

**BRICK, TOWNSHIP**  
**OF**  
**(PLANNING AND ZONING DEPT.)**



LDS BR 10502997

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

RESOLUTION: R-43-94

Page -1-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

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 & 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, public hearings were held on May 11 and May 18, 1994 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 468, Lots 1-9, 10.01-10.03 and Block 671, Lots 2, 4, 8, 11 and 12 on the Municipal Tax Map.

2. The property is located in the B-3 Highway Development Zone. The applicant has applied for preliminary and final site

*File-2  
Fed. Realty  
Montenegro  
McS/O  
Jitzumma  
Curley  
Bldg  
Eng. &  
Zoning  
B.F.S.  
Code Enf.*

RESOLUTION: R-43-94

Page -2-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

plan approval with variances and design waivers for Phase I of the project and preliminary site plan approval with variances and design waivers for Phase II of the project.

3. The site has an area of 46.63 acres, and is bounded by New Jersey Highway Route 70, Chambers Bridge Road, Brick Boulevard and Cedar Bridge Avenue.

4. Existing facilities onsite consist of various commercial uses which utilize 17.1 percent of the site area. There is also an existing masonry maintenance building utilized for vehicles and related equipment adjacent to the easterly side of the Steinbach's department store. An existing stream (Cedar Bridge Branch of the Metedeconk River) bisects the site in a west to east direction.

5. Proposed construction consists of increasing the commercial uses to a total of 20.5% of the site area. Numerous existing facilities will be removed in conjunction with the new construction.

6. Lynch, Giuliano & Associates prepared a report to the Board dated March 23, 1994. The Board hereby adopts the findings in that report and incorporates that document in this Resolution by reference.

7. Michael P. Fowler, Municipal Planner, prepared a report to the Board dated April 19, 1994. The Board hereby adopts the

RESOLUTION: R-43-94

Page -3-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

findings in that report and incorporates that document in this Resolution by reference.

8. The following variances have been applied for:

| <u>Item</u>                                           | <u>Required</u>                      | <u>Provided</u>                                                                                                        |
|-------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Minimum front yard setback                            | 100 feet                             | 50.4' (existing Building B)<br>32' (existing Building C)<br>43.1' (existing Building D)<br>74.4' (existing Building H) |
| Minimum setback for parking facilities                | 20 feet from any street right-of-way | 0 feet (Brick Blvd.)                                                                                                   |
| Minimum parking stall size                            | 10' x 20'                            | 9' x 18'                                                                                                               |
| Minimum setback of free standing identification signs | 50 feet                              | 40 feet                                                                                                                |
| Minimum landscaped area                               | 20%                                  | 17%                                                                                                                    |
| Minimum width of landscape islands                    | 7.5 feet                             | 4 feet                                                                                                                 |

9. The following design waivers have been applied for:

| <u>Item</u>                                                                                     | <u>Required</u> | <u>Proposed</u>                                                                         |
|-------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------|
| Landscaping of areas not used for structures, loading, parking, accessways, or pedestrian walks | Yes             | No (Applicant proposes striped areas within the parking lot which should be landscaped) |

RESOLUTION: R-43-94

Page -4-

CASE NO. PB-2102-PSP-V/FSP-2/94

Juen 22, 1994

|                                                               |         |                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maximum driveway width                                        | 35 feet | Four main entrance/<br>exit drives<br>exceeding 35 feet<br>in width                                                                                                                                                                                      |
| Driveway in excess<br>of 28 feet to have<br>a divided barrier | Yes     | 6 entrance/exit<br>points are proposed.<br>All 6 exceed 30 feet<br>in width requiring a<br>divided barrier.<br>Only the main<br>entrance on<br>Cedar Bridge Avenue<br>includes a driveway<br>barrier which<br>satisfies the<br>ordinance<br>requirement. |
| Construction of<br>sidewalks                                  | Yes     | No (Route 70)<br>No (Chambers Bridge<br>Road)<br>No (Cedar Bridge<br>Avenue)                                                                                                                                                                             |
| Outlining all drainage<br>within 500 feet of the<br>site      | Yes     | No                                                                                                                                                                                                                                                       |

10. The Board finds the following variances are reasonable and should be granted because:

(a) The deviation from the minimum front yard setback distance for the four buildings is a result of the existing location of each building. The Board finds it would be unreasonable to impose a requirement that the buildings be altered to comply with this ordinance requirement.

