

**Brick Township Council**  
**June 21, 2016**  
**Caucus/Public Meeting**  
**7:00 PM**  
**Agenda No. 1**

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press on January 8, 2016. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website ([www.bricktownship.net](http://www.bricktownship.net)). At this time please silence or turn off your cell phone.
3.
  - a. Roll Call.
  - b. Salute to the Flag/Pledge of Allegiance /Moment of Silence.
  - c. Approve Reports of Municipal Officers.
  - d. Approve Minutes of May 3, 2016 Meeting.
  - e. Presentations:
    1. Students of the Month.
    2. Retirement of Scott Pezarras.

**Consent Agenda**

***"All matters listed under item "Consent Agenda" will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately."***

4. Resolutions:

- \_\_\_ 1. Recognize Retirement of Scott Pezarras.
- \_\_\_ 2. Authorize 2016 Temporary Capital Budget.
- \_\_\_ 3. Authorize Application – Recreational Opportunities for Individuals with Developmental Disabilities Grant.
- \_\_\_ 4. Authorize Application – Safe Route to Schools Grant.
- \_\_\_ 5. Authorize Receipt of Bids – Peterbilt Parts & Repair.
- \_\_\_ 6. Authorize Award of Re-Bid – Firing Range – Bullet Trap Installation – Contract 1.
- \_\_\_ 7. Authorize Award of Bid – Firing Range Site Work Only – Contract 2.
- \_\_\_ 8. Authorize Award of Contract – Brick Township's Fair Share Plan.
- \_\_\_ 9. Support NJDOT No Passing Zone – Princeton Post Road.
- \_\_\_ 10. Authorize Suspension of Noise Ordinance – BTHS & BMHS Marching Bands.
- \_\_\_ 11. Authorize Placement of Tax Liens for Property Clean-ups.
- \_\_\_ 12. Authorize Special Events Permit – Dick's Sporting Goods Tent Sale.
- \_\_\_ 13. Authorize 2016-2017 Liquor License Renewals without Restrictions – Consumption, Distribution and Club Licenses.
- \_\_\_ 14. Authorize 2016-2017 Plenary Retail Consumption Liquor License Renewals with Restrictions:
  - a. Applebee's
  - b. Bonefish Grill
  - c. Brickhouse Bar & Grill
  - d. Buffalo Wild Wings
  - e. Carrabba's Italian Grill
  - f. Famous Dave's
  - g. Houlihan's
  - h. Mansion on the Plaza
  - i. Mantoloking Road Pub
  - j. Outback Steakhouse
  - k. Quaker Steak & Lube
  - l. Red Robin
  - m. Tommy's Coal Fired Pizza
  - n. Tuscany
  - o. Use to Be's
- \_\_\_ 15. Bond Releases/Reductions:
  - a. Performance Bond Release – Susskind & Almallah – Cedar Bridge Ave.
  - b. Inspection Fund Release – Peter Kearns – Ellison Drive.
- \_\_\_ 16. Tax Collector:
  - a. Tax Overpayments – 2016.
- \*\*\*\*\***End of Consent Agenda**\*\*\*\*\*
- \_\_\_ 17. Bill Resolution – Computer 2016.
- \_\_\_ 18. Bill Resolution – Manual 2016.

5. Ordinances on First Reading:

- \_\_\_ 1. Amend Chapter 245 – Wireless Telecommunication Towers and Antennas.
- \_\_\_ 2. Bond Ordinance – 5 Year Life.
- \_\_\_ 3. Bond Ordinance – 7 Year Life.
- \_\_\_ 4. Bond Ordinance – 10 Year Life.
- \_\_\_ 5. Bond Ordinance – 15 Year Life.

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7:00 PM  
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6. Ordinance on Second Reading:

\_\_\_\_\_1. Amend Chapter 445 – Trailers and Storage Containers.

7. Public Comments.

**Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.**

8. Council Comments.

9. Motion to Adjourn.

**And any other matters which may come before Council.  
Formal Action may be taken at all meetings.**

**\*\*\* Next scheduled Caucus/Public meeting of the Township Council will be on Tuesday, July 12, 2016 at 7:00 p.m.**

**RESOLUTION**

**WHEREAS**, the Township of Brick is fortunate to have countless employees who work diligently to improve government functionality and quality of life for our residents; and

**WHEREAS**, beginning in 1984, Scott M. Pezarras has brought a valuable combination of knowledge and dedication to Brick Township for the benefit of the municipality and our residents; and

**WHEREAS**, over the course of his career with the Township of Brick, Scott has worked in several offices and capacities including the Tax Assessor's Office, Comptroller, Chief Financial Officer and Business Administrator and has accumulated a wealth of knowledge on municipal government and finance which made him an invaluable member of the staff and Township leadership; and

**WHEREAS**, Scott is a graduate of LaSalle University, has received dozens of professional certifications and is affiliated with numerous accredited associations.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. We join Mayor John G. Ducey in thanking Scott Pezarras for his thirty-two years of dedicated and exceptional service to Township of Brick.
2. We encourage all residents to thank Scott for his contributions to the municipality.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on June 21, 2016

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda # 4-1	Date 6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Township of Brick desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$20,000 to carry out a project to provide inclusive recreational opportunities for individuals with developmental disabilities as a part of Brick's recreational programming to benefit developmentally disabled individuals ages four through adult.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY,** as follows:

- 1) The Township Council of the Township of Brick does hereby authorize the application for such a grant; and,
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between  
The Township of Brick and the New Jersey Department of Community Affairs; including the provision of a local match share in the ratio of at least one dollar for every five State dollars; and
- 3) A certified copy of this resolution shall be provided to the following: a) Business Administrator, b) Chief Financial Officer, c) NJ Department of Community Affairs.

