

RESOLUTION NO. 2012-13

Applicant: H2O Entertainment, LLC

Property: 535-543 Route 73 North
Block 1101, Lot 16

Zone: C2-I Commercial-Industrial Zoning District

Application: Minor Subdivision with Variance

Whereas: The Applicant, H2O Entertainment, LLC is the owner of the lands situate at 535-543 Route 73 North, Block 1101, Lot 16; and

Whereas: The Applicant has submitted a Minor Subdivision Plan dated July 18, 2012, prepared by Robert Scott Smith, P.L.S. of Key Engineers, Inc., which proposes to create proposed Lot 1 on Block 1002, previously a part of Proposed Lot 1.01 on Block 1002, from Block 1101, Lot 16, with a variance from Zoning Ordinance 129.9, which requires that every principal building shall be upon a lot with street frontage, so that the proposed subdivided lot will not have frontage along a street; and

Whereas: The Applicant has presented and given testimony of special reasons in support of his subdivision and variance request and has further testified that cross easements will be granted by Block 1101, Lot 16 and Block 1002, Lot 1.01 to provide ingress and egress to and from the proposed subdivided lot.; and

Whereas: The Engineer for the Township of Berlin Planning/Zoning Board having reviewed the Subdivision Plan submitted by the Applicant and by his review letter dated August 2, 2012 has made certain comments and recommendations

Whereas: The Planning/Zoning Board have determined because of the intended facilities to be installed upon the intended subdivided lot which is an accessory and ancillary use to the use being operated on Lot 16 on Block 1101; and

Whereas: There as been no objection by the public to the minor subdivision and variance proposed.

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

1. The Applicant is granted approval to subdivide the portion of the lot which was previously subdivided from Block 1002, Lot 1.01 and which was intended to be consolidated with Block 1101, Lot 6, and in accordance with the Minor Subdivision Plan dated July 18, 2012 as prepared by Robert Scott Smith, P.L.S. of Key Engineers, Inc., subject t to the following conditions:

a. The use of the subdivided lot shall be limited to the intended use as set forth on the Block 1101, Lot 16 Site Plan approvals, amendments, and administrative revisions which have been previously reviewed and approval by this Board., or such other accessory or ancillary uses to the principal business activity now being conducted on Block 1101, Lot 16, or which may be hereafter reviewed and approved by the Board.

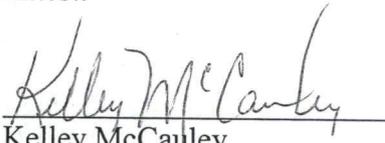
b. The Applicant shall obtain cross easements from Block 1002, Lot 1.01 and Block 1101, Lot 16 to permit ingress and egress to and from the proposed subdivided lot.

c. The limitations and restrictions regarding the use of the subdivided lot shall be set forth as a deed restriction within the deed which perfects this subdivision. Counsel for the Applicant shall submit such deed to the Board Solicitor for review and approval.

d. The Applicant is granted a variance from the requirements of Section 129.9 of the Zoning Ordinance, which requires that every building be constructed upon a lot with street frontage, so that the lot to be subdivided by the Applicant will not have frontage along a street. The Board found that there were special circumstances which exist because of the nature of the Applicant's business, and because of the restrictions imposed, the relief requested does not negatively impact the intent of the Zoning Ordinance.

e. This subdivision approval is conditioned upon any and all other approvals which may be required by the State, County or other Local Agencies.

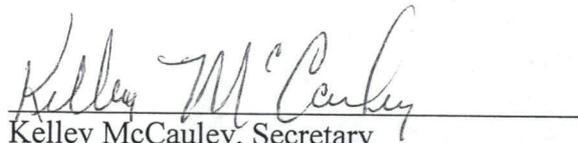
Attest:


Kelley McCauley
Secretary

Township of Berlin Planning/Zoning Board


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 23rd day of OCTOBER, 2012.


Kelley McCauley, Secretary
Township of Berlin Planning/Zoning Board