

**BRICK,
TOWNSHIP
OF**
(Planning/Zoning)

BRICK TOWNSHIP PLANNING BOARD

RESOLUTION R-96-84

October 10, 1984

CASE NO. 1478

WHEREAS, application has been made by L.C. Jr., Inc., a corporation for premises known as Lot 12, Block 672 for a site plan for an expansion of the existing building, housing, a restaurant and lounge with a variance request for lot area, lot width, front setback and side setback; 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, on the 26th day of September, 1984; and

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

1. That the applicants are the lessees of the aforesaid premises.
2. That the property is in a B-3 zone.
3. That the proposed use is a permitted use within the zone.

File-2
LC Jr.
Montenegro
Horn, Tyson
Morgan
Mullins
Redg
Eng
Zoning

4. That the application, as submitted, does not conform with the Zoning Ordinance of the Township of Brick.

5. That the applicant has requested a variance for lot area of 0.612 existing, when 2 acres is required, a lot width of 79+ feet existing, when 200 feet is required, a front setback as existing, of 45+ feet and a side setback of 10.3 feet as existing and as proposed, when 30 feet is required.

6. That the aforesaid requests are reasonable due to the following:

A. That the premises in question are existing premises and the variances as requested are existing conditions on the site.

B. That the expansion would be for 51 additional seats for additional seating and additional kitchen space.

C. That the expansion is necessary due to the volume of business done by the applicant.

7. That the applicant needs 97 parking spaces for the proposed facility and provides 102 with a Cross-Access Agreement and Cross-Parking Agreement which will be provided to the Planning Board which encompasses a portion of lot 11 in the same block.

8. That the applicant has an ingress and egress agreement with adjoining lot 8.

9. That there has been parking on the Department of Transportation right of way along Route 70 which the applicant must hinder.

10. That the applicant must comply with the Engineer's report of September 20, 1984 as to the location of the leaching basin or inlet and lighting.

11. That the variances and site plan 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.

NOW, THEREFORE, BE IT RESOLVED that the application of L.C., Jr., Inc. for site plan and variances is hereby approved on this 10th day of October, 1984 subject to the following conditions:

1. Applicant shall comply with all standard Planning Board conditions for site plans set forth on Attachment "A".

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

3. Applicant shall submit the Ingress and Egress Agreement with Rickel's Home Center located on Lot 8.

4. Applicant shall submit the Parking Agreement with Lot 11.

5. Applicant will agree to the field location of the storm sewer inlet by the Planning Board Engineer in conjunction with the applicant.

6. Applicant shall provide for the placement of concrete bumpers along the Department of Transportation right of way to prevent parking on the right of way.

7. Applicant shall comply with the Engineer's report of September 20, 1984.

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8. Applicant shall contact the State of New Jersey, Department of Transportation and shall request permission to allow applicant to plant trees, shrubs or flowers and otherwise landscape / ^{and} improve that portion of the Department of Transportation right of way along Route 70 located at the corner of Chambersbridge Road and Route 70, said plantings and improvement to be outside of the site triangle at that location. In the event that such permission is granted, applicant shall be required to cause such plantings to be made subject to design review and approval by the Planning Board Engineer.

Moved By: Mrs. Cook

Seconded By: Mr. Hayes

Voting in the Affirmative: Mr. Cierzo

Mrs. Cook Mr. Geller Mr. Vespi

Mr. Hayes Mr. Cevalasco

Voting in the Negative:

Abstaining:

Absent: Mr. Gunther, Mayor Newman, Mr. Scherer, Mr. Taubenkimel

Ineligible to Vote: Councilman Bottazzi

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 10th day of October, 1984.

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IN WITNESS WHEREOF, I have set my hand this 11th day of
October, 1984.

E. Joan Kull

E. JOAN KULL, Clerk
Planning Board of the Township of Brick

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.