(b) At present, the points of entrance/exit to the site are established with minimum controls. The applicant

RESOLUTION: R-43-94

Page -5-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

proposes a ring-road system to avoid direct entry and conflict at all points of entrance to the site. The Board finds that the proposed reconfiguration of the parking area and points of ingress and egress constitutes a substantial improvement and eliminates unsafe conditions. Further, the Board finds that there is insufficient area along Brick Boulevard to comply with the minimum setback of 20 feet from a street. Based on the physical limitations along Brick Boulevard, the Board finds it would be unreasonable to require strict compliance with this ordinance provision.

(c) Parking stalls are proposed to be smaller than required by ordinance. The applicant presented testimony that regulations and the practice of the Department of Environmental Protection and Energy in its review under the Coastal Area Facilities Review Act requires that parking spaces have a dimension of 9' x 18'. This dimension is imposed because it provides adequate parking stall size and eliminates the amount of impervious material at commercial facilities. For this reason, the Board finds relief may be granted from the minimum size requirement.

(d) The placement of the four free standing identification signs at a setback distance of 40 feet from the respective property lines instead of 50 feet is reasonable

RESOLUTION: R-43-94

Page -6-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

considering the location of the ring-road system. The setback of 40 feet is not intrusive upon neighboring properties nor does the positioning of these signs interfere with vehicular access or site visibility.

(e) Provision of landscaped areas covering 17% of the site instead of the required 20% is reasonable considering the limitations imposed under the existing site design and the substantial upgrading of the shopping center by the Phase I and II improvements. Further, the Board finds that the applicant substantially complied with the intent and purpose of the landscaping provisions.

(f) No landscaping is proposed within the four foot landscape islands. The applicant testified that it is extremely difficult to effectively maintain plantings in this area, and proposes to improve the surface of the landscape islands with paving block. The Board finds that this is aesthetically pleasing, and that the four foot islands are sufficient to properly define the parking area.

11. The Board finds the requested design waivers are reasonable and should be granted because:

(a) Based upon the current design of the site and the multitude of improvements proposed under the new plan, the Board

RESOLUTION: R-43-94

Page -7-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

finds that it is reasonable and proper to permit the applicant to stripe certain areas within the parking lot which should be landscaped. The plan provides adequate landscaping to comply with the intent and purpose of the ordinance, and the entire plan constitutes a substantial upgrading of the existing shopping center.

(b) The Board finds and determines that the six proposed points of entrance/exit to the site have been designed in a safe and reasonable manner. Although the design is not specifically as required by ordinance, the Board finds that the dynamics of the ring-road system and interrelation with the points of entrance/exit combine to form a safe and reasonable system for onsite circulation and parking. For this reason, design waivers may be granted to allow a deviation from maximum driveway width and barrier requirements.

(c) The Board finds that the New Jersey Department of Transportation discourages the placement of sidewalks adjacent to high volume heavily trafficked roads servicing retail sales facilities. For this reason, the Board finds it is reasonable and proper to waive the installation of sidewalks along Route 70, Chambers Bridge Road and Cedar Bridge Avenue.

(d) Although all drainage within 500 feet of the site is not shown on the site plan map, the drainage facilities within

RESOLUTION: R-43-94

Page -8-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

500 feet of the property are described in the applicant's storm water management plan. Based upon the submission of this document, the Board finds that a design waiver may be granted for this requirement.

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 22nd day of June , 1994, that this application be approved 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 the applicant or its attorney during the presentation of this case.

3. The applicant shall comply with all terms and

RESOLUTION: R-43-94

Page -9-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

conditions proposed in the report of Lynch, Giuliano & Associates dated March 23, 1994, except as follows:

Item 3.B - This item is waived.

Item 3.C - The two other access driveways may be by entrance with a right turn and exit with a right turn.

Item 3.E - Items number 1 and 2 are waived. As to item number 3, there shall be a realignment of parking stalls in a configuration which shall be subject to the review and approval of the Planning Board Engineer.

