

RESOLUTION NO. 2015-9

Applicant: 84 Haddon Ave. Assoc. LLC  
Property: Walker Avenue  
Block 105 Lot 8  
Block 701 Lot 1

Preliminary and Final Site Plan Approval - with variance

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

WHEREAS. The applicant appeared before the Board on March 10<sup>th</sup> 2015, and is applying for preliminary and final Site Plan approval for property known as Block 105 Lot 8 and Block 701 Lot 1, and

WHEREAS. The applicant has submitted a site plan for approval, which 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 February 19<sup>th</sup> 2015 and March 6<sup>th</sup> 2015. Also, the report of the Berlin Township Fire Marshal/Official Joseph Cornforth dated March 6<sup>th</sup> 2015. The applicant appeared before the Board and was represented by the law office of Jeffrey I. Baron Esq., and

WHEREAS. Also appearing for the applicant was John Soubasis, owner/applicant, Nicholas Groch RA, Deanna B. Drumm P.E., P.P., PTOE, John M. Pettit P.E., P.P. C.E.M., and Debbie Czyzewski.

WHEREAS. The applicant provided the following reports;

- a. Minor Subdivision Plan dated February 23<sup>rd</sup> 2015 by Anthony F. DiRosa P.E., P.L.S.
- B. Concept Building Elevations dated February 3<sup>rd</sup> 2015 by Nicholas Groach RA.
- c. Preliminary Final Major Site Plan dated February 9<sup>th</sup> 2015 by John M. Pettit P.E., P.P. C.E.M.
- d. Storm water Management report dated February 3<sup>rd</sup> 2015, and Storm water Management Plan dated February 5<sup>th</sup> 2015 by John M. Pettit P.E., P.P. C.E.M.,
- e. Traffic Engineer Assessment dated February 12<sup>th</sup> 2015 by Deanna B. Drumm P.E., P.P., PTOE., and

WHEREAS. All intended witnesses were sworn-in by the Board Solicitor,

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

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

WHEREAS. The site is located in the C-1 Commercial District. The proposed Retail uses are permitted uses in the C-1 Commercial District, and

WHEREAS. The proposed Fitness Center use is not specifically listed as a permitted use in the C-1 zone. There was discussion on the Board's prior determination that a fitness center is compatible with the C-1 zone and the Board has determined a fitness center as a permitted use in the C-1 Zone, and

WHEREAS. Following the discussion on the intended fitness center use, a motion was made and APPROVED to affirm the intended fitness center proposed by the applicant is a permitted use in the C-1 zone, and

WHEREAS. The application moved forward without a use variance being required, and

WHEREAS. The applicant has received and reviewed a copy of the Board Engineer's report. The applicant introduced various exhibits to establish building renderings, proposed site plan, landscape plan, lighting and signs. The exhibits noted on the record as Exhibit A, B. C. D., and

WHEREAS. The applicant seeks approval for a 10,125 sq.ft. building for a proposed Dollar Store variety retail store for the intended lot along Haddon Avenue. The applicant seeks approval for a 20,000 sq.ft. building for a proposed Retro Fitness Center containing 13,000 sq.ft. and a retail use building containing 7,000 sq.ft. As part of the application, the applicant seeks the following variances and waivers;

Variances:

1. The applicant seeks a variance to permit uninterrupted façade wall to be visible from adjacent property (sec.340.59.c2).
2. The applicant seeks a variance to permit a maximum sign height to 8.4 feet (sec.340.82q).
3. The applicant seeks a variance to permit a maximum number of façade signs to permit one (1) facing a roadway and three (3) not facing a roadway for the Dollar Store and five (5) not facing a roadway for the Retro Fitness Center.
4. The applicant seeks a variance to permit the maximum sign area to 92 sq.ft. and 68.7 sq.ft for the Dollar store and 79.9 for the Retro Fitness Center and 77.6 for the proposed retail store (sec. 340.83j).
5. The applicant seeks a variance to permit the maximum pylon area to 91.25 sq.ft.(sec. 340.83j).
6. The applicant seeks a variance to permit angled parking contrary to (sec. 340.93-2).
7. The applicant seeks a variance from requirement for a loading area for the intended building to contain the Retro Fitness Center and retail store (sec.340.94-a1).

