RESOLUTION NO. 2015-14

Applicant: Cherry Plaza, LLC

Property: 115 North Route 73
Block 1301, Lot 2

Zone: C2-1 Commercial Zoning District

Application: Amended Site Plan/Proposes Pancheros Mexican Grill Restaurant and Reconfiguration of Parking Area at the Cherry Plaza Shopping Center, with Variances and Waivers

Whereas: The Applicant, Cherry Plaza, LLP is the owner of the lands and premises situate at 115North Route 73, Block 1301, Lot 2; and

Whereas: The Applicant desires to amend the final site plan in order to allow the permit the establishment of a Pancheros Mexican Grill Restaurant and reconfiguration of the existing parking area, and has submitted for review certain documents including a Site and Demolition Plan, revised to June 13, 2007, by Henry J. Haley, P.E.; a Façade Renovation Plan, dated July 16, 2015, by William J. Cohen, R.A.; and a Reconfiguration Parking Plan, bearing no date and unsigned; and

Whereas: the Zoning/Planning Board of the Township of Berlin has considered the Review Letter prepared and submitted by Charles J. Reibel, Jr. P.E. Township Engineer, dated July 28, 2015, which made certain recommendations and comments relevant to the application submitted; and

Whereas: the public was given an opportunity to make comments and ask questions

regarding the Amendment to the Final Site Plan as submitted on behalf of the Applicant; and

Whereas, the Zoning/Planning Board of the township of Berlin has determined that the Amendment to the Final Site Plan does not violate or impede the intent of any Zoning Ordinance, and that a restaurant is a permitted use within the C-1 Commercial Zoning District.

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

1. The Applicant is granted Amended Site Plan approval and approval of the reconfiguration of the parking area in accordance with the site plan documents submitted and presented.

2. The Applicant is granted a variances from Section 340-59.C(1) of the Zoning Ordinance in order to permit the depth of the projections of the façade of the building to be less than three percent of the building length (112' scaled length x 0.03 = 3.36 projection) and the projection extending forty percent of the length of the building (0.4 = 112' called = 44.8'), along both the north and south sides.

3. The Applicant is granted a variance from Sections 340-59.C(2) and 340-59C.(3) of the Zoning Ordinance in order to permit the Applicant construct a façade and renovated the proposed building in accordance with the plans submitted.

4. The Applicant is granted a variance from Section 340-83.J of the Zoning Ordinance in order to permit the Applicant install a 51.06 square foot sign along the north side of the building, which does not face an approved public street.

5. The Applicant is granted a variance from Section 340-83.K of the Zoning

Ordinance in order to permit the Applicant to install façade signs set forth on the plan, where only 1' x 4' under canopy signs are permitted for each business in a strip store center.

6. The Applicant is granted a variance from Section 340-83.I of the Zoning Ordinance in order to permit the Applicant to install three (3) façade Signs along the south side of the building, with an aggregate area of 153.19 square feet.

7. The Applicant is granted a waiver from the requirements set forth in Section 340-94 of the Zoning Ordinance which requires a designated loading area, based on the testimony and representations of the Applicant that present configuration of the building does not require a designated loading area.

8. The Applicant has agreed to submit a floor plan of the proposed restaurant to the Zoning/Planning Board engineer for review and comment.

9. The Applicant has agreed to raise the gas valve and surrounding pavement within the north drive aisle in order to eliminate the low lying area.

10. The Applicant has agreed to contact the N.J. Department of Transportation and obtain a letter of "no interest" or amended access permit.

11. The Applicant has agreed to comply with the comments and recommendations by the Fire Marshall and as set forth in that certain letter dated August 6, 2015.

12. This approval and grant of variances is conditioned on the Applicant obtaining all other necessary approvals and/or permits from all governing departments or agencies, which may be required, and compliance with all Applicable Federal, State, County or Township rules and regulations

Attest:

Kelley Shendock

Kelley ~~McCauley~~ Shendock
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 27th day of October, 2015

Kelley Shendock

Kelley ~~McCauley,~~ Secretary
Township of Berlin Planning/Zoning Board