

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR 10502820

BRICK TOWNSHIP PLANNING BOARD

AMENDED PRELIMINARY AND FINAL SITE PLAN
PHASE II WITH VARIANCES AND DESIGN WAIVERS

RESOLUTION R-52-96

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CASE NO. 2102-A-PSP-V/FSP-6/96

September 11, 1996

WHEREAS, Federal Realty Investment Trust, having a mailing address of 4800 Hampden Lane, Suite 500, Bethesda, Maryland 20814, has applied to the Brick Township Planning Board for preliminary and final site plan approval with variances and design waivers pursuant to N.J.S.A. 40:55D-46, 50, 51, and 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 August 8, 1996 in the Municipal Building, at which time testimony and exhibits were presented on behalf of the applicant, 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 Block 486, Lots 1-9, 10.01-10.03; Block 671, Lots 2, 4, 8, 11 and 12 on the Municipal Tax Map.

2. This property is located in the B-3 Highway Development Zone.

3. The applicant proposes to reconstruct the westerly half of the existing Brick Plaza Shopping Center, comparable to the recent improvements that have been completed on the easterly half the site. The Phase II reconstruction involves the construction of five (5) new buildings and one (1) building addition. Sony Theaters, 2,613 seats, and Sports authority each propose to occupy new buildings in excess of 40,000 sq. ft. having an orientation to Cedar Bridge Avenue. A 7,800 sq. ft. retail addition is proposed to the existing

File-2
Fed. Realty
Montenap
School
Ford
Cenley
Bldg.
Eng.-2
Zoning
BFS.
COAT

Steinbach Store and three (3) freestanding buildings are proposed on pad sites west of the main mall adjacent to Cedar Bridge Avenue.

4. Lynch, Giuliano & Associates prepared a report to the Board dated August 1, 1996. The Board hereby adopts the findings in that report and incorporates that document in this Resolution.

5. Michael P. Fowler, Municipal Planner, prepared a report to the Board dated August 1, 1996. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

6. The Bureau Chief/Fire Official prepared a report to the Board dated August 1, 1996. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

7. The following variances have been applied for:

A. Site identification sign setback:

50 Ft. Required	40 Ft. Required
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B. Site identification sign with series lights.

8. Applicant requested a design waiver for not providing enclosures for dumpsters in the rear of the building areas. The Board finds that the waiver is reasonable and should be granted.

9. The following modifications from the original approval are noted:

<u>Item</u>	<u>Original Approval</u>	<u>Current Proposal</u>
Required Parking	1646	1645
Proposed Parking	2236	2146
Building Area	410,769 S.F.	411,206 S.F.
Building Coverage	20.5%	20.9%

10. The Board finds that the variances are reasonable

and should be granted in that the sign meets size and height requirement, and it is 40 ft. from the right-of-way. In regard to the lights, they are currently in use in the Monmouth County Mall and represent no glare or blinding effect.

11. In regard to the foregoing modifications from the original approval, the modifications are insignificant to the point that they represent no substantial change from the original approval.

12. The applicant has complied with the requirements of the Site Plan Ordinance and the overall development plan for this property constitutes a substantial upgrading of the shopping center, and is consistent with the intent and purpose of the Municipal Development Ordinance. Accordingly, the Board finds that 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 Zoning Ordinance or Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Brick Township Planning Board on this 11th day of September, 1996, that this application be approved subject to the following additions:

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 the applicant or its attorney during the presentation of this case.

3. The applicant shall comply with all terms and conditions proposed in the report of Lynch, Giuliano and

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Associates dated August 1, 1996.

4. The applicant shall comply with all terms and conditions proposed in the report of Michael P. Fowler dated August 1, 1996.

5. The applicant shall comply with all terms and conditions proposed in the report of the Bureau Chief/Fire Official dated August 1, 1996.

6. The applicant shall install a fence on the headwall of the culvert.

7. The applicant shall install sidewalk along the entire length of Cedar Bridge Avenue, approximately 2,000 feet in length.

8. The application for an outside seasonal display area is denied.

9. The Board will allow applicant to re-address the issue of the outside seasonal display and the sidewalk installation on Cedar Bridge Avenue. However, this presentation by the applicant shall be limited to the caucus session of October 2, 1996 and a public hearing of October 9, 1996. The applicant shall conclude its presentation on those two (2) dates. If the applicant re-addresses the aforesaid issues and the Board allows no modification, this Resolution is to remain in effect as promulgated by the Planning Board. The purpose of these proposed future hearing dates is to allow the applicant to offer alterations from that which has already been presented by the applicant.

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MOVED BY Mr. Petoia

SECONDED BY: Mrs. Fox

VOTING IN THE AFFIRMATIVE: Mrs. Fox Mrs. LaDuke

Mr. Petoia Mr. Reo Mr. Underwood Mr. Aiello

VOTING IN THE NEGATIVE: _____

INELIGIBLE TO VOTE: _____

ABSTAINING: Councilman Cantillo

ABSENT: Mr. Heidrick Mr. Bruno Mr. Scherer

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 11th day of September, 1996.

IN WITNESS WHEREOF, I have set my hand this 17th day of September, 1996.

E. Joan Kull
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 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

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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.

9. The applicant shall comply with all provisions and pay all fees established under Article VB (Mandatory Development Fees) of Chapter 190 of the Code of the Township of Brick.