

RESOLUTION NO. 2020-11

Applicant: Donald Leverett

Property: Block 202 Lot 2
95 Warren Avenue

Zone: R-2 Single Family

Application for a minor subdivision - with variance

**RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD
GRANTING MINOR SUBDIVISION-WITH VARIANCE**

WHEREAS. On August 11th 2020, the above application was considered by the Planning/Zoning Board of the Township of Berlin, Camden County, New Jersey, for minor subdivision, with variances, and

WHEREAS. The Planning Board has received a plan for the minor subdivision, and the Plan being prepared by Gary R. Civalier P.E. P.L.S, P.P., dated April 20th 2020, with Plan of Survey dated March 12th 2020, and the same having been reviewed by the Board's engineer KEI Associates, P.A., Charles J. Riebel Jr., P.E., P.L.S., P.P. with a report submitted and dated May 14th 2020, and

WHEREAS. The Board has determined that the application was properly before the Board with notice and publication being submitted.

WHEREAS. The Board, having reviewed all reports and documents presented, intended witnesses having been sworn-in by he Board Solicitor and the Board having received all the testimony, the Board determined the following;

a) The property in question is located between Warren Avenue and Chester Avenue, with an existing two story dwelling along Warren Avenue. There is a masonry garage (18X100) behind the dwelling with overhead door facing Chester Avenue.

b) From a review of the nature of the application, the Board determined that the application is proper and is classified as a minor subdivision.

c) The applicant testified that he has received and reviewed the report filed by the engineer for the Board, as stated above.

d) The applicant proposes to subdivide the parcel into two lots. The proposed lot along Warren Avenue is to be 85X100 and the proposed lot along Chester Avenue is to be 75X100, (with the existing garage to be removed, pe the testimony of the applicant) as part of the Chester Avenue lot.

The applicant marked photo exhibits as "A-1 through A-7 ", as well as the plan of subdivision and survey submitted as part of the filed application,

e) The applicant seeks the following variances as part of the application;

1. To permit 8,500 s.f on the Warren Avenue Lot, where 9,375 s.f. is required by ordinance.
2. To permit 7,500 s.f on the Chester Avenue Lot, where 9,375 s.f. is required by ordinance.
3. To permit overall density of 5.44 dwelling units per acre where a maximum of 4.00 dwelling units is permitted by ordinance.
4. To permit a front yard 13.04' building set back on the Warren Avenue

- property as a pre-existing condition.
5. To permit a side yard 13.87' building set back on the Warren Avenue property as a pre-existing condition.

f) There was discussion on the applicant's request for a waiver of curb and sidewalk and driveway apron on both the Warren Avenue and Chester Avenue lots, and the removal of the garage on the Chester Avenue lot. Following much discussion, the Board determined, and the applicant agreed as follows;

1. The applicant will remove the garage and foundation within three (3) months from the date of this Approval, together with all electrical service to the garage.

2. The applicant will install curb, driveway apron and sidewalk along the Warren Avenue lot within six (6) months from the date of this approval.

3. Regarding the Chester Avenue lot, installation of curb, driveway apron and sidewalk along the Chester Avenue lot shall be a preceding condition prior to the issuing of building permits.

4. The applicant agreed that the subdivision deeds shall reflect a "Deed Restriction" requiring the Warren Avenue Deed to reflect the installation of curb, sidewalk and driveway apron to be installed not later than six (6) months following the approval of this application. And, a deed restriction requiring the Chester Avenue Deed to reflect the installation of curb, sidewalk and driveway apron to be installed prior to the issuing of a building permit and a condition for the issuing a temporary or final certificate of occupancy.

g) There was an open public portion with comments from the public. There was no opposition presented at the public portion.

h) The Board determined that granting approval of the minor subdivision application, with variance, presents no substantial detriment to the public good as well as no substantial deviation from the intent and purpose of zoning.

NOW THEREFORE, after considering the foregoing, it is herein RESOLVED that the above application for minor subdivision to provide for two approved lots as shown on the submitted plan be and is hereby GRANTED.

BE IT FURTHER Resolved that the following variance be and are hereby Approved;

1. To permit 8,500 s.f on the Warren Avenue Lot, where 9,375 s.f. is required by ordinance.
2. To permit 7,500 s.f on the Chester Avenue Lot, where 9,375 s.f. is required by ordinance.
3. To permit overall density of 5.44 dwelling units per acre where a maximum of 4.00 dwelling units is permitted by ordinance.
4. To permit a front yard 13.04' building set back on the Warren Avenue property as a pre-existing condition.
5. To permit a side yard 13.87' building set back on the Warren Avenue property as a pre-existing condition.

BE IT FURTHER Resolved that the following conditions be and are hereby Approved;

1. The applicant will remove the garage and foundation within three (3) months from the date of this Approval, together with all electrical service to the garage.

2. The applicant will install curb, driveway apron and sidewalk along the Warren Avenue lot within six (6) months from the date of this approval.

3. Regarding the Chester Avenue lot, installation of curb, driveway apron and sidewalk along the Chester Avenue lot shall be a preceding condition prior to the issuing of building permits.

4. The applicant agreed that the subdivision deeds shall reflect a "Deed

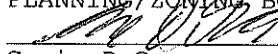
Restriction" requiring the Warren Avenue Deed to reflect the installation of curb, sidewalk and driveway apron to be installed not later than six (6) months following the approval of this application. And, a deed restriction requiring the Chester Avenue Deed to reflect the installation of curb, sidewalk and driveway apron to be installed prior to the issuing of a building permit and a condition for the issuing a temporary of final certificate of occupancy.

The applicant will be required to post the necessary performance guarantees and escrows prepared by the Department of Engineering.

The applicant must comply with any and all applicable Federal, State, County and Local laws, rules and regulations.

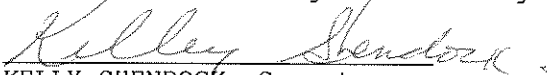
ATTEST:


KELLY SHENDOCK
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 August 11th 2020.


KELLY SHENDOCK, Secretary
TOWNSHIP OF BERLIN
PLANNING BOARD