

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10301158

BRICK TOWNSHIP PLANNING BOARD

RESOLUTION FOR APPROVAL OF MINOR SITE PLAN
WITH VARIANCES AND WAIVER

Resolution R-85-82

Case No. 1306

November 10, 1982

WHEREAS, application has been made by L. C. Jr., Inc. a New Jersey corporation for minor site plan approval as to Lot 12, Block 672 as shown on the tax map of the Township of Brick, in accordance with plan entitled "Minor Site Plan Lot 12 Block 672" prepared by Horn & Tyson Associates, Inc., dated July 21, 1982, with the latest revision date being September 30, 1982, and;

WHEREAS, the applicant seeks to take the existing one-story masonry carpet store and change the use into a restaurant-lounge; and further seeks to reconstruct the existing sign structure; and

WHEREAS, the applicant seeks variances as to lot area, lot width, front yard setback, rear yard setback, side yard setback, and as to lot frontage; and

WHEREAS, the applicant seeks a waiver from the ordinance provision that no parking be allowed within twenty feet of the right-of-way line; and

WHEREAS, such proof of service as may be required by New Jersey Statutory Municipal Ordinance requirements upon appropriate property owners and governmental bodies has been furnished to the Board; and

WHEREAS, the Board after carefully considering the evidence presented by the applicant at the hearing of October 27, 1982, and of the adjoining property owners and general public

Site - 2
L.C. Jr. Inc.
Montenegro
Horn, Tyson
Gennard
Gennard
Bledy
Char Kalian
Council

and having reviewed the exhibits produced, the Planning Board has made the following factual findings:

The applicant intends to take the existing one-story masonry carpet store building and change the use into a restaurant/lounge. The Planning Board finds that the proposed new use is in compliance with the 1982 master plan and is a use allowable within this B-3 zone. Applicant has advised the Planning Board that it will make immediate application to the Township Council for permission to transfer the liquor license from the premises known as "Mr. Steak" to the site in question. The Planning Board finds that it should approve this application; and

WHEREAS, the Planning Board has determined that failure to grant the requested relief would result in exceptional and undue hardship to the applicant's property and that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Brick for the following reasons:

The applicant seeks variances as follows as to lot area in that 0.612 acres exists and 2 acres are required; as to lot width in that 79 feet plus or minus exist and 200 feet is required; as to front yard setback in that 45 feet plus or minus is proposed while the ordinance requires 75 feet; as to rear yard setback in that 9.1 feet exists while 50 feet is required; as to the side yard setback 25.3 feet exists and 30 feet are required and as to lot frontage in that 29.38 feet exists and 160 feet are required. The Planning Board finds that it should grant the requested variances in that the building presently exists and no further non-conformity is proposed; and

WHEREAS, the Planning Board has determined that the requested waiver is reasonable and within the general purpose

and intent of the provisions for minor site plan review and if literal enforcement of the provisions of the ordinance were required, it would be impractical or exact undue hardship to the applicant because of the peculiar conditions pertaining to the lot in question for the following reasons:

The site in question was for a number of years utilized as a commercial building, to wit a retail carpet store. The waiver requested is as to the ordinance requirements that there be no parking within twenty feet of the right-of-way lines. The plan includes parking less than twenty feet from the right-of-way lines of Chambers Bridge Road and Route 70 and, therefore, applicant has requested a waiver. The Planning Board finds that due to the state ownership of land on Route 70 that granting a waiver will not create any adverse condition and the Planning Board further finds that said area has been used for parking for many years and that the State of New Jersey has not interposed any objection; and

WHEREAS, the Planning Board is of the opinion, based upon the above factual findings, that the said proposed minor site plan is such as would encourage development and design consistent with the master plan of the Township of Brick, and should be approved;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Brick that the application of L.C. Jr., Inc. a New Jersey Corporation for minor site plan approval, as per the map aforesaid, be on this 10th day of November, 1982, granted approval subject, however, to the following conditions:

1. All the standard Planning Board conditions for minor site plan as contained on attachment "A" which is hereby made a part of this resolution.

2. Applicant shall forthwith make application to the Township Council to transfer the liquor license from the premises known as "Mr. Steak" to the subject site.

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NOW, THEREFORE, BE IT RESOLVED that the requested variances as to lot area, lot width, front yard setback, rear yard setback, side yard setback and lot frontage be and the same is hereby granted for the reasons set forth above and subject to the conditions set forth above; and

NOW, THEREFORE, BE IT RESOLVED that the requested waiver as to the requirement that no parking spaces be within twenty feet of the right-of-way line be and the same is hereby granted for the reasons set forth above and subject to the condition set forth above.

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.

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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. Said performance bond shall be updated on a six (6) month basis at the discretion of the Township Engineer.

8. No soil shall be removed from the site without the written approval of the Township Council.

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Moved By: Mr. Gunther

Seconded By: Mrs. Cook

Voting in the Affirmative: Mrs. Cook

Mr. Gunther

Mr. Lomano

Mrs. Wiessel

Mrs. Kenney

Mr. Hayes

Mr. Metz

Mr. Lucci

Voting in the Negative: _____

Ineligible to Vote: Mr. Kadar

Abstaining: _____

Absent: _____

Councilman Anderson

Mayor Kinney

CERTIFICATION

I, E. Joan Kull, Clerk to the Planning Board 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 Planning Board of the Township of Brick at a regular meeting held on the 10th day of November, 1982

IN WITNESS WHEREOF, I have set my hand this 12th day of November, 1982.

E. Joan Kull

E. Joan Kull, Clerk
Planning Board of the Township of Brick