

RESOLUTION NO. 2015-8

Applicant: PDR Enterprises, LLC

Property: 593 and 595 Route 73 North
Block 1002, Lots 10, 10.02 and 11

Zone: C-2 Highway Commercial Zoning District

Application: Major Site Plan (Preliminary and Final) with Variances

Whereas: The Applicant is the owner of lands and premises situate at 593 and 595 Route 73 North, Block 1102, Lots 10, 10.02 and 11; and

Whereas: The Applicant has made an application for Major Site Plan approval with Variances in order to construct a Burger King Restaurant with Drive-Thru and a Retail Shopping Center on the property located at 593 and 595 Route 73 North, Block 1002, Lots 10, 10.02 and 11; and

Whereas: The Applicant has submitted a Preliminary and Final Major Site Plan prepared by Gregory Blasé Fusco, P.E. of Key Engineers, Inc., dated November 28, 2014 and Preliminary Architectural Plans, prepared by Emmanuel Obiora, of ECO Architects, LLC, dated November 21, 2014; and

Whereas: The Applicant has requested variances from provisions set forth in the Zoning Ordinance, Sections 340-94B(1) which requires the construction of a loading or delivery area; 340-83I, which governs the placement of façade signs on a building; 340-83J, which governs the placement of freestanding signs; 340-59C(3), which governs dimensional ratios of proposed buildings; 340-59A, which governs material used in

construction; 340.53A(2), which designates drive-thru windows as a conditional use; and 200-69E(21), which requires the use of high pressure sodium lighting; and

Whereas: The Planning/Zoning Board has reviewed the plan submitted by the Applicant and having further reviewed the report of Charles J. Riebel, Jr., P.E., Township Engineer, dated December 10, 2014, who made certain recommendations and comments; and

Whereas: The Applicant has given testimony and has agreed to comply with certain recommendations made by the Township Engineer; and

Whereas: There was no opposition by the public to the Application or request for variances of the Applicant; and

Whereas: The Planning/Zoning Board has determined that the Applicant has met its burden and has demonstrated that the granting of the variances requested are reasonable and will not created a substantial detriment to the applicable zoning ordinances.

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

1. The Applicant is granted Preliminary and Final Site Plan Approval and Conditional Use Approval consistent with the Major Site Plan, dated November 28, 2014 prepared by Gregory Blasé Fusco, P.E. of Key Engineers, Inc. and Preliminary Architectural Plans dated November 21, 2014 prepared by Emmanuel Obiora, of ECO Architects, LLC. subject to the following conditions:

a. The Applicant shall comply with and revise the site plan submitted in accordance with the following recommendations or requirements as set forth in the

Review Letter dated December 10, 2014, as prepared by Charles J. Riebel, Jr., P.E.,
Berlin Township Engineer: Paragraphs 3b, 3c, 3d, 3f, 3g, 3h, 4a, 4b, 4c, 4d, 5b, 5d, 5e,
5f, 5g, 5h, 5i, 5j, 5k, 6b, 6c, 7a, 7b, 7c, 7d, 10, 11a, 11b, 12a, 12b, 13, 14a, 14c, 14d, 14e,
15b, 16a, 16c, 17a, 19, 20, 21a, 21b, 21c.

b. The Applicant shall revised the site plan to provide for a five (5) foot shade tree easement along Route 73.

c. The Applicant shall install “knox boxes” as per the request of the Fire Marshall at each building to be constructed..

2. The Applicant is granted the following variances:

a. The Applicant is granted a variance from the requirements of Section 340-94B(1) of the Zoning Ordinance which requires a loading and delivery area at the site, so that the Applicant can construct the restaurant without a loading or delivery area.

b. The Applicant is granted a variance from Section 340-83 of the Zoning Ordinance which sets forth the limitation of façade signs on a building and the size of such signs, so that the Applicant can construct and install the requested façade signs on the side of the building which does not face an approved street; increase the number of permitted façade signs from the maximum of one (1) façade sign per façade to the proposed three (3) façade signs (Burger King) and seven (7) façade signs (Shopping Center Building) per façade; and permission to increase the maximum façade sign area of 64 square feet to the proposed sign area of 70 square feet (Burger King) and 32 square feet per unit for a total sign area of 224 square feet (Shopping Center Building) for a total sign aggregate of 294 square feet.

c. The Applicant is granted a variance from Section 340-83J of the Zoning

Ordinance which sets forth the maximum sign area of a freestanding sign, so that the Applicant can construct a freestanding sign 100 square feet in area.

d. The Applicant is granted a variance from the requirements of Section 340-59C(3) of the Zoning Ordinance which sets forth the ratio of height to length of a building at 2.5:1, so that the Applicant can construct the proposed Shopping Center Building at a ratio of 8.3:1.

e. The Applicant is granted a variance from Section 340-59A of the Zoning Ordinance which sets forth the material to be used on the exterior of a building, so that the Applicant can construct the exterior of the proposed buildings in accordance with the plans submitted and described.

f. The Applicant is granted a variance from Section 200-69E(21) of the Zoning Ordinance which requires the use of high pressure sodium lighting, so that the Applicant can install the proposed L.E.D. lighting.

g. The Applicant shall be permitted to operated a drive-thru restaurant pursuant to Section 340-53A(2) of the Zoning Ordinance, which use is a conditional use, subject to the following condition:

1. The Applicant shall not permit vehicular traffic to block the drive aisle near the entrance to the drive-thru order aisle, and shall take such measures which will prevent the stacking of vehicular stacking in this area.

3. It is understood that the Applicant intends to complete construction of the Burger King Restaurant before the Shopping Center Building is commenced. The Applicant agrees, that in the event that the construction of the shopping center is not commenced within two (2) years of the date of this approval, then in that event the

Applicant shall request a two (2) year extension for the approvals granted, either by letter or appearance before this Board.

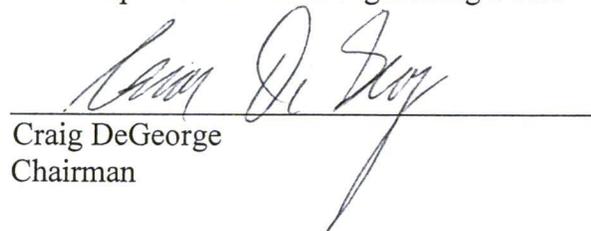
4. It is noted that this approval is subject to the Applicant obtaining any and all approvals required by the State of New Jersey, County of Camden, and all other applicable government agencies.

Attest:



Kelley McCauley
Secretary

Township of Berlin Planning/Zoning Board



Craig DeGeorge
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 24th day of February, 2015.


Kelley McCauley, Secretary
Township of Berlin Planning/Zoning Board