

RESOLUTION NO. 2013-10

Applicant: Berlin Haddon, LLC

Property: 152 Haddon Avenue
Block 625, Lot 8.01

Zone: Central Business District

Application: Site Plan with Variances

**RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING
BOARD GRANTING MINOR SITE PLAN APPROVAL WITH VARIANCES**

Whereas: the Applicant, Berlin Haddon, LLC., is the owner of those lands and improvements situate at 152 Haddon Avenue, Block 625, Lot 8.01; and

Whereas: the Applicant has presented a Site Plan dated March, 2013, revised to May 1, 2013 and prepared by Jack J. Gravlin, Jr., P.E., which sets forth a plan to construct and/or remodel the existing gasoline filling islands and building which shall be used for an office and retail food mart, and which further requests that the Applicant be granted variances from certain sections of the zoning ordinance; and

Whereas: the Site Plan submitted by the Applicant has been reviewed by Charles J. Riebel, Jr., Engineer for the Township of Berlin, who by letter dated May 8, 2013, has made certain comments and recommendations; and

Whereas: the Planning/Zoning Board has given careful consideration of the application and testimony of the Applicant and experts presented on behalf of the Applicant, and it appearing that no member of the public appeared in opposition to the plan as submitted,

and it further appearing that the public good is advanced by granting the Applicant the approvals and variances requested, the Board has determined the following:

1. The subject property lies within the Central Business District Zone and the Applicant requests a use variance so that the Applicant can operated a gasoline filling station at the location, which is not a designated use south of Franklin Avenue.

2. The site plan application of the Applicant has been reviewed by the Planning/Zoning Board Engineer who prepared a Review Letter dated May 8, 2013 and the Applicant has consented to comply with certain conditions and recommendations set forth therein.

3. There is no detriment to the public by approving the site plan and granting the variances requested. In fact, the Planning/Zoning Board has determined that the granting of such variances will greatly improve the site and surrounding neighborhood.

NOW THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Berlin as follows:

1. The Applicant is granted Minor Site Plan Approval for the site plan submitted and dated March, 2013, revised to May , 2013, and prepared by Jack J. Gravlin, Jr., P.E., subject to the following conditions:

- a. There shall be no auto or other vehicle repair or storage permitted on the site.
- b. The sale of automobiles or other vehicles shall not be permitted at the site.
- c. The delivery of gas products shall only be scheduled between the hours of 8:00 a.m. and 5:00 p.m..
- d. The delivery of gas shall be made from the Walker Avenue entrance to the site.
- e. The hours of operation will be from 6:00 a.m. until 10:00 p.m..

- f. The business operated at the site will provide free air, in accordance with the local ordinance.
- g. The improvements to be constructed at the site shall be in accordance with the Architectural renderings presented at the hearing

2. The Applicant is granted a use variance from Section 129-87.30(B)(1) of the Zoning Ordinance which prohibits the operation of gasoline filling stations south of Franklin Avenue, so that the Applicant is permitted to operate such facility at the site.

3. The Applicant is granted the following bulk variances from the following Sections of the Zoning Ordinance:

a. The Applicant is granted a variance from Section 129-87.33(A) of the Zoning Ordinance which requires a lot depth of 150 feet, so that a lot depth of 77 feet may be maintained. It is noted that the depth of the lot was a pre-existing condition.

b. The Applicant is granted a variance from Section 129-87.33(E)(2) of the Zoning Ordinance which limits maximum impervious coverage to 80% of a lot, so that the Applicant can cover up to 86.3% of the lot and in accordance with the site plan submitted.

c. The Applicant is granted a variance from Section 129-87.33(B) of the Zoning Ordinance which sets forth a minimum front set back of 10 feet, so that the Applicant can locate the proposed overhead canopy within .8 feet of the property line along Veteran's Avenue and in accordance with the site plan submitted.

d. The Applicant is granted a variance from Section 129-85(F) of the Zoning Ordinance which sets forth that parking shall not be closer than 20 feet from the curbline, so that the Applicant can locate the proposed parking within 11 feet of the curbline along Walker Avenue and 10.8 feet of the curbline along Veteran's Avenue.

e. The Applicant is granted a variance from Section 129-87(13) of the Zoning Ordinance which requires 9 parking spaces to be located at the site so that the Applicant can provide 7 parking spaces.

f. The Applicant is granted a variance from Section 129:87.35 of the Zoning Ordinance which requires a 6 feet wide, fenced and shrubbery buffer along Veteran's Avenue, so that the Applicant is not required to provide such buffer.

g. The Applicant is granted a variance from Section 129-18A(4) of the Zoning Ordinance so that the Applicant can construct the enclosed trash enclosure within the front yard of Walker Avenue. The trash enclosure shall be constructed of the same material as the proposed building.

h. The Applicant is granted a variance from Section 129-87.33.3.1 of the Zoning Ordinance which requires that a 5 foot shade tree easement be provided.

i. The Applicant is granted a variance from Section 129-87.33(D) of the Zoning Ordinance which sets forth that an accessory structure shall not be located within 20 feet of the property line, so that the applicant can locate the trash enclosure within 10.6 feet of Walker Avenue.

j. The Applicant is granted a variance from Sections 129-87.33.D.7 and 129-77.1 of the Zoning Ordinance so that the Applicant is permitted to erect one (1) free standing sign, 6 feet by 8 feet and 16 feet in height, two (2) building façade signs 20 square feet each, one (1) canopy sign along Walker Avenue of 22 square feet, and signs on each of the pumps.

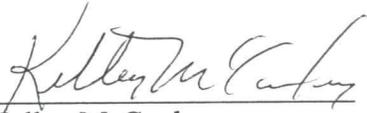
k. The Applicant is granted a waiver from the requirement that exterior lighting be high pressure sodium fixtures, so that the Applicant can install metal halide light fixtures.

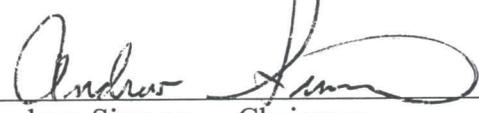
3. The Applicant shall continue to comply with all requirements mandated by the New Jersey Department of Environmental Protection

4. The Site Plan Approvals and Variances contained herein are conditioned upon the Applicant obtaining any other local, county, state or federal agency approvals which may be required.

Attest:

Township of Berlin Planning/Zoning Board


Kelley McCauley,
Secretary


Andrew Simone, Chairman

The undersigned, Secretary of the Township of Berlin Planning/Zoning Board, hereby certifies that the above is a true copy of a resolution adopted by the Board on the 24th day of September, 2013.


Kelley McCauley, Secretary
Township of Berlin Planning/Zoning Board