

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



BRICK TOWNSHIP PLANNING BOARD
PRELIMINARY & FINAL SITE PLAN APPROVAL
WITH VARIANCES & DESIGN WAIVERS

RESOLUTION R-141-88

November 9, 1988

CASE NO.: PB-1866-PSP-V-FSP-2/88

WHEREAS, application has been made by Laurelton Diner, Inc., owner of Lot 2, Block 854, Brick Township Tax Map, for preliminary and final site plan approval for the purpose of constructing an addition to an existing restaurant with additional parking and other facilities together with variances for insufficient lot area, insufficient lot width, insufficient front yard setback and insufficient rear buffer and design waivers; and

WHEREAS, proper service has been made upon all of the property owners within 200 feet of the premises in question and proper notice and publication has been made as required by New Jersey Statute and proper proof of service has been filed by the applicant with the Planning Board of the Township of Brick; and

WHEREAS, the Planning Board having considered the application and plans filed with its secretary and having heard the witnesses and evidence and examined the exhibits of the parties in interest and having heard and considered the comments of the public, if any, at a regular meeting held on the 12th day of October, 1988; and

File - 2
Laurelton
Diner
Pappas
Lazopoulos
Montone
Charakalian
Bldg
Eng - 2
Zoning

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In conjunction with this Resolution, the Planning Board has made the following findings of fact:

1. The applicant is the owner of the subject premises.
2. The property is located in the B-3 Business Zone.
3. The applicant is proposing an addition to the existing restaurant with additional parking facilities which is a permitted use in the B-3 Zone.

4. The application, as submitted, requests the following variances:

	<u>ITEM</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
A.	Lot Area	2.0 Acres	0.845 Acres (existing)
B.	Lot Width	200 Feet	177 Feet (existing)
C.	Front Yard Setback	75 Feet	28 Feet (existing)
D.	Rear Buffer	50 Feet	0-25 Feet (existing)

The Planning Board finds that these requested variance are reasonable and should be granted for the following reasons:

A. Each of these variances is a pre-existing condition or situation over which the applicant has no control, and each of which would be allowed to remain in the event this application were to be denied.

B. The application, as submitted, does not cause there to be an increase or worsening of any of these existing non-conformities.

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C. These non-conformities have been, in certain instances, worsened as a result of the taking by the State of New Jersey for the improvement of the Laurelton Circle which was also a situation over which the applicant had no control.

D. These requested variances can be granted without substantial detriment to the surrounding area and the public good and will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Brick provided the conditions and requirements set forth hereinafter are complied with by the applicant.

5. The application, as submitted, requests the following design waivers:

<u>ITEM</u>	<u>REQUIRED</u>	<u>PROVIDED</u>
A. Traffic Report	Yes	No
B. Stormwater Management	Yes	No
C. Number of Parking Spaces	52	48
D. Parking Stall Size	10' x 20'	9' x 18' (12 stalls)
		approx. 10' x 18' (1 stall)

A. With respect to lack of traffic report, the Planning Board finds that this is a pre-existing location together with pre-existing parking and usage and that there will be minimal impact upon traffic at this location and that, accordingly, a traffic report need not be required.

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B. With respect to the on-site stormwater management, the applicant has continued existing patterns of stormwater flow which have not created or caused any worsening of existing conditions and, accordingly, the Planning Board finds that there is no necessity for on-site stormwater management at this time and that this requested design waiver should be granted.

C. The applicant is proposing that twelve (12) of the parking stalls, which are to be designated as employee parking only, be 9 feet by 18 feet in size in order to provide sufficient additional parking. In addition, one (1) stall has an existing sign located therein and would be used for compact car parking. Under these circumstances, this requested design waiver is reasonable and should be granted.

D. As a result of changes and revisions to the site made by the applicant during consideration of this application, which changes and revisions create a better traffic flow, eliminate hazardous parking spaces with respect to handicapped parking, and otherwise provide a better site plan, there has been a reduction in the amount of parking spaces to 48 spaces while 52 spaces are required. The Planning Board finds that the changes made to the site which are beneficial in nature far outweigh any detriment created as a result of the failure to comply with the parking requirement and, accordingly,

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has determined that this requested design waiver is reasonable and should be granted.

