

RESOLUTION NO. 2011-22

Applicant: Anthony Pinto  
Property: 330 N.J.S.H. Route 73  
Block 810 Lot 1.04

Preliminary and Final Site Plan Approval -

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD  
GRANTING PRELIMINARY FINAL SITE PLAN

WHEREAS. The applicant is applying for preliminary and final Site Plan approval for property known as Block 810 Lot 1.04, and

WHEREAS. The applicant has made application for preliminary and final site plan approval and is proposing to renovate an existing building for retail use. The applicant intends to occupy the structure for his cellular telephone store, and

WHEREAS. The site contains an existing 1825 square foot building and was previously occupied by a gasoline service station and auto repair. The Zoning District is C-1 Highway Commercial and the applicant's proposed use is a permitted use in the District, and

WHEREAS. The applicant has submitted a site plan for approval, which plan was prepared by Brian S. Peterman of Peterman Maxcy Associates LLC and is dated May 13<sup>th</sup> 2011. The submitted plan has been reviewed by Charles J. Riebel Jr. P.E., P.L.S., P.P. the Engineer for the Board. The report of the Board's Engineer is dated May 17<sup>th</sup> 2011. The applicant appeared before the Board on September 26<sup>th</sup> 2006, and was represented by the law office of Mark A. Rinaldi Esq. Providing testimony at the hearing was the Applicant Anthony Pinto and the applicant's expert Brian S. Peterman P.E. C.M.E., and

WHEREAS. The Board has received and reviewed all reports filed by the applicant and the Board engineer, and

WHEREAS. The Board determined that the application is properly before the Board and the proof of notice and publication is appropriate, and

WHEREAS. The applicant has received and reviewed a copy of the Board Engineer's report.

Following a review of the application, and the receipt of testimony, the Board determined;

1. The site is located on the southeast corner of N.J.S.H. Route 73 and Harrison Avenue. The site presently contains a 1828 square foot building. The applicant does not propose any change in the present footprint of the building.
2. The applicant requires a variance for 19,184 square foot lot area, 85.5 feet lot depth and a front yard set back to 20.1 feet. These are all preexisting non-conforming conditions.
3. The applicant intends to use the one existing freestanding sign located at the corner of Route 73 and Harrison Avenue. The land use ordinance

requires landscaping around the base of the sign. The applicant agreed to provide for the necessary landscaping as well as a 25-foot drive aisle width at the location of the sign. As part of the testimony, the applicant agreed to remove the second existing sign located at the exit drive on the site.

4. There was discussion of the applicant's intended use of three façade signs. The applicant submitted a façade sign rendering, showing the location of the three signs on the structure. Two façade signs will be located on the front of the structure and one sign to be located on the side facing Route 73. Each sign will be 3'X14', the total square foot of the signs not to exceed 126 square foot. The façade signs will have interior lighting.

5. The applicant provided testimony that he plans on having approximately 3 to 4 employees. Parking will be provided for the employees in the rear of the building, and that eight parking spaces are provided for full retail use of the building. There will be total of seventeen parking spaces. The Board determined that there was sufficient parking under the ordinance. The applicant also agreed to provide for and designate one-way vehicle circulation around the building.

6. The applicant requested a waiver to permit the existing gravel millings surface rather than the required paved surface for the rear parking. The applicant stated that parking bumpers will be used to designate parking spaces. This will aid the current drainage patterns. The applicant also agreed to provide handicap parking as required.

7. There was some discussion on the levels of illumination for all site lighting. The applicant agreed that site lighting would be provided and stated that they would agree to a site lighting plan as approved by the Board engineer during site completion, so as to assure that there will be no carryover of illumination past the property line.

8. There was some discussion on the necessity of a trash enclosure for the improved site. The applicant requested a waiver from the trash enclosure requirement and stated that all trash will be maintained inside the building until collected by a private waste collection company.

9. The applicant proposed a six-foot vinyl fence around the perimeter of the employee parking area and the rear line of the existing parking area. The applicant agrees to provide the fence in beige color, as recommended by the Board. The applicant agreed to provide landscaping along the area of adjoining lot 1.02 with irrigation to be provided.

10. There was much discussion concerning curbing and sidewalk around the perimeter of the site. The applicant stated that drainage would be better controlled without curbing. The Board agreed and requested that the applicant provide wheel stops for all parking stalls. On the issue of sidewalks, the applicant agreed that they would install sidewalks to the first driveway. The applicant will consider a full-length sidewalk if it is determined foot traffic is better served with full-length sidewalk.

11. The applicant provided testimony that a docking or loading area is not necessary for the site and the nature of use. The Board agreed.

12. The applicant stated that he will meet all other requirements set forth in the Engineer's report dated May 17<sup>th</sup> 2011 as noted in the testimony and as approved by the Board, and will secure any and all other governmental approvals and permits as may be necessary.

The hearing was opened to the public and one neighbor property owner

came forward and offered no objection to the application.

NOW THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Berlin that the application for preliminary and final site plan approval, be and is hereby GRANTED.

BE IT FURTHER RESOLVED, by the Planning/Zoning Board of the Township of Berlin that the following waivers are Granted;

1. A waiver is granted from the requirement of a trash enclosure with the applicant agrees that all trash will be maintained inside the building and collected by private collection.
2. A waiver is granted to permit the continued existing gravel milling surface in the employee parking area at the rear of the building. The applicant agreed to install parking bumpers to designate the parking spots. The applicant is also to provide one-way vehicular circulation around the building.
3. A waiver is granted from the requirement of curb along the perimeter. The applicant is to install wheel stops at all parking areas.
4. A waiver is granted from the requirement of full-length sidewalk and the applicant is to install sidewalk to the first driveway.
5. A waiver is granted from the requirement of a loading area.
6. A waiver is granted for full perimeter landscaping. Applicant will install landscaping along Route 73, and the area along adjacent lot 1.02.

BE IT FURTHER RESOLVED, by the Planning/Zoning Board of the Township of Berlin that the following conditions apply;

The applicant shall provide for site lighting as approved by the Board engineer during the time of construction and provide architectural building elevations to the Board engineer prior to receipt of any building permits.

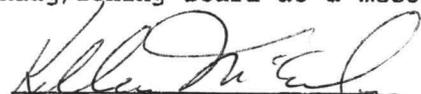
ATTEST:

  
KELLY McCAULEY  
Secretary

BERLIN TOWNSHIP  
PLANNING/ZONING BOARD  
  
ANDREW SIMONE  
Chairman

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Berlin Township Planning/Zoning Board at a meeting held on May 24<sup>th</sup> 2011.

  
KELLY McCAULEY, Secretary