23, 2013. The Brick Bureau of Fire Safety prepared a report dated September 17, 2013.

The Board hereby adopts the findings in the above-mentioned reports and incorporates them in this Resolution by reference.

The applicant was represented by John Jackson, Esquire of Brick, NJ. During the course of the public hearings, the applicant presented the testimony of Jeff Spalt, PE, and Bernard Senzel, CEO.

The testimony entered into the record supported the applicant's contention that the proposed abridged site plan complies with the zoning regulations applicable to the subject property.

The Brick Township Planning Board concurs with these representations and so finds.

WHEREAS, the Planning Board has determined that the applicant should be granted the requested relief for the following reasons:

1. The abridged site plan complies with the zoning regulations applicable to the subject property.

*File (2)
Appl
App Att
App Eng
PB Att
PB Eng
Zoning
Assessor
Engineer*

2. There were no objectors present at the hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Brick Township Planning Board that the application is hereby approved subject to the following conditions:

1. The applicant must seek a separate approval for the outdoor display of furniture.
2. The applicant must comply with all conditions contained in the Board Planner's Report dated September 23, 2013, and the Fire Safety Review dated September 17, 2013.
3. The applicant must comply with all conditions outlined in Schedule A attached hereto.
4. The applicant must submit proof of payment of all currently due taxes to the Brick Township Planning Board.
5. The applicant must post all bonds and guaranties as required and recommended by this Board and the Township/Board Engineer. Moreover, the applicant must post all required engineering inspection fees.
6. All representations and statements made by the applicant, as well as applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an expressed condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this application to further review of this Board's own motion.
7. In the event the Planning Board determines that it reasonably relied upon any misstatement or misrepresentation, then and in that event, any approvals previously given may be rescinded and any improvements at the time in place on the premises in question shall not be in compliance with the ordinances of the Township of Brick.
8. No building permit shall be issued until the Board Secretary confirms that the Planning Board professional fees have been paid in full. In the event a building permit is issued and there are outstanding Planning Board professional fees, a stop work order will be filed against the applicant/contractor until all professional fees have been paid.
9. In the event there is an *existing* violation, the applicant shall have thirty (30) days from the date the Notice of Decision was published to correct the violation. Failure to correct the existing violation within the time proscribed will result in the issuance of a summons.
10. The applicant shall obtain any other local, state and other regulatory approvals as may be required.

NOW, THEREFORE, BE IT RESOLVED, the application, limited to the terms and conditions as set forth more fully in the preamble of this Resolution, be and hereby is approved.

BE IT FURTHER RESOLVED that the Planning Board secretary shall cause notification of this favorable Resolution to be published in an official newspaper of the Brick Township within ten (10) days of the adoption of this resolution.

MOVED BY: Mr. Beshears

SECONDED BY: Mr. Marra

VOTING IN THE AFFIRMATIVE: Mr. Rappoccio, Mr. Coakley, Mr. Marra, Mr. Burkland, Mr. Palmieri, Mr. Beshears, Mr. Hilsheimer, Mr. Liloia, Mr. Catalano

VOTING IN THE NEGATIVE:

INELIGIBLE TO VOTE:

ABSTAINING:

ABSENT: Mr. Scott, Councilwoman Lydecker

CERTIFICATION

I, **JENNIFER ROTHER**, Clerk of the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that I am duly authorized to certify Resolutions. I certify that the foregoing Resolution was adopted by the Planning Board of the Township of Brick at a meeting held on the 9th day of October, 2013.



JENNIFER ROTHER,
CLERK OF THE PLANNING BOARD