Waivers:

1. The applicant seeks a waiver from extending contour lines 200 feet from beyond property lines (sec. 200.69 e7).
2. The applicant seeks a waiver to permit LED lighting (sec. 200.69e21).

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

A). The applicant has made application for preliminary and final site plan approval. The site plan and subdivision plan demonstrates compliance with the required lot area and size and building set back requirements. The creation

of two proposed separate lots will require the applicant to prepare and record various cross easements for access, utilities, parking, loading, storm water management and other easements that may become necessary due to the site approvals. All cross easements shall be provided to the Board's engineer and solicitor for review and approval.

B) The parcel is located in the C-1 Commercial Zoning District. The proposed use, retail and fitness center, is a permitted use in the zone.

C) There was much discussion concerning the intended relocation of the Dollar Store from the Home Depot Center. The applicant presented testimony that the hours of operation would be 8:00 am to 10:00 pm Monday through Saturday and 9:00 am to 8:00 pm Sunday. The applicant further stated that delivery to the Dollar Store would be by tractor trailer type vehicles with approximately one to two deliveries per week. The applicant testified deliveries would be between the hours of 7:00 am to 12:00 pm weekdays and all deliveries will be at the rear of the store. The applicant also stated that there will be no overnight parking of delivery trucks on the site and all deliveries will be from the Walker Avenue access site.

D) The applicant further testified the Retro Fitness store will have hours of 5:00 am to 11:00 pm Monday through Friday and 7:00 am to 7:00 pm Saturday and Sunday. The store will have approximately 6 to 8 employees at the site and approximately, and at varying times there will be 600 patrons of the fitness store.

E) There was some discussion on the need for a delivery loading area. In support of the applicants request for a waiver of the need for a delivery loading zone, the applicant provided testimony that deliveries are by FED X or UPS type vehicles. Deliveries are usually in the am hours and no deliveries at night. All deliveries are the type that can be carried in the building without the need for a delivery ramp. The Board agreed that there would be no need for a delivery loading area for this use. The Board stated to the applicant that a change of use from the Retro Fitness store would require an application to the Board to possibly amend the site plan to address the need for a delivery loading area.

F) The applicant presented testimony that the subdivision line and proposed building location will provide access from Walker Avenue and Haddon Avenue. The access point from Walker and Haddon will align with the respective cross street.

G) The application is in compliance with the number of parking spaces and handicap parking spaces required by the ordinance. There was much discussion on the proposed angle parking pattern as you enter from the Walker Avenue access. The Applicant testified, and the Board agreed, that angle parking with a one way traffic pattern creates a safe traffic pattern, specifically at the Walker Avenue access area.

H) There was much discussion on site drainage. The applicant presented testimony on the current drainage from Haddon Avenue along the Camden County concrete drainage around the site and down Walker Avenue. The applicant testified the site drainage system, including a larger pipe underneath the access area at the Walker Avenue access will improve the drainage flow. The Board agreed with the applicant.

I) The applicant presented testimony that the proposed façade signage at the Dollar Tree Store and Retro Fitness store was not excessive compared to the size of the buildings. The large signs would create improved

identification for the stores and allow for safer visibility for traffic movement.

J) There was discussion concerning the building façade on the sides of both buildings. The applicant presented testimony that the façade area in the front portion of the building was designed to allow the greater pedestrian walkway for safety. The Board agreed with this concern. The Board received testimony on the façade of both buildings on street frontage side as well as between the two buildings. The Board expressed concern on design elevations, but was in agreement with the architectural proposal as revised to the Board engineer as well as testimony on material being rock face block façade at the Dollar Tree store and panel and awning color.