Item 3.F - The divided island at Aurora may be covered with paver block at the Cedar Bridge entrance. The requirement that the landscaped island be a minimum width of 7.5 feet is waived.

Item 3.J - The applicant shall provide for striping along the west side of the Mobil Station. The installation of a curbed island is waived.

Item 3.N - Curbing with an eight inch face shall be constructed along the entire length of the proposed open channel (Cedar Bridge Branch) to insure vehicular safety. Beam guide rails shall be installed on both sides of every access area crossing the open channel. Reflectors shall be added to the guide rails for safety purposes. Vegetation shall be planted surrounding the rails for aesthetic purposes. The planting

RESOLUTION: R-43-94

Page -10-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

scheme shall be subject to the review and approval of the Planning Board Engineer.

Item 4.B - In areas of new construction, catch basin grates shall be located in the center of access aisles. In areas where there is an overlay of pavement, the relocation of the catch basin is not required.

Item 4.C - The applicant shall have the option to comply with this item or alternatively make arrangements to have the drainage facilities tie into the system maintained by the State of New Jersey.

Item 4.M - This item is waived.

Item 4.T - The entrance aisle driveway shall be crowned and two additional inlets shall be added to accommodate storm water drainage.

Item 5.B - This item is waived.

Item 5.J - The planting beds and landscape areas shall be irrigated by a watering truck that services the site on a regularly scheduled basis so that plants and landscaping receive sufficient irrigation. A schedule for irrigation shall be submitted, and be subject to the review and approval of the Board Engineer.

Item 10 - To the left of the access points, the applicant shall conform to Township standards. To the right of the access points, the applicant shall comply with County standards.

RESOLUTION: R-43-94

Page -11-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

4. The applicant shall comply with all conditions proposed in the report of Michael P. Fowler dated April 19, 1994, except as follows:

Item V.C - Fencing is not required to surround the detention basin.

Item V.F - This item shall apply, except the three parking spaces south of the expansion area of the Steinbachs Department Store may be maintained.

Item V.G - This item is waived because the provision of a 25 foot aisle is sufficient for pedestrian and vehicular safety.

Item V.J - The applicant shall provide landscaping in this area to reduce the two foot vertical difference in grade. The landscaping plan shall be subject to the review and approval of the Board Engineer.

5. All trucks making deliveries to the shopping center shall enter the site from points of ingress on Cedar Bridge Avenue and Brick Boulevard.

6. Two bus stop loading areas shall be provided in the Phase I section and one bus loading area in the Phase II section.

7. The divider in the ring-road in the vicinity of the Mobil gasoline station shall be extended approximately 20 feet to the west to prevent a conflict between vehicles entering and

RESOLUTION: R-43-94

Page -12-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

exiting the site.

8. Benches shall be located under the canopy, and shall be placed in a convenient location adjacent to the bus stop facility.

9. The sidewalk from the existing A & P Supermarket shall be extended to the proposed stores at the rear (south) of the site.

10. The applicant shall follow the construction schedule attached to and made part of this Resolution.

11. The applicant shall file all necessary documents with the New Jersey Department of Transportation to submit the entire site to jurisdiction under Title 39.

12. Written verification from the County of Ocean shall be secured to demonstrate that the road improvements to be made by the County will be coordinated with the site improvements proposed by the applicant. In the event there is a lack of coordination between the County and the applicant relating to drainage improvements, the Board reserves the right to impose conditions relating to the entire site at such time as the applicant applies for final site plan approval for Phase II of this project.

13. The applicant shall widen the two driveways and add a divided island at the access points on Cedar Bridge Avenue.

RESOLUTION: R-43-94

Page -13-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

14. The applicant shall dimension all access aisles.
15. Bike racks shall be added as part of the Phase II improvements.
16. A bike path accessing the shopping center shall be added as part of Phase II approvals.
17. Additional handicapped parking spaces in front of the Elder Med Center shall be added as part of Phase II improvements.
18. All shopping carts utilized by businesses in the shopping center shall be stored overnight within the confines of a building.
19. A maintenance schedule for the exterior of the shopping center shall be submitted, and be subject to the review and approval of the Board Engineer.
20. Two parking spaces in the vicinity of entrances to the stores shall be designated for taxi parking. The location of taxi parking spaces shall be subject to the review and approval of the Board Engineer.
21. The applicant shall comply with all conditions proposed in the report of the Bureau of Fire Safety dated March 3, 1994.
22. The applicant shall comply with all conditions proposed in the report of the Traffic Safety Bureau dated May 4, 1994.