6. Under the circumstances, and based upon the fact that the proposed site plan deals with pre-existing conditions and situations over which the applicant has no control, and is a substantial improvement to the site, the Planning Board has determined that it is appropriate to grant this site plan approval subject to the conditions and requirements set forth hereinafter.

NOW, THEREFORE, BE IT RESOLVED that the application of Laurelton Diner, Inc., owner of Lot 2, Block 684, Brick Township Tax Map, for preliminary and final site plan approval for the construction of an addition to an existing restaurant with additional parking and other facilities, together with variances for insufficient lot area, insufficient lot width, insufficient front yard setback, insufficient rear buffer and for various design waivers is hereby APPROVED on this 9th day of

November , 1988, 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".

2. The applicant shall comply with all representations and agreements made by applicant or applicant's representatives during the consideration of this application.

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3. The applicant shall comply with the conditions and requirements set forth in the report of the Planning Board Engineer dated November 2, 1988 and the report of the Township Planner dated November 1, 1988, paragraph 5.C(1)(2)(3)(4), G(1)(4), I.

4. As a condition of this approval, the applicant shall submit the written agreement with the adjacent property owner allowing the location of the trash enclosures on the adjacent premises.

5. The twelve (12) spaces which are 9 foot by 18 foot in size shall be designated as employee parking only and signage shall be installed on the site for this purpose.

6. There shall be no outside food service.

7. The ingress and egress on Wharf Street shall be at least 20 feet wide and shall provide for two way traffic.

8. All access isles shall be 20 feet wide and shall provide for two way access.

9. The trash enclosure shall be enlarged to provide for recycling.

10. All lights shall be shielded inward.

11. The exterior treatments of the proposed addition shall be carried to the rear of the existing structure so as to be the same. In this regard, the exterior shall consist of

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dryvit or dryvit type textured stucco finish on all four sides.

12. All sidewalks at the exterior of the principal building shall be four feet wide.

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MOVED BY: Mr. Scherer

SECONDED BY: Mr. Gunther

VOTING IN THE AFFIRMATIVE: Mr. Cierzo Mr. Geller

Mr. Gunther Mrs. Hartman Mr. Mangarella Mr. Vespi

Mr. Kazawic Mr. Scherer

VOTING IN THE NEGATIVE: _____

ABSTAINING: _____

ABSENT: Mayor Newman Councilman Scarpelli

CERTIFICATION

I, E. JOAN KULL, Clerk to the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 9th day of November, 1988.

IN WITNESS WHEREOF, I have set my hand this 28th day of November, 1988.

E. Joan Kull

E. JOAN KULL, SECRETARY

BRICK TOWNSHIP PLANNING BOARD

ATTACHMENT "A"

STANDARD PLANNING BOARD CONDITIONS FOR SITE PLANS

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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 Public Law 1975, Chapter 251, "Soil Erosion and Sediment Control Act."

2. All materials, methods of construction and details shall be in conformance with the current Township of Brick "Engineering Specifications and Construction Details", available at the office of the Township Engineer.

3. Applicant shall obtain any other approvals with respect to submission to any other Federal, State, County or Municipal agency having jurisdiction over same. Upon receipt of the approval, the applicant shall supply a copy of said permit or permits to the Board. In the event that any other jurisdictional agency requires a change in the applicant's plans, the applicant must reapply to the Brick Township Planning Board for approval of that change.

4. Applicant shall resubmit this entire proposal should there be any deviation from this Resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.

5. Applicant shall supply evidence by way of a statement from the Brick Township Tax Collector that all taxes are paid to date at the date of the fulfillment of the conditions of this resolution.

6. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

7. Before the issuance of a building permit, the applicant shall furnish the Township Clerk with a performance bond 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.