K) The applicant's traffic engineer presented testimony concerning traffic ingress and egress to the site, angle parking and proposed one way traffic flow at a portion of the site. The applicant proposed a dedicated left turn lane into the site off Walker Avenue, an upgrade signal for pedestrian walkway. The Board was in agreement the proposal presented the best design for safety

L) At the conclusion of the applicant's presentation, the meeting was open to the public for comment. Several residents appeared and expressed concern over the existing drainage concern. The applicant responded the condition should lessen with the site improvements being constructed by the applicant.

There was also concern over maintenance trash collected at the site and screening from car lights onto neighboring property. The applicant addressed each concern to the satisfaction of the Board.

M) Following testimony, the Board determined the applicant was in agreement with the Board Engineer's recommendations contained in his report dated March 6<sup>th</sup> 2015, unless noted herein.

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 variances is Granted;

1. The applicant seeks a variance to permit uninterrupted façade wall to be visible from adjacent property to the south and between buildings(sec.340.59.c2).

2. The applicant seeks a variance to permit a maximum sign height to 8.4 feet (sec.340.82q).

3. The applicant seeks a variance to permit a maximum number of façade signs to permit one (1) facing a roadway and three (3) not facing a roadway for the Dollar Store and five (5) not facing a roadway for the Retro Fitness Center.

4. The applicant seeks a variance to permit the maximum sign area to 92 sq.ft. and 68.7 sq.ft for the Dollar store and 79.9 for the Retro Fitness Center and 77.6 for the proposed retail store (sec. 340.83j).

5. The applicant seeks a variance to permit the maximum pylon area to 91.25 sq.ft.(sec. 340.83j).

6. The applicant seeks a variance to permit angled parking contrary to (sec. 340.93-2).

7. The applicant seeks a variance from requirement for a loading area for the intended building to contain the Retro Fitness Center and retail store (sec.340.94-a1).

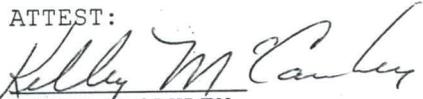
BE IT FURTHER RESOLVED, that the following Waivers have been approved;

1. The applicant seeks a waiver from extending contour lines 200 feet from beyond property lines (sec. 200.69 e7).
2. The applicant seeks a waiver to permit LED lighting (sec. 200.69e21).

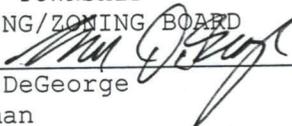
BE IT FURTHER RESOLVED, that the following conditions of this approval have been approved and agreed to by the applicant;

1. The applicant will install a KNOX BOX emergency access for each proposed store.
2. The applicant will secure water service from the Borough of Berlin.
3. The applicant will screen all roof mounted equipment from view.
4. The applicant will submit a storm water and management plan for approval by the Board's engineer as a condition of development.
5. All delivery vehicles will enter and exit from Walker Avenue.
6. The applicant will grant New Jersey Title 39 police enforcement for parking and traffic.
7. Applicant will cause road area repairs as noted in the Board's engineer report (item 5 a,b,c,d) dated March 6<sup>th</sup> 2015.
8. The applicant shall receive all approvals as may be necessary from applicable Local, County, State or Federal agencies, and shall comply with all such laws, rules and regulations. The applicant shall post any necessary performance and maintenance guarantee and inspection escrow as may be determined necessary and required pursuant to MLUL.

ATTEST:

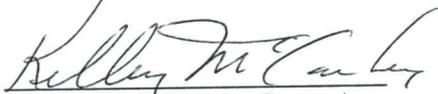
  
KELLY McCAULEY  
Secretary

BERLIN TOWNSHIP  
PLANNING/ZONING BOARD

  
Craig DeGeorge  
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 March 10<sup>th</sup> 2015.

  
KELLY McCAULEY, Secretary