

RESOLUTION NO. 2012-12

Applicant: H2O Entertainment Group, LLC

Property: 535 North Route 73
Block 1101, Lot 16

Zone: C2-1 Commercial-Industrial Zone

Application: Amended Site Plan with Variances and Waivers

Whereas: The Applicant, H2O entertainment Group, LLC is the owner of the lands and premises situate at 535 North Route 73, Block 1101, Lot 16; and

Whereas: The Applicant desires to amend the final site plan which was approved and adopted by the Township of Berlin Planning/Zoning Board in 2009 and thereafter amended in 2010, in order that the Applicant be permitted to install an outdoor water slide and pool at the northerly portion of the premises and in accordance with and Amended Site Plan prepared by Gregory Blasé Fusco, P.E. of Key Engineers dated ; and December 19, 2011 and revised February 27, 2012 and March 7, 2012; and

Whereas: The Applicant has requested certain variances from Section 129-60A of the Zoning/Planning Ordinance of the Township of Berlin; and

Whereas: The Engineer for the Township of Berlin has reviewed the plan and attachments submitted on behalf of the Applicant and by letter dated March 12, 2012 did make certain comments and recommendation; and

Whereas: the Applicant testified and agreed to make certain revisions to the Amended Site Plan submitted in accordance with the comments and recommendations of the Township Engineer set forth in the letter dated March 12, 2012; and

Whereas: The Zoning/Planning Board of the Township of Berlin finding that the variances requested by the Applicant do not significantly impair the intent of the sections of the Zoning/Planning Ordinance from which relief is requested; and

Whereas: The public was given an opportunity to make comments and ask questions regarding the Amendment to the Final Site Plan as submitted on behalf of the Applicant.

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

1. The Applicant is granted Amended Site Plan approval in accordance with the site plan presented and on condition that the Applicant makes such revisions to the plan as agreed on the record and pursuant to the letter dated March 12, 2012 as prepared by the Township Engineer. He Applicant shall also place bollards along the East side of the premises, adjacent to the 154 Cooper Road Condominium Association, for at least thirty (30) feet and four (4) feet apart. The Applicant shall also request permission of 154 Cooper Road Condominium Association to allow the Applicant to raise the grade on the Association's property along the East side of the project.

2. The Applicant is granted the following variances from Section 129-60A of the Zoning/Planning Ordinance:

- a. The Applicant is granted a variance form Section 129-60A(5)(c) which requires

a fifteen (15) foot side yard setback so that the Applicant is permitted to construct an above grade water slide five (5) feet from the side yard line dividing Block 1002, Lot 1.01 and Block 1101, Lot 16.

b. The Applicant is granted a variance from Section 129-60A(5)(c) which requires a fifteen (15) foot side yard setback so that the Applicant is permitted to construct an above grade water slide four (4) feet from the side yard line dividing Block 1002, Lot 2 and Block 1101, Lot 16.

c. The Applicant is granted a variance from Section 129-60A(5)(c) which requires a fifteen (15) foot side yard setback so that the Applicant is permitted to place temporary cabana style structures two (2) feet from the side yard line dividing Block 1002, Lot 1.02 and Block 1101, Lot 16.

d. The Applicant is granted a variance from Section 129-60A(6) which provides that no structure will exceed fifty (50) feet in height, so that the Applicant is permitted to construct a water slide 54.9 feet above grade.

e. The Applicant is granted a variance from Section 129-18.D which sets forth the maximum height of fences at six (6) feet, so that the Applicant is permitted to install a fence of eight (8) feet in height. The Applicant shall install green colored slats on the fence around the wave pool area.

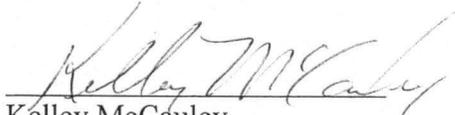
f.. The Applicant is granted a waiver from the requirement that a current survey of the premises be provided, since the Applicant on several previous occasions has provide such survey and information.

3. This approval is subject to the Applicant obtaining and recording all cross-easements which will be required.

4. This approval is further conditioned upon the Applicant receiving any other governmental approvals which may be required.

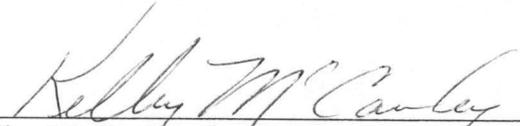
Attest:

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 April, 2012.


Kelley McCauley, Secretary
Township of Berlin Planning/Zoning Board