**BE IT FURTHER RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

\_\_\_\_\_  
 (signature)  
 John G. Ducey  
 \_\_\_\_\_  
 (type or print name)  
 Mayor  
 \_\_\_\_\_  
 (title)

\_\_\_\_\_  
 (signature)  
 Joanne Bergin  
 \_\_\_\_\_  
 (type or print name)  
 Business Administrator  
 \_\_\_\_\_  
 (title)

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 21<sup>st</sup> day of June, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

Agenda #	6/Date
4-3	21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

\_\_\_\_\_  
 LYNNETTE A. IANNARONE  
 TOWNSHIP CLERK

**RESOLUTION**  
**TOWNSHIP OF BRICK**  
**OF SUPPORT AND ADMINISTRATON FOR THE APPLICATION OF**  
**NEW JERSEY SAFE ROUTES TO SCHOOL 2016 GRANT**

**WHEREAS**, the New Jersey Safe Routes to School program has issued a call for 2016 grant applications; and

**WHEREAS**, in 2007, the Township of Brick was awarded a \$190,000 grant by the New Jersey Department of Transportation, Safe Routes to School program to begin a program designed to assist the municipality with a community based project to build sidewalks, improve safety and encourage children to walk to school; and

**WHEREAS**, in 2009, the Township of Brick was awarded an additional \$39,000 grant by the New Jersey Department of Transportation, Safe Routes to School program to educate and encourage the students to walk to school at Midstreams Elementary School; and

**WHEREAS**, in 2012, with the goal of continuing to improve the safety of the walking children, the Township of Brick was awarded \$450,000.00 for additional funds in the in the Midstreams area in the Lanes Mill/Herbertsville area as an infrastructure grant to provide funding for the installation of curbs and sidewalks in the Herbertsville, Lanes Mill and Midstreams Elementary school vicinity; and

**WHEREAS**, the Township Administration and Township Council is desirous to continue the work of the Township Planning Staff in their efforts to coordinate this grant program with the Brick Township Board of Education, the Brick Township Engineering Office, the Traffic Safety Division, Ocean County Office of Engineering and the NJDOT Safe Routes to School Statewide Program to further develop a multi-disciplinary proposal that incorporates additional infrastructure improvements for the Brick District's Midstream's Elementary School and install new infrastructure to improve the safety of pedestrians in the Herbertsville Elementary and Lanes Mill Elementary School areas; and

**WHEREAS**, the governing body of the Township of Brick desires to further the public interest by supporting the submission of the **2016 Safe Routes to School Grant** to continue to improve the safety of the walking children in Brick Township by applying for additional funds in the amount of **\$525,000.00** to install additional infrastructure along Midstreams and Lanes Mill Road to improve pedestrian accesses by:

- The installation of curbs and sidewalks in the Herbertsville, Lanes Mill and Midstreams Elementary school vicinity

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Brick that John G. Ducey or the successor to the office of Mayor is authorized to:

- a) Apply to the New Jersey Department of Transportation Safe Routes to School
- b) accept funding for the said grant;
- c) provide additional grant information and furnish such documents as may be required;
- d) act as the authorized correspondent of the Township of Brick;
- e) execute any and all agreements related to this grant program
- f) provide staff to conduct the grant tasks

**BE IT FURTHER RESOLVED** by the governing body of the Township of Brick agrees to comply with all applicable Federal, State and Municipal laws, rules, and regulations in its performance pursuant to the agreement.

Agenda #	Date
4-4	6/21/16
Agenda #	Date

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Brick that the Mayor is authorized to complete and submit the Safe Routes to School Grant application to the New Jersey Department of Transportation Safe Routes to School.

This the 21st day of June, 2016.

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Township Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_

(Clerk)

(Presiding Officer)

**RESOLUTION**

**WHEREAS**, it has been brought to the attention of the governing body of the Township of Brick the Division of Purchasing and Contracting is desirous of receiving bids for the following item:

**PETERBILT PARTS & REPAIR**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, AND STATE OF NEW JERSEY,** as follows:

1. The Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned project.
2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above mentioned project.

**CERTIFICATION**

I, Lynnette Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 21<sup>st</sup> day of June, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-5	6/21/16
Agenda #	Date
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Agenda #	Date

**RESOLUTION**

**WHEREAS**, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the **Firing Range, Site Work Only Contract 2** on Thursday, May 26, 2016; and

**WHEREAS**, the bids have been reviewed by ARH Associates, Consulting Engineer; and

**WHEREAS**, the Consulting Engineer has recommended award of said bid to the lowest responsive and responsible bidder being in full compliance with the bid specifications.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That the bid for the **Firing Range, Site Work Only Contract 2** is hereby awarded to **Compass Construction, Inc., P.O. Box 191, New Egypt, NJ 08533** for a total bid amount of \$635,394.00 (Base Bid \$626,794.00 + Alternate A \$8,600.00).
2. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto.
3. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of contract, which shall be available for public examination in the Office of the Township Clerk during normal business hours.
4. That the Division of Purchasing and Contracting is hereby authorized to return any and all bid securities submitted by any unsuccessful bidders pursuant to N.J.S.A. 40A11-24.
5. That the Township Clerk shall further forward a certified copy of this resolution to Compass Construction, ARH Associates, Business Administrator, Chief of Police, Chief Financial Officer, Township Engineer, Director of Public Works and the Purchasing Agent.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 21<sup>st</sup> day of June, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-7	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Township of Brick has entered into contract with Homes Now, Inc. to facilitate the implementation of the Township's Fair Share Plan; and

**WHEREAS**, the Township is satisfied with the performance of Homes Now, Inc. and is desirous of renewing said contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean and State of New Jersey as follows:

1. That Homes Now, Inc. is a 501 (c3) Private Non-profit Corporation in accordance with IRS regulations, with unique experience and expertise in addressing the issue of affordable housing.
2. That the services to be provided by Homes Now, Inc. are unique and unsplicable and meet the criteria for an Extraordinary Unsplicable Service (E.U.S.) in accordance with 40A:11-5.
3. That the Mayor is hereby authorized to execute the agreement on file in the Office of the Township Clerk memorializing the agreement between the Township of Brick and Homes Now, Inc.
4. That this contract is for a period of one year commencing on June 21, 2016.
5. That Homes Now, Inc. shall provide the required services to the Township of Brick as per the Agreement on file in the Office of the Township Clerk.
6. That a notice of his action shall be printed once in the official newspaper of the Township of Brick.
7. That certified copies of this agreement shall be forwarded to the Mayor, Business Administrator, Homes Now, Professional Planner, Chief Financial Officer and the Purchasing Agent.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing Resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 21<sup>st</sup> day of June, 2016.

**IN WITNESS WHEREOF**, I have here unto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-8	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, THE New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route NJ88Z (Princeton Post Road) between approximate mileposts 0.00 to 0.19 in the Township of Brick; and

**WHEREAS**, NJDOT investigation revealed the current centerline pavement markings on Route NJ88Z (Princeton Post Road) meet and conform to current design standards; and

**WHEREAS**, NJDOT will update existing records to reflect current No Passing Zone conditions along (US) (NJ) Route 88Z (Princeton Post Road).