RESOLUTION: R-43-94

Page -14-

CASE NO. PB-2102-PSP-V/FSP-2/94

June 22, 1994

MOVED BY: Mrs. Barlo

SECONDED BY: Mr. Heslin

VOTING IN THE AFFIRMATIVE: Mr. Cierzo Councilwoman Fayad

Mr. Heidrick Mr. Heslin Mr. Jordan Mrs. LaDuke

Mr. Scherer Mrs. Barlo Mr. Digironimo

VOTING IN THE NEGATIVE:

INELIGIBLE TO VOTE: Mayor Scarpelli

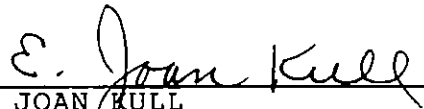
ABSTAINING:

ABSENT: Mr. Sharkey

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 22nd day of June, 1994.

IN WITNESS WHEREOF, I have set my hand this 29th day of June, 1994.

  
E. JOAN KULL  
Clerk of the Planning Board

ATTACHMENT "A"

BRICK TOWNSHIP PLANNING BOARD

STANDARD CONDITIONS FOR SITE PLAN APPROVAL

RESOLUTION: R-43-94

Page -15-

CASE NO: PB-2102-PSP-V/FSP-2/94 June 22, 1994

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

RESOLUTION: R-43-94

Page -16-

CASE NO. PB-2102-PSP-V/FSP-2/94 June 22, 1994

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 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.

CONSTRUCTION SCHEDULE  
BRICK PLAZA  
BRICK TOWNSHIP, NEW JERSEY

Phase I

Phase I redevelopment scenario for Brick Plaza places primary emphasis on reconstructing the canopy and sidewalk areas of the existing center, providing for new major entrance elements and site work necessary to reconstruct the parking lot adjacent to Chambers Bridge Road.

The following schedule is relative to an initial starting date which is dependent on the following:

- a. Preliminary and Final Approval for Phase I from Brick Township Planning Board.
- b. Ocean County Planning Board approval.
- c. Posting of Required Inspection Fees and Performance Guarantees.
- d. N.J.D.O.T. approval for proposed traffic signal.

Please note that Phase I requires a four (4) month initial construction phase. No work can be performed within the center during the months of November and December due to holiday shopping. Therefore, all permits to start construction shall be received prior to August 1, 1994. Otherwise, construction will start March 1, 1995.

| <u>TIME SCHEDULE</u> | <u>FUNCTION</u>                    |
|----------------------|------------------------------------|
| 0                    | All approvals for Phase I granted  |
| 30 days              | Apply for Building Permit          |
| 120 days             | Bid/Award Construction Contracts   |
| 180 days             | Start Construction on Section One* |

\* NOTE: Section One is that portion of the Chambers Bridge Road parking lot extending from the old Shoe Town store to the A & P store and along Brick Boulevard to the new driveway on Brick Boulevard. It is F.R.I.T.'s understanding that Section One, including driveways and traffic signals, will be constructed by Ocean County.

- 210 days
- a. Demolition of existing kiosk in the Chambersbridge lot.
  - b. Demolition of the existing empty Shell Station at Brick Boulevard.
  - c. Demolition of the existing empty theater building and its boardwalk.
  - d. Canopy reconstruction including the following:
    - 1. Removal and replacement of all the existing canopy structure, approximately 2,000 l.f.
    - 2. Removal and replacement of all existing sidewalks at the storefronts.
    - 3. Construction of planters, benches and pedestrian amenities.
    - 4. New store sign backdrops will be created along with new sign criteria.
    - 5. New under-canopy signs.
  - e. Reconstruction of the remaining portion of the Chambers Bridge parking lot, from Shoe Town to Route 70.
  - f. Demolition of all existing pylon signage and replacement with two new signs, one at Route 70 and one at Chambers Bridge Road.

