

RESOLUTION NO. 2020-12

Applicant: HSC Berlin LLC
Tractor Supply Store

Property: 901 State Highway Route 73 South
Berlin, New Jersey
Block 1604 Lot 1,2,3,4,5

- A - "D" Variance from Ordinance 340-51H to permit sale of tow behind trailers
- B - Preliminary and Final Site