

RESOLUTION NO. 2011-18

Applicant: Magima, LLC

Property: 157 Cooper Road
Block 2502, Lot 7.02

Zone: I-1 Light Industrial Zone

Application: Amended Site Plan with Waivers

Whereas: the Applicant, Magima, LLC, is the owner of the lands situate at 157 Cooper Road, Block 2502, Lot 7.02; and

Whereas: Minor Site Plan approval was granted on May 24, 2005 under Resolution Number 2005-27 to develop the site pursuant to the plans submitted and in accordance with the recommendations made by the Berlin Township Engineer; and

Whereas: the Applicant has filed an Amended Site Plan Application dated February 21, 2011, seeking to modify the Minor Site plan approval formerly made; and

Whereas: the Engineer for the Township of Berlin has reviewed said Amended Final Site Plan and by letter dated April 5, 2011 did make certain comments and recommendation; and

Whereas: the Planning/Zoning Board heard testimony from the Applicant and his experts, and further heard testimony from an adjacent landowner; and

Whereas: the Planning/Zoning Board having considered the testimony of those persons interested in the site, and after considering the minor site plan approval granted under

Resolution Number 2005-27.

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

1. The Applicant was previously granted minor site plan approval for the lands herein stated above which set forth certain requirements and conditions.
2. The Applicant's request to be granted a waiver from the requirement that a concrete curb be installed along the north side of the entrance driveway is hereby granted.
3. The Applicant's request to be granted a waiver from the requirement that a concrete curb be installed along the south side of the property is hereby denied. The Applicant shall install the concrete curb along the south side line of the site within sixty (60) days from the date of the Resolution memorializing this decision.
4. The Applicant is granted a waiver from the requirement that an irrigation system be installed at the site, so that the Applicant shall not be required to install the same.
5. The Applicant is granted a waiver from the requirement that he install a trash enclosure at the site, as previously provided and approved, on condition that the Applicant completes the sale of the premises to MLQ Realty, LLC., pursuant to that certain agreement of Sale dated December, 2010. If the completion of this sale does not take place, then in that in event the waiver herein granted shall be deemed null and void. In the event the sale is completed, the Applicant, and/or MLQ Realty, LLC., shall be

permitted to place a rubbermaid style trash receptacle on the existing concrete pad.

6. The Applicant is granted a waiver from the requirement that he install two (2) red maple trees along the northern property line, and pine trees along the trash enclosure area.

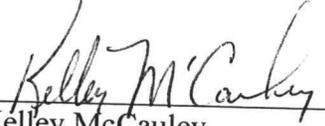
7. The Applicant is granted a waiver from the requirement that he install a drainage basin at the site as previously provided and approved.

8. The Applicant is denied approval to install the proposed 14 foot by 24 foot shed at the premises. The Applicant may relocate the 10 foot by 10 foot shed to an area behind the existing structure.

9. The Applicant is granted permission to revise the lighting plan, which was previously approved, conditioned that such revised plan shall be submitted and approved by the Township Engineer.

10. All other conditions and variances contained in minor site plan approval dated May 24, 2005 shall remain in full force and effect and are not altered by the granting of this amendment.

Attest:



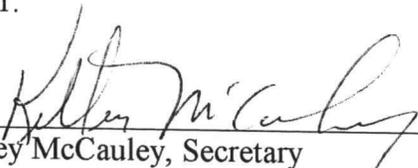
Kelley McCauley
Secretary

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 10th day of May, 2011.



Kelley McCauley, Secretary
Township of Berlin Planning/Zoning Board