## PHASE II

This redevelopment concept presents Phase II of the work at Brick Plaza and incorporates all of the work previously described under Phase I to create a completely reconstructed site for Brick Plaza.

The primary emphasis in Phase II is the reconfiguration and enclosing of a portion of the Cedar Bridge Branch stream that traverses the site. This is necessary to provide adequate parking for the proposed new stores. It also creates two potential pad sites for new tenants as well as some small shop space.

| TIME        | FUNCTION                                                                                       |
|-------------|------------------------------------------------------------------------------------------------|
| 0           | Approval by state and local agencies for the proposed stream improvements                      |
| 90 days     | Application to Brick Township Planning Board for Final Major Subdivision approval for Phase II |
| 270 days    | Approval by local review boards                                                                |
| 300 days    | Completion of bid documents                                                                    |
| 360 days    | Bid/award construction contracts                                                               |
| 1 1/2 years | Phase II site work*                                                                            |

\* NOTE: This portion of the site that comprises the southern most section of the property abuts Cedar Bridge Road and extends from Route 70 to Brick Boulevard, incorporating the existing Cedar Bridge Branch of the Metedeconk River.

- a. The relocation of approximately 50% of the stream bed to a position approximately 60 feet south of its current location.
- b. Enclosure of the remainder of the stream to allow construction of a parking lot large enough to serve the proposed new buildings and also to enable extension of the ring road concept of vehicular traffic on the site. This ring road would extend from the newly created driveway to Brick Boulevard on the east and continue to connect with the road constructed under Phase I, previously described. It also would incorporate the reconstruction and widening of a connection point to Cedar Bridge Road to provide adequate connection to that frontage.
- c. Reconstruction of the parking lot and the existing storm outlets serving it adjacent to the proposed stream bed is required to provide adequate drainage and grading.
- d. Reconstruction of the parking lot at the intersection of Route 70 and Cedar Bridge Road is contemplated. A portion of this parking lot will be repaved where no grade adjustments are required.
- e. A reconfigured parking lot, to be provided at the area between the relocated stream and the Ashley's banquet facility, to provide adequate parking for the contemplated new retail development adjacent.

- f. A reconfiguration and overlay of the remainder of the parking lot currently serving Steinbach's south entrance and proposed retail facilities.
  - g. Relighting of the entire described new parking areas to meet company design standards.
  - h. Repaving of the service areas serving both existing and newly proposed buildings to provide a new wearing surface.
- 2 years
- a. The removal of approximately 5 acres of pine forest on the frontage of the site adjacent to Cedar Bridge Road is required.
  - b. A new pad with a building of approximately 6,000 sf possible in the approximate center of the site adjacent to Cedar Bridge Road. It is expected that this pad could accommodate a restaurant or a drive-in bank and that all construction of the pad site would be by the tenant.
  - c. A new pad building to accommodate a mini major tenant enclosing 21,190 sf adjacent to the newly constructed jug handle parcel at the intersection of Brick Boulevard and Cedar Bridge Road. Again, all construction would be anticipated to be done by the tenant.
  - d. New storm water collection facilities on all of the land between the stream bed and Cedar Bridge Road would be constructed with the storm water being collected for purposes of quality treatment in a proposed storm basin immediately adjacent to the newly constructed jug handle serving Brick Boulevard intersection.
  - e. A new 17,000 square foot addition adjacent to the Steinbach's store designed to face the Cedar Bridge side of the site.
  - f. A newly constructed retail store of 54,257 sf to be placed adjacent to the current bowling alley, also facing Cedar Bridge Road. This building would be constructed to pad only and the tenant would construct the building.

- g. 17,600 sf of new retail stores adjacent to the proposed A & P location to be built in an "L" shaped configuration and constructed to white box stage. Construction of this building will necessitate the removal of the existing bowling alley.
- h. A new small tenant space of 4,400 sf immediately adjacent to the existing Jamesway warehouse area. This could either be a small separate tenant facing Cedar Bridge Road or attached to a redevelopment concept for the Jamesway warehouse space.