

RESOLUTION NO. 2013-12

Applicant: Noonan Industries LLC
Property: 444 Commerce Lane
Block 2301 Lot 27

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 2301 Lot 27, and

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

WHEREAS. The site contains an existing 20,807 square foot building and was previously occupied by a landscaping and stone impressions business. The Zoning District is C-2 Commercial Zoning District and the applicant's proposed use is a permitted use in the District, and the structure and zoning area and bulk requirements comply with the District regulation, and

WHEREAS. The applicant has submitted a site plan for approval, which plan was prepared by Samuel Renauro III of SR3 Engineers and is dated September 9th 2013. 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 September 17th 2013. There was also an architect plan for the building submitted by Frank N. Criniti, Registered Architect, dated September 5th 2013. The applicant appeared before the Board on September 24th 2013, and was represented by the law office of E. Allen Nickerson Esq. The applicant and professionals presented testimony at the hearing, 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 south side of Commerce Lane, and presently contains a 20,807 s.f building. The applicant's proposed use is in compliance with the zoning requirements. However, the site does contain a re-existing condition in that the parking area is less than 20 feet from the curb line of Commerce Lane. This was previously approved as part of the original site plan approvals.

2. The applicant presented testimony that he currently operates his business at 154 Cooper Road and intends to expand his business and locate his

business to the 444 Commerce Lane site. He currently has approximately 21 employees and his business operates between the hours of 9:00 am to 6:00 pm Monday through Friday. The applicant does not propose an expansion of the present building. The present site use is not ADA complaint and the applicant testified that he intends to bring the site building into ADA compliance. The Board determined that the applicant's use is a less intensive use than the prior landscaping and stone business and is better suited for the site and location.

3. The parking schedule requires 55 parking spaces. The applicant's plan proposes 56 parking spaces, including 3 handicap parking spaces. The plan depicts 30 parking spaces along the front of the building and 25 parking spaces along the west side of the building, with wheel stops to be shown on the plan. The applicant agreed to repaint the existing parking lanes for greater visibility. The applicant also agreed to replace the damaged sidewalk along the curb of the front parking area. The applicant agreed to the Board engineer's comments under #5 a,b,c,d,e & f of his report.

4. The applicant gave testimony that he proposes to remove existing landscaping along the front of the building and adjacent area islands. The applicant agreed to work with the Board's engineer for acceptable replacement of the landscaping. The applicant also agreed to repair and upgrade the existing irrigation system as recommended in the Board's engineer report at # 6 a,b & c.

5. There was some discussion on Commerce Lane being shown within the site parcel. The applicant agreed to prepare and submit for review and filing an easement for this roadway. This is item 7a of the Board engineer's report.

6. There was also discussion on the construction of sidewalks along the south side of Commerce Lane. The applicant had requested a waiver of sidewalks. The Board determined, and the applicant agreed to pay for and install sidewalk along the south side of Commerce Lane if required by the Township in the future, at the time of and in conjunction with improvements of the adjoining property.

7. The applicant agreed to remove all existing site lighting and replace with the plan proposes LED building and post mounted site lighting. The applicant agree to the Board engineer's recommendation contained in # 8 a & b of his report.

8. There was some discussion on the location and gating of the 18X8 feet masonry trash enclosure. The applicant requested a waiver of the gate requirement. The Board agreed to provide a waiver but requested and the applicant agreed to provide a dumpster lid on all trash containers and to move the dumpsters to the east so as to screen the dumpsters by the building and planting of evergreen plantings.

9. The plan depicts a facade sign on the front of the building. The plan proposes 30 square feet for the façade sign complies with the zoning requirements. There was discussion on the method of lighting the sign. The applicant agreed to work with the Board Engineer on the method of lighting the sign and to secure the Board Engineer's approval on any lighting.

10. There is shown some modification of the building exterior. The applicant agreed that any modification will comply with the Township Building Facades and Design Code. The applicant will also coordinate with the Board Engineer on the exterior dark gray color brick, stone bottom area of exterior and front canopy color.

11. The applicant proposed 2 rear load docks. The applicant testified that there would be approximately three delivery trucks (UPS type trucks) per day and one postal delivery truck per day. The applicant also testified that he receives approximately five shipments per month by loading dock type trucks.

The hearing was opened to the public and there was no public present or objecting.

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 gate on the trash enclosed area.
2. A waiver is granted from the requirement contained in # 11 a,b & c of the Board engineer's report dated September 17th 2013.
 - a. That building projections do not exceed 3% of the building length for, at least 40% of the building façade. (these conditions are pre-existing).
 - b. to permit the uninterrupted wall, along the right side of the building which is visible from the adjacent property.
 - c. to permit the same façade materials to repeat at intervals greater than 50 feet.

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

- a. The applicant shall sign agreement to provide NJSA Title 39 police enforcement on the site.
- b. There will be no outside storage on the site. Except however, one trailer and one box truck is permitted to be parked in the rear area of the site.
- c. The applicant will comply with the Fire Code "Knox Box requirement"
- d. The applicant will install bollards to protect from vehicle damage.
- e. The applicant will install no parking signs and markings in the drive isle and designated fire lanes.

ATTEST:

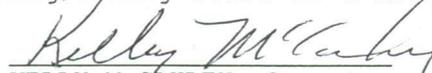

KELLY McCAULEY
Secretary

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 September 24th 2013.


KELLY McCAULEY, Secretary