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY**, that it supports the use of a "No Passing Zone" on Route 88Z (Princeton Post Road) in the Township of Brick as recommended by NJDOT.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

\_\_\_\_\_  
John G. Ducey, Mayor

\_\_\_\_\_  
Lynnette A. Iannarone, RMC

\_\_\_\_\_ (Date)

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-9	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Mayor and Township Council have received a request to waive the restrictions of the Township's noise ordinance, as set forth in Chapter 281 of the Township Code;

**WHEREAS**, the request seeks a waiver so that the Brick Township High School and Brick Memorial High School Marching Bands can have practices, rehearsals and performances without inadvertently violating the noise ordinance; and

**WHEREAS**, the Mayor and Township Council consistently support our high school students and their efforts, and has a high regard for the members of the marching bands, their supporters and parents; and

**WHEREAS**, the Mayor and Township Council believe that a waiver of the noise ordinance will benefit the students, the marching bands and their supporters, and will further benefit the health, safety and welfare of the Township and its residents as a whole;

**WHEREAS**, the Mayor and Township Council therefore desire to memorialize in this Resolution the waiver of the noise ordinance, Chapter 281, for the dates and times set forth in "Schedule A";

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Mayor and Township Council hereby waive the Township's noise ordinance, Chapter 281 of the Township Code, and exempt the Brick Township High School Marching Band and the Brick Memorial High School Marching Band from its restrictions during their practices, rehearsals, performances and band festivals for 2016 in accordance with the "Schedule A" attached hereto and made a part hereof.
2. That the Township Clerk shall forward a certified copy of this resolution to the Chief of Police, the Brick Township Board of Education, the Township Business Administrator, and the respective Directors of the Brick Township High School Marching Band the Brick Memorial High School Marching Band.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-10	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**RESOLUTION FOR THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE CERTIFICATION OF THE DIRECTOR OF PUBLIC WORKS CONCERNING ADDITIONAL COSTS INCURRED IN THE REMOVAL OF DEBRIS AND CLEANING UP OF THE PROPERTY LOCATED AT MULTIPLE BLOCKS/LOTS AND AUTHORIZING THE PLACEMENT OF A LIEN AGAINST SAID PROPERTIES FOR SAID COSTS.**

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40:65-12 and Chapter 331, specifically Section 331-5 through 331-9, of the Township Code of the Township of Brick, the Township of Brick removed debris and cleaned up the property located at

**108 Bayview Drive – Block 270 / Lot 113 - \$448.84**

after duly-giving notice to the property owner of said property pursuant to Chapter 56; and

**WHEREAS**, the Director of Public Works has certified the costs incurred by the Township in removing the debris and cleaning up the aforementioned property; and

**WHEREAS**, the total additional costs incurred by the Township for the removal of the debris and cleaning up the property, as certified by the Director of Public Works, are

**108 Bayview Drive – Block 270/ Lot 113 - \$448.84**

**WHEREAS**, Chapter 331 of the Township Code, in accordance with N.J.S.A. 40:65-12, et seq. authorizes the governing body to have a lien placed against the subject property for the costs incurred by the Township in the removal of the debris from the subject premises and cleaning up the property, together with interest at the same rate as other taxes as set forth in N.J.S.A. 40:48-2.14.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

1. That the Mayor and Township Council do hereby formally accept and approve the certification submitted by the Director of Public Works for the removal of debris and cleaning up the property located at

**108 Bayview Drive – Block 270/ Lot 113- \$448.84**

2. That the Mayor and Township Council do hereby direct the Tax Collector to place an assessment against the subject property in accordance with this resolution.
3. That a copy of the certified costs incurred by the Township in removing the debris and cleaning up the property, together with a copy of the resolution, shall be forwarded to the owner of the property by certified mail.
4. That a certified copy of this resolution be forwarded to the Tax Collector and to the Code Enforcement Officer.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

Agenda #	6/Date
4-11	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION**

**WHEREAS**, Dick's Sporting Goods has applied for a special event permit to conduct an Outdoor Tent Sale on June 23 through July 11, 2016 in accordance with Chapter 393 of the Code of the Township of Brick; and

**WHEREAS**, the Township Clerk has requested, and received, a report from the various departments on the effect of the special event and the recommendations are incorporated herein; and

**WHEREAS**, the Mayor and Council desire to approve Dick's Sporting Goods request for special event application to conduct an Outdoor Tent Sale at 487 Route 70 from June 23 through July 11, 2016 with the conditions and restrictions detailed below.

**BE IT RESOLVED**, by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Dick's Sporting Goods request for special event application to conduct an Outdoor Tent Sale on June 23 through July 11, 2016 between the hours of 9:00 am and 9:30 pm, with the conditions and restrictions as follows:

- 1) All fire lanes and fire access and areas and store exits must remain open and accessible at all times and all occupancy loads for the tenant space, if utilized, be maintained. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
- 2) A tent permit must be obtained from the Brick Township Bureau of Fire Safety.
- 3) Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
- 4) Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

**SECTION 2.** That a copy of this Resolution shall be provided to the Chief of Police, the Township Planner and Dick's Sporting Goods.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-12	6/21/16
Agenda #	Date
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**RESOLUTION**

**WHEREAS**, the Township Council previously awarded for the period commencing July 1, 2015 to June 30, 2016 certain plenary retail consumption licenses and certain plenary retail distribution licenses and also certain club licenses; and

**WHEREAS**, the Township Council makes the following findings with respect to the 2016 to 2017 renewal applications submitted to them:

1. The submitted application forms are complete in all respects and the proper fees have been collected.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.
3. The applicants have disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the licenses and the licensed premises and/or any additional financing obtained in the previous licensed term for the use in the licensed business.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE NEW JERSEY, as follows:**

That all plenary retail consumption licenses, plenary retail distribution licenses and club licenses named in the attached schedule be and are hereby renewed for the period commencing July 1, 2016 to June 30, 2017.

**PLENARY RETAIL CONSUMPTION LICENSES:**

- |  |                 |
|--|-----------------|
| 1. MAYO4SAM, LLC<br>t/a P.J. Sweeney's<br>447 Brick Boulevard<br>Brick, NJ 08723           | 1506-33-001-009 |
| 2. Crab Addison Inc.<br>t/a Joe's Crab Shack<br>1048 Cedarbridge Avenue<br>Brick, NJ 08723 | 1506-32-002-005 |
| 3. Three Boys Corp.<br>t/a Windward Grille<br>292 Princeton Avenue<br>Brick, NJ 08724      | 1506-33-003-010 |
| 4. Josflo Corporation<br>t/a Arrowhead Inn<br>2071 Highway 88<br>Brick, NJ 08724           | 1506-33-006-004 |
| 5. Oicata, Inc.<br>t/a Villa Vitoria Restaurant<br>2700 Hooper Avenue<br>Brick, NJ 08723   | 1506-33-008-007 |
| 6. River Rock Sports Bar and Grill Corp.<br>1600 Highway 70<br>Brick, NJ 08724             | 1506-32-011-005 |
| 7. KB & RD LLC<br>t/a Beacons 70<br>799 Rt. 70<br>Brick, NJ 08723                          | 1506-33-012-012 |

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4-13	2/1/16
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8. Ligitup, Inc. 1506-32-013-011  
t/a Spirit Unlimited  
30 Brick Boulevard  
Brick, NJ 08723
9. Brick Township Pubs Inc. 1506-33-024-008  
t/a TGI Fridays  
701 Route 70  
Brick, NJ 08723

**RETAIL PLENARY DISTRIBUTION LICENSES:**

1. Forbes Liquors, Inc. 1506-44-004-003  
t/a Forbes Liquors  
580 Brick Boulevard  
Brick, NJ 08723
2. B&M Associates, Inc. 1506-44-009-008  
t/a Lenape Buy-Rite Liquors  
Winesanywhere.com  
567 Mantoloking Road  
Brick, NJ 08723
3. Brick Town Liquors, Inc. 1506-44-010-007  
t/a Brick Town Liquors  
111 Lanes Mill Road  
Brick, NJ 08724
4. Tinali Wines, Inc. 1506-44-014-010  
t/a Wine Shoppe  
2746 Old Hooper Avenue  
Brick, NJ 08723
5. B.C. Rest. of Brick Town, Inc. 1506-44-026-005  
t/a NJ Wine Gallery  
294-298 Brick Boulevard  
Brick NJ 08723
6. Brick Liquors, Inc. 1506-44-034-002  
t/a Brick Liquors  
465 Highway 70  
Brick, NJ 08723
7. Manira, LLC 1506-44-041-005  
t/a Buy Rite of Brick  
989 Burnt Tavern Road  
Brick, NJ 08724
8. Tinali Wines, Inc. 1506-44-042-002  
t/a Wine World  
1930 Highway 88  
Brick, NJ 08724
9. RJS Tech, Inc. 1506-44-043-003  
t/a Joe Canal's Discount Liquor Outlet  
720 Route 70  
Brick, NJ 08723

**CLUB LICENSES:**

1. Brick Twp. Memorial Post #348 American Legion 1506-31-015-001  
822 Mantoloking Road  
Brick, NJ 08723
  
2. Columbus Club Incorporated 1506-31-016-001  
t/a Knights of Columbus Council  
1065 Cedar Bridge Avenue  
Brick, NJ 08724
  
3. Brick Elks 2151 1506-31-017-003  
2493 Hooper Avenue  
Brick, NJ 08723
  
4. Metedeconk River Yacht Club 1506-31-018-001  
Tilton Road  
Brick, NJ 08723
  
5. Loyal Order of Moose Lodge 1862 1506-31-019-002  
149 Mantoloking Road  
Brick, NJ 08723
  
6. Riviera Beach Boat Club, Inc. 1506-31-020-001  
385 Herbertsville Road  
Brick, NJ 08724
  
7. Shore Acres Yacht Club, Inc. 1506-31-021-001  
800 Drum Point Road  
Brick, NJ 08723
  
8. Brick Township Veterans of Foreign Wars 1506-31-023-001  
Post #8867 and Auxiliary  
373 Adamston Road  
Brick, NJ 08723

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of July, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION**

**WHEREAS**, Apple Food Service of Brick, Inc. t/a Applebee's Neighborhood Grill & Bar, 7 Pearl Court, Allendale, NJ 07401, has applied for the renewal of Plenary Retail Consumption License No. 1506-33-028-001 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-028-001 held by Apple Food Service of Brick, Inc. t/a Applebee's Neighborhood Grill & Bar for premises located at 52 Brick Plaza is renewed for the period July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. Operate as a family restaurant having at least one hundred (100) seats.
  - b. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. N.J. Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	6/Date
4-14a	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Bonefish Grill LLC t/a Bonefish Grill, 2202 NW Shore Boulevard, Suite 500, Tampa, FL 33607 has applied for the renewal of Plenary Retail Consumption License 1506-33-036-003 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP COUNCIL OF THE BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY**, as follows:

1. That plenary retail consumption license No. 1506-33-036-003 held by Bonefish Grill LLC t/a Bonefish Grill for premises located at 179 Van Zile Road Unit #9104 is renewed for the period July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. Operate a family style restaurant having a varied menu with at least one hundred twenty (125) seats and the total length of the bar to provide for no more than twenty five (25) seats.
  - b. That the licensee shall agree to conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to an annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. NJ Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	6/Date
4-14b	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Jack & Mike's Brickhouse Bar & Grille Inc., 979 Cedarbridge Avenue, Brick, NJ 08723 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-037-005 for the 2016-2017 period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-037-005 held by Jack & Mike's Brickhouse Bar & Grille, Inc. for premises located at 979 Cedarbridge Avenue is renewed for the period of July 1, 2016 to June 30, 2017 subject to the following restrictions:
  - a. Operate a family style restaurant having a varied menu with at least one hundred twenty five (125) seats with a total length of the bar to provide for no more than twenty five (25) seats.
  - b. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
2. That the Township Clerk shall forward a certified copy of this Resolution to the following:
  - a. N.J. Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	6/Date
4-14c	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Anstul- BWW III LLC t/a Buffalo Wild Wings Bar and Grill, 5 Kennedy Mall, Brick, NJ 08723 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-038-002 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License 1506-33-038-002 held by Anstul- BWW III LLC t/a Buffalo Wild Wings Bar and Grill, 5 Kennedy Mall, Brick, NJ 08723 is hereby renewed as for the period July 1, 2016 to June 30, 2017 subject to the following restrictions:
  - a. Operate a family style restaurant having a varied menu and which premises shall contain at least one hundred (100) seats for the consumption of this food and the total length of the bar to provide for no more than twenty five (25) seats.
  - b. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. Licensee
  - b. New Jersey Division of Alcoholic Beverage Control

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14d	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Carrabba's Italian Grill LLC t/a Carrabba's Italian Grill, 2202 NW Shore Boulevard, 5<sup>th</sup> Floor, Tampa, FL 33607 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-031-003 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-031-003 held by Carrabba's Italian Grill LLC t/a Carrabba's Italian Grill for premises located at 990 Cedarbridge Avenue, Building B is renewed for the period July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. Operate a family style restaurant having at least one hundred (100) seats.
  - b. That the licensee shall agree to conditions placed upon this license for a minimum of one (1) year from the initial date of issuance and subject to an annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. N.J. Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14e	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Famous Dave's Ribs Inc., t/a Famous Dave's, 12701 Whitewater Drive, Suite 200, Minnetonka, MN 55343 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-035-003 for the 2016-2017 licensing period; and

**WHEREAS**, the application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-035-003 held by Famous Dave's Ribs Inc. t/a Famous Dave's for premises located at 950 Cedarbridge Avenue is renewed for the period July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. Operate as a family restaurant with at least one hundred fifty (150) seats and the bar area to have no more than twenty (20) seats.
  - b. That the licensee shall agree to conditions placed upon this license for a minimum of one (1) year from the initial date of issuance and subject to an annual review.
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. N.J. Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Brick Food, LLC t/a Houlihan's, 429 Market Street, Saddle Brook, NJ 07663 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-039-003 for the 2016-2017 licensing period; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-039-003 held by Brick Food, LLC t/a Houlihan's, for premises located at Route 70 & Shorrock Road, is renewed for the period of July 1, 2016 to June 30, 2017 subject to the following restrictions:
  - a. Operate a family style restaurant having a varied menu and which premises shall contain at least one hundred (100) seats for the consumption of this food and the total length of the bar to provide for no more than twenty five (25) seats.
  - b. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
2. That a certified copy of this Resolution shall be forwarded to:
  - a. NJ Division of Alcoholic Beverage Control
  - b. Applicant

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14g	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Lettuce Serve You, LLC t/a Mansion on the Plaza, 108 Brick Plaza, Brick, NJ 08723 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-005-010 for the 2016-2017 licensing period; and

**WHEREAS**, the Township Council had previously decided after a public hearing with the opportunity for the license holder to be heard, that imposing certain conditions upon the license was in the best interest of the people of the Township of Brick; and

**WHEREAS**, the Township Clerk has determined that the license application for the 2016-2017 renewal period is in proper form and that the applicable license fees have been paid in accordance with the rules and regulations of the Division of Alcoholic Beverage Control and Township of Brick.

**NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY**, as follows:

1. That retail consumption license 1506-33-005-010, held by Lettuce Serve You, LLC t/a Mansion on the Plaza is renewed for the license year July 1, 2016 to June 30, 2017, but that said license is renewed, specifically conditioned upon the following:
  - 1) Upon written direction of the Chief of Police or his designee, the Licensee will provide uniformed off-duty police officers to be stationed in front of the premises at the owner's expense.
  - 2) All entertainment and serving of alcohol must cease at least 30 minutes prior to closing time.
  - 3) The Licensee shall implement additional security measures including, but not limited to, the use of a license scanner, the installation of infrared security cameras inside the licensed premises and the installation of no less than two security cameras on the exterior of the Mansion portion of the licensed premises.
  - 4) The Licensee shall provide certified security personnel on the premises on Friday and Saturday evenings. Such certified security personnel shall be present in the parking lot adjacent to the licensed premises at closing time, and shall patrol the parking lot periodically throughout the evening.
  
2. That a copy of this resolution be served upon Lettuce Serve You, LLC., the Brick Township Police Department and the Division of Alcoholic Beverage Control.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14h	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Mantoloking Road Pub, Inc., t/a Mantoloking Road Pub, 247 Mantoloking Road, Brick, NJ 08723 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-032-002 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY,** as follows:

1. That Plenary Retail Consumption License No. 1506-33-032-002 held by Mantoloking Road Pub, Inc. t/a Mantoloking Road Pub, 247 Mantoloking Road, Brick, NJ 08723 is hereby renewed for the period July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. Operate as a family restaurant with the bar area to have no more than twenty five (25) seats.
  - b. That the licensee shall agree to conditions placed upon this license for a minimum of one (1) year from the initial date of issuance and subject to an annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. N.J. Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14i	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Outback Steakhouse of Florida LLC t/a Outback Steakhouse, 2202 NW Shore Boulevard, 5<sup>th</sup> Floor, Tampa, FL 33607, has applied for the renewal of Plenary Retail Consumption License No. 1506-33-029-002 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-029-002 held by Outback Steakhouse of Florida LLC t/a Outback Steakhouse for premises located at 2770 Hooper Avenue (Kennedy Mall) is renewed for the period of July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. Operate a family style restaurant having at least one hundred fifty (150) seats.
  - b. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. N.J. Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	6/21/16
4-213	
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, QSL of Brick, LLC t/a Quaker Steak & Lube, 7 Pearl Court, Allendale, NJ 07401 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-033-003 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-033-003 held by QSL of Brick, LLC t/a Quaker Steak & Lube for premises located at 1036 Cedarbridge Avenue is renewed for the period July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. Operate a family style restaurant having at least two hundred fifty (250) seats.
  - b. Upon written direction of the Chief of Police or his designee, the Licensee will provide uniformed off-duty police officers to be stationed in front of the premises at the owner's expense.
  - c. All entertainment and serving of alcohol must cease at least 30 minutes prior to closing time.
  - d. At the discretion of the Chief of Police or his designee, the Licensee shall implement additional security measures including, but not limited to, the use of a license scanner, the installation of infrared security cameras inside the licensed premises and the installation of no less than two security cameras on the exterior of the licensed premises.
  - e. At the discretion of the Chief of Police or his designee, the Licensee shall provide certified security personnel on the premises on Friday and Saturday evenings. Such certified security personnel shall be present in the parking lot adjacent to the licensed premises at closing time, and shall patrol the parking lot periodically throughout the evening.
  - f. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. N.J. Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14 K	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Red Robin International Inc., t/a Red Robin Gourmet Burgers & Brews, 6312 S. Fiddler's Green Circle, Suite 200 North, Greenwood Village, CO 80111 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-045-001 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY,** as follows:

1. That Plenary Retail Consumption License 1506-33-045-001 held by Red Robin International Inc. t/a Red Robin Gourmet Burgers & Brews, for premises located at 56 Chambers Bridge Road is hereby renewed as for the period July 1, 2016 to June 30, 2017 subject to the following restrictions:
  - a. Each license issued must be used as part of a restaurant operation, which is defined by the Alcoholic Beverage Law, N.J.S.A. 33:1-1(t) as, "(a)n establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as is incidental to such establishment, is conducted."
  - b. Operate a family style restaurant having a varied menu and which premises shall contain at least one hundred (100) seats for the consumption of this food and the total length of the bar to provide for no more than twenty five (25) seats.
  - c. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. Licensee
  - b. New Jersey Division of Alcoholic Beverage Control

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14L	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, JSM @ Brick II, LLC, t/a Tommy's Coal Fired Pizza, 47 Wallace Street, Red Bank, NJ 07701 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-040-003 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License 1506-33-040-003 held by JSM @ Brick II, LLC, t/a Tommy's Coal Fired Pizza for premises located at 513 Route 70, Brick, NJ 08723 is hereby renewed for the period July 1, 2016 to June 30, 2017 subject to the following restrictions:
  - a. Operate a family style restaurant having a varied menu and which premises shall contain at least one hundred (100) seats for the consumption of this food and the total length of the bar to provide for no more than twenty five (25) seats.
  - b. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
  
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. Licensee
  - b. New Jersey Division of Alcoholic Beverage Control

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14m	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, 3 Cypriots, LLC t/a Tuscan Restaurant and Bar, 1490 Route 88 West, Brick, NJ 08724 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-030-002 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-030-002 held by 3 Cypriots, LLC t/a Tuscan Restaurant & Bar is renewed for the period July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. Operate as a family restaurant having at least forty (40) seats.
  - b. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - a. N.J. Division of Alcoholic Beverage Control
  - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
421n	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Med Marion, Inc. t/a Use To Be's, 34-39 Ocean Boulevard, Mantoloking, NJ 08738, has applied for the renewal of Plenary Retail Consumption License No. 1506-33-007-006 for the 2016-2017 licensing period; and

**WHEREAS**, this application has been found to be in proper form and the proper fees have been paid; and

**WHEREAS**, the Township Council is desirous of renewing the aforesaid license with certain restrictions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That Plenary Retail Consumption License No. 1506-33-007-006 held by Med Marion, Inc., t/a Use To Be's is hereby renewed for the period of July 1, 2016 through June 30, 2017 subject to the following restrictions:
  - a. There shall be no live music or entertainment on the licensed premises which is audible to the outside.
  - b. That the licensee shall post two uniformed security guards in the parking area of the licensed premises during the hours of 10:00 p.m. to 3:30 a.m. continuously from Memorial Day through Labor Day and on Thursday, Friday and Saturday nights during the rest of the year to keep and maintain order.
  - c. No empty bottles shall be deposited outside of the building on the licensed premises from 10:00 p.m. through 8:00 a.m.
  - d. That the licensee shall agree to conditions placed upon this license for a minimum of one (1) year from the initial date of issuance and subject to an annual review.
  - e. That the Township Clerk shall forward a certified copy of this resolution to the following:
    - a. N.J. Division of Alcoholic Beverage Control
    - b. Licensee

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-140	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Susskind & Almallah, 20 Mule Road, Toms River, NJ 08753 had posted Selective Insurance Company, Subdivision/Site Plan Bond #B1152981 in the amount of \$136,976.11 and a cash performance bond in the amount of \$15,216.61 to guarantee certain site improvements to Blocks 471 Lot 2 (PB-2743, Cedarbridge Avenue) in the Township of Brick; and

**WHEREAS**, the Assistant Township Engineer, by letter dated June 2, 2016 has advised that the improvements have been completed and are acceptable; and

**WHEREAS**, the Township Engineer recommends that the Selective Insurance Company, Subdivision/Site Plan Bond #B1152981 in the amount of \$136,976.11 and the cash performance bond in the amount of \$15,219.61 (plus interest of applicable) be returned to the applicant; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, as follows:

1. That Selective Insurance Company, Subdivision/Site Plan Bond #B1152981 in the amount of \$136,976.11 and the cash performance bond in the amount of \$15,219.61 (plus interest if applicable) be returned to the applicant; and
2. That the Township Clerk forward certified copies of this resolution to the following:
  - a. Chief Financial Officer
  - b. Assistant Township Engineer
  - c. Applicant/Developer

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda # 4-15a	Date 6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Assistant Township Engineer has notified the Township Clerk by letter dated June 10, 2016 that there is \$250.00 remaining in the engineering inspection fund from Peter D. Kearns, 11 Arnold Avenue, Pt. Pleasant, NJ for 497 Ellison Drive (Block 168 Lot 22.01, PB-2755) in the Township of Brick; and

**WHEREAS**, the Assistant Township Engineer has advised that all the required improvements have been completed and are acceptable; and

**WHEREAS**, the Assistant Township Engineer recommends that the \$250.00 remaining in the engineering inspection fund be returned to the applicant; and

**WHEREAS**, the Township Council is satisfied with the recommendations of the Assistant Township Engineer.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY,** as follows:

1. That the \$250.00 remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
  - a. Assistant Township Engineer
  - b. Chief Finance Officer
  - c. Applicant

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-15b	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2016.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
177/3.01/102767 503 Mantoloking Rd.	Core Logic	\$ 1808.16
870.22/29.18/416939 7 Brushy Neck Ct.	Georgalas, Demetrius & Irene	\$ 624.92
1133.03/7/521463 47 Cleveland Ave.	Rascoll, Gerard & Christine	\$ 2255.64

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on June 21, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-16a	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**ORDINANCE**

**AN ORDINANCE OF THE TOWNSHIP OF BRICK,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AMENDING AND SUPPLEMENTING THE TOWNSHIP  
CODE OF THE TOWNSHIP OF BRICK, SO AS TO  
AMEND CHAPTER 245, ENTITLED "WIRELESS  
TELECOMUNICATION TOWERS AND ANTENNAS"**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council of the Township of Brick, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** § 245 of the Township Code of the Township of Brick captioned "Wireless Telecommunication Towers and Antennas" is hereby amended and supplemented to provide regulations applicable to the modification of preexisting wireless telecommunication towers and antennas. The amended section 245-276 shall read as follows:

O. Modifications Constituting a Substantial Change. A proposed modification to a preexisting tower or antenna shall constitute a new application for a tower subject to the provisions of this Chapter if the modifications to the preexisting tower or antenna involves a substantial change to a preexisting tower or antenna. A proposed modification shall constitute a substantial change to a preexisting tower or preexisting antenna if it meets any of the following criteria:

- (1) for towers outside of public rights-of-way, it increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for those towers in the rights-of-way and for all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;
- (2) for towers outside of public rights-of-way, it protrudes from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six feet;
- (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- (4) it entails any excavation or deployment outside the current site of the structure;
- (5) it would defeat the existing concealment elements of the structure; or
- (6) it does not comply with conditions associated with the prior approval of construction or modification of the structure unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds identified above.

Any such change shall be determined by measuring the change from the dimensions of the structure as originally approved or as of the most recent modification that received local zoning or similar regulatory approval prior to the passage of the Middle Class Tax Relief and Job Creation Act of 2012 (February 22, 2012), whichever is greater.

Agenda #	Date
5-1	6/21/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

P. Applications that Do Not Substantially Modify Preexisting Towers or Preexisting Antennas

(1) Required Documentation for Applications. An applicant requesting approval for a collocation, modification, removal, or replacement of equipment at a preexisting wireless communications tower, base station, or other facility on which wireless communications equipment is located, that does not substantially change the dimensions of the existing structure, shall submit the following documentation to the Township Engineer and the Township Land Use Planner for review:

(a) A completed land use application.

(b) A location plan drawn to scale and clearly indicating the location, type and height of the proposed equipment, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within two hundred (200) feet of the property which is the subject of the application, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, and parking.

(c) A legal description of the parent tract and leased parcel (if applicable).

(d) The finished color and, if applicable, the method of camouflage and illumination of the existing structure and equipment;

(e) The finished color and, if applicable, the method of camouflage and illumination of the proposed structure and equipment

(f) A description of the proposed equipment's compliance with all applicable federal, state or local laws.

(g) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

(h) A description of the type and quantity of equipment to be installed.

(i) A description of the number and size of any equipment cabinets to be installed on the tower or base station.

(j) A description of the number and size of any equipment cabinets to be installed on the ground.

(k) A description of any excavation required.

(l) A description of the change in tower height as a result of the proposed collocation, removal, or replacement.

(m) A description of the change in the height of any other structure as a result of the proposed collocation, removal, or replacement.

(n) A description of the change in width of the tower or structure at the height of the proposed collocation, removal, or replacement.

(o) A description of the proximity of the equipment to any other equipment on the same structure and of the visibility of the proposed equipment from the surrounding property.

(p) A description of the noise level emitted by any proposed equipment.

2. Review of Applications. Applications submitted under this subsection shall be reviewed by the Township Engineer and the Township Land Use Planner pursuant to the following:

(a) Timeframe for Review. The Township Engineer and the Township Land Use Planner shall determine whether an application for collocation, removal, or replacement of equipment at a preexisting wireless communications tower or antennas constitutes a substantial change pursuant within 60 days of receipt of the application. Applications that do not substantially change the tower or base station shall be approved within this time period. This 60 day period may be extended by mutual agreement of the applicant and either the Township Engineer or the Township Land Use Planner.

(b) Incomplete Applications. The Township Engineer or the Township Land Use Planner may toll the 60-day timeframe for review of the application by notifying the applicant, within 30 days of receipt of submission of an application, that the application is incomplete. Such notification shall set forth all outstanding information, as well as the applicable code provision, ordinance, application instruction, or publicly-stated procedure requiring the information to be submitted. The 60-day timeframe shall begin again upon receipt of the supplemental submission.

(c) Subsequent Incomplete Applications. The Township Engineer or the Township Land Use Planner may thereafter toll the 60-day timeframe by notifying the applicant, within 10 days of receipt of the supplemental submission that the applicant did not provide the information identified in the original notice delineating missing information. Second or subsequent notices of incompleteness may not specify missing documents or information not previously delineated in the original notice of incompleteness.

(d) Complete Applications. The Township Engineer and the Township Land Use Planner shall, within the 60-day timeframe, approve all complete applications for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station that do not constitute a substantial change to a preexisting wireless tower or antennas and that do not otherwise violate applicable health and safety requirements. If the Township Engineer and the Township Land Use Planner determine that an application constitutes a substantial change to an existing wireless communications tower or base station, they shall notify the applicant of same, and proceed to consider the application according to the provisions of this Chapter;

(e) Applications on Improper Towers. Notwithstanding the above, the Township Engineer and the Township Land Use Planner are not obligated to approve an application for collocation, removal, or replacement of equipment on a tower or base station that was constructed or deployed without proper review, was not required to undergo siting review, or does not support transmission equipment that received another form of affirmative State or local regulatory approval.

(f) Failure to Act. If the Township Engineer and the Township Land Use Planner do not approve or deny an application for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station within 60 days of receipt of the application or any applicable tolling periods thereafter, the applicant may notify the Township Engineer or the Township Land Use Planner in writing that the review period has expired. Upon the Township Engineer or the Township Land Use Planner's receipt of this notice from the applicant, the application shall be deemed granted.

**SECTION 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 3.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 21<sup>st</sup> day of June, 2016, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 26<sup>th</sup> day of July, 2016 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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JOHN G. DUCEY  
MAYOR

**ORDINANCE**

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, SO AS TO AMEND CHAPTER 445 "TRAILERS" WHICH SHALL NOW BE ENTITLED "TRAILERS AND STORAGE CONTAINERS".**

**BE IT ORDAINED**, by the Mayor and Township Council of the Township of Brick, County of Ocean and State of New Jersey, as follows:

**Section 1.** The Township Code of the Township of Brick is hereby amended and supplemented in Chapter 445, entitled "Trailers," which Chapter shall now be entitled "Trailers and Storage Containers" and will add a new Article III to be titled as follows:

**Article III: Licensed Placement of Trailers/Storage Containers in the M-1, Light Industrial Zone**

**Section 2.** The Township Code of the Township of Brick is hereby amended and supplemented in Chapter 445, entitled "Trailers," which shall now be entitled "Trailers and Storage Containers" and will add Article III which shall read as follows:

**Article III: Licensed Placement of Trailers/Storage Containers in the M-1, Light Industrial Zone**

**§445-11 Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**LICENSE**

A permit issued pursuant to this chapter allowing the placement of trailers and/or storage containers upon property of the licensee for a period of one year; said license is renewable for one-year periods.

**STORAGE CONTAINER**

A device (structure) or any portion thereof, used for the storage of goods, wares, merchandise, raw materials, agricultural or manufactured products, which device (structure) is installed on, above or below the surface of a parcel of land.

Structures as defined in the Uniform Construction Code Act are not included.

**TRAILER**

Every vehicle with or without motive power, designed for carrying property and for being drawn by a motor vehicle; but not including boat trailers, RVs (recreational vehicles), licensed motor vehicle trailers and utility trailers.

**TRAILER STORAGE**

Use of a trailer to store goods, wares, merchandise, raw materials, agricultural or manufactured products for a period in excess of 30 days and/or where the trailer's position on the property remains unchanged for a period in excess of 30 days.

**TRAILER STORAGE-LICENSED PLACEMENT**

The placement upon the property for a period exceeding 30 days but not more than one year. Where licenses are not obtained for said trailers, they must be removed from the property or subject the property owner to the penalty provisions of this chapter.

**TRAILER STORAGE-TEMPORARY PLACEMENT**

The placement upon the property of a trailer or storage container for a period not to exceed 30 days with prior notification to the administrative officer of the township of Brick as permitted in this Chapter.

*Revised*

Agenda #	Date
5-1	6/6/16
6-1	6/21/16
Agenda #	Date
Agenda #	Date

**VEHICLE**

Every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

**§445-12 Legislative intent.**

A.

The governing body of the Township of Brick deems the use of trailers and storage containers as outdoor storage facilities to be otherwise illegal, whether or not said trailers have valid Department of Motor Vehicle registrations. It is the intent of this chapter to regulate the aforesaid uses in the M-1 Light Industrial Zone; the governing body expressly requiring that all the provisions of this chapter be complied with by the tenant and/or owner of the property upon which trailers and storage containers are used for outdoor storage purposes.

B.

The governing body intends that this chapter is to cover all trailers/storage containers that are adaptable or suitable to be used for storage. The placement of same upon property requires obtaining a license for said trailers/storage containers at the time of placement, regardless of whether they are then being used for storage purposes.

C.

It is further intended by the governing body that the licensed placement of trailers/storage containers in accordance with this chapter is not to be construed as the placement of a permanent structure; hence, the provisions of Uniform Construction Code shall not apply.

**§ 445-13 Number of facilities limited; placement; restrictions.**

A.

The maximum number of permitted trailers and/or storage containers used as outdoor storage facilities shall be limited as follows:

<u>Lot Area</u>	<u># of Trailers/Storage Containers</u>
35,000 – 60,000 sq. ft.	(2) 8ft. x 20ft. or (1) 8ft. x 40ft.
60,001 – 90,000 sq. ft.	(3) 8ft. x 20ft. or (2) 8ft. x 40ft.
90,001 sq. ft. or greater	(4) 8ft. x 20ft. or (3) 8ft. x 40ft.

Deviations of up to 2ft on the above referenced dimensions of Trailers/Storage Containers are permitted.

B.

The licensing of trailers/storage containers in accordance with the provisions of this chapter shall permit their placement notwithstanding any provision contained in the Zoning Ordinance to the contrary.

C.

Trailers and/or storage containers shall not be permitted in the M-1 Light Industrial Zone upon lots not less than 35,000 sq. ft.

D.

Trailers/Storage Containers permitted under this Section are limited to developed lots, occupied by an active business within the M-1 Light Industrial Zone.

E.

No Trailers/Storage Containers shall be permitted in any zoning district of the Township, except as expressly provided in this Chapter 445.

F.

No material shall be stored on or around the trailer/storage container and it must remain closed and secure except when loading and unloading of goods or materials.

**§ 445-14 Application procedure; inspections.**

A.

The application for and renewal of licenses for trailers and storage container placement upon property shall be on forms provided by the Municipal Clerk of the Township of

Brick. The initial inspections and approval of trailer/storage container placement shall be conducted by the Code Enforcement Office/Zoning Office of the Township of Brick to determine compliance with the provisions of this chapter, the Township's Zoning Ordinance and the Property Maintenance Code. Thereafter, annual inspections shall be conducted by the Code Enforcement Office to verify the licensed placement and to ensure compliance with this chapter.

B.

Additionally, the trailer/storage container shall be inspected by the Township's Bureau of Fire Safety, which Bureau shall have the authority to issue cease and desist notices in accordance with the provisions of the Uniform Fire Safety Act for violations of same. The Bureau of Fire Safety shall also conduct annual reinspections of the trailer/storage containers to insure their continued compliance with the Uniform Fire Safety Act; such inspections shall be of the interior to insure that material storage is consistent with the Uniform Fire Safety Act. Trailer/storage containers are to have placards on the exterior signifying the contents stored with a list of materials on file with the Police Department and Fire Prevention Bureau.

C.

The contents of the trailer shall be directly related to the approved use and operations of the business on the developed site. Storage of materials unrelated to the normal operation of the business is a violation of this chapter. A license for a trailer that is used for improper storage will not be renewed and subject the owner to penalties for improper storage.

#### **§ 445-15 Fees.**

An initial registration and licensing fee of \$300.00 per trailer/storage container shall be paid at the time of the approval of the initial application by the property owner or trailer/storage container user. Thereafter, said licenses shall be annually renewable at a cost of \$150.00 per trailer/storage container.

#### **§ 445-16 Applicability.**

A.

The provisions of § 445-15 of this chapter shall not apply to churches, religious and fraternal organizations, and other nonprofit eleemosynary organizations which need to use trailers and/or storage containers for nonprofit purposes.

B.

The provisions of this chapter shall not apply to contractors, office trailers and one trailer used as storage container by contractors and as a means to transport contractor materials to and from particular job sites. Trailers used for this purpose shall be maintained in accordance with the provisions of the Township Property Maintenance Code and this Chapter.

#### **§ 445-17 Placement standards.**

A.

The standards with regard to the placement of trailers and/or storage containers for outdoor storage facilities upon the property shall be standards set forth in accordance with this chapter and the Zoning Ordinance regulations at the time of license application. In no instance shall trailers and/or storage containers be placed in fire lanes, front yards or buffers. If no suitable areas exist on site that are not in a fire lane, front yard or buffer, then no more than two designated parking stalls may be utilized for the temporary placement of trailers/storage containers.

B.

It shall not be required to have permanent footings for trailers used as storage facilities. Stacking of or piggybacking of trailers/storage containers is prohibited. Trailers/storage containers licensed under this chapter are for storage purposes only. The use of same for offices, workshops or assembly areas is strictly prohibited. No utilities other than electric for illumination purposes shall be permitted to service the trailers/storage containers. All electric work of this nature shall require Construction permits as required by the Uniform Construction Code.

**§ 445-18 License approval, suspension or revocation; granting of waivers.**

A.

Upon receiving a report from the Municipal Clerk, the governing body may, after notice and hearing, issue a license, refuse to issue, or revoke or suspend any license issued pursuant to this chapter where the trailer or storage container user/property owner does not meet the minimum requirements of this Section, is the subject of open violations of the Township Property Maintenance Code, has violated any provision of this chapter, or fails to correct any deficiency noted as a result of any annual inspection.

B.

Any person, corporation, partnership, or other legal entity that can demonstrate that the literal enforcement of any of the provisions of this chapter shall cause undue hardship, such person, corporation, etc., may, upon application to the Planning Board or Zoning Board setting forth said hardship, be granted such waivers deemed necessary by the Planning Board or Zoning Board body to relieve said undue hardship.

**§445-19 Violations and penalties.**

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine as set forth in this Chapter.

**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 4.** This Ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 6<sup>th</sup> day of June, 2016 and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 21<sup>st</sup> day of June, 2016 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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JOHN G. DUCEY, MAYOR