

RESOLUTION NO. 2011-23

**Applicant:** Sunolar Power Co., L.L.C.

**Premises:** 155 Cushman Avenue and 106 Chestnut Avenue  
Block 1412, Lots 1 and 10

**Zone:** R-2 Residential Zoning District

**Application:** Minor Subdivision with Variances and Waivers, Use Variance and  
Site Plan Approval

**Whereas:** The Applicant, Sunolar Power Co., L.L.C., is the intended owner of a certain parcel of ground situate at 155 Cushman Avenue and 106 Chestnut Avenue, Block 1412, Lots 1 and 10; and

**Whereas:** The Applicant has presented a Site Plan and Minor Subdivision Plan dated May 9, 2011 prepared by Barry S. Jones, P.L.S., P.P., of Fralinger Engineering, PA, which plan proposes to create three (3) lots from the lands and premises now known as, Block 1412, Lots 1 and 10 on the Township of Berlin Tax Map, and which shall thereafter be designated as Lots 1, 10 and 10.01 on Block 1412; and

**Whereas:** The Applicant has requested a use variance in order to permit the Applicant to install and operate a solar panel field in accordance with the site plan prepared by Barry S. Jones, P.L.S., P.P., of Fralinger Engineering, PA, dated April 6, 2011; and

**Whereas:** The Applicant has requested certain variances from the requirements of the Berlin Township Zoning Code Section 129-34(C), which requires a minimum lot frontage of seventy-five (75) feet along a street, for proposed Lots 10 and 10.01 by reason that these proposed lots will not front an improved street or road; and also a

planning variance from the requirements of N.J.S. 40:55D-35, which prohibits the erection of structures without direct access to a street; and also a variance from Berlin Township Zoning Code Section 129-18 which sets forth the requirements regarding fences to be erected in any residential zone; and

**Whereas:** The Applicant has requested a waiver from the requirements of Berlin Township Land Use and Development Code, Section 77-63.E(12) which requires the installation of an irrigation system; and

**Whereas:** By Review Letter dated May 17, 2011, the Township Engineer for Berlin Township made certain recommendations and comments; and

**Whereas:** The Applicant has agreed to comply with certain of the recommendations as set forth in the Review Letter dated May 17, 2011 prepared by the Township Engineer for Berlin Township;

**Whereas:** the Planning/Zoning Board has given careful consideration of the application and testimony of the Applicant, and after hearing members of the public who appeared regarding the plan as submitted.

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

1. The Applicant is given site plan approval to install a solar panel field and permission to subdivide the lands located at and currently designated as 115 Cushman Avenue and 106 Chestnut Avenue, Block 1412, Lots 1 and 10, and in accordance with

the Plan of Subdivision dated May 9, 2011 and as prepared by Barry S. Jones, P.L.S., P.P., of Fralinger Engineering, PA, which plan creates three (3) lots, and which have been designated at proposed Lots 1, 10 and 10.01 on Block 1412

2. The Applicant is granted a use variance in order to permit the installation and operation of a solar panel field as depicted on the plan dated April 6, 2011, as prepared by Barry S. Jones, P.L.S., P.P., of Fralinger Engineering, PA. The Board finds that such use is an inherently beneficial use to the community at large and as set forth in Public Law 2009, C.146, which was enacted on November 20, 2009.

3. The Applicant is granted a variance from Berlin Township Zoning Code Section 129-34(C) which requires a minimum lot frontage of seventy-five (75) feet along a street, in order to permit proposed Lots 10 and 10.01 to situate in accordance to the Subdivision Plan submitted.

4. The Applicant is granted a variance from Berlin Township Zoning Code Section 129-18 and shall be permitted to install fencing around the perimeter of the property not to exceed six (6) feet in height, conditioned on the requirement that such fence shall be a solid vinyl type fence and shall be tan in color, or such other type fence approved by the Township Engineer.

5. The Applicant is granted a variance from N.J.S.A. 40:55D-35 in order to permit the applicant to install a structure (solar panel field) on lots not facing along an improved road or street.

6. The Applicant is granted a waiver from the requirement of requirements of Berlin Township Land Use and Development Code, Section 77-63.E(12) so that the Applicant shall not be required to install an irrigation system.

7. The Applicant shall comply with the recommendations set forth in that certain Review Letter dated May 17, 2011 prepared by the Township Engineer for Berlin Township, including the Engineer's recommendations regarding landscaping at the site.

8. This approval is further conditioned on the following:

a. The Applicant shall comply with Berlin Township Land Use and Development Code, Section 77-142 before building permits are issued.

b. The Applicant shall amend the site plan in order to provide a description of the inverter and location of the same.

c. The Applicant shall maintain the area on a continual basis so that vegetation and grass at the site does not exceed ten (10) inches in height.

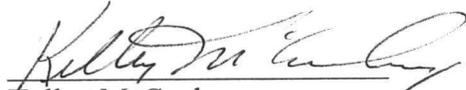
d. Conditioned upon the Applicant obtaining signed contracts and consent from Wawa, Inc. regarding any property needed to be purchased from Wawa and further any agreements between the Applicant and Wawa regarding the sale and distribution of energy.

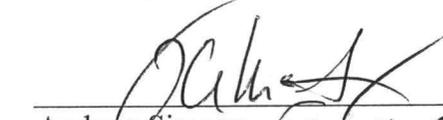
e. Conditioned upon the Applicant's installation of a Knox-Box Rapid Entry System at the location which shall be keyed to match the current code for the Berlin Township Police Department.

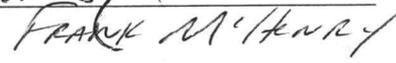
f. Conditioned on the Applicant obtaining any and all Federal, State, County or Local approvals which may be required.

Attest:

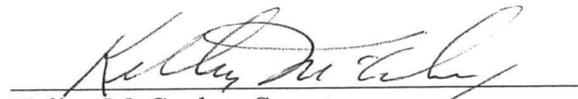
Township of Berlin Planning/Zoning Board

  
Kelley McCauley  
Secretary

  
Andrew Simone  
Chairman

  
FRANK McHENRY

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 9<sup>th</sup> day of August, 2011.

  
Kelley McCauley, Secretary  
Township of Berlin Planning/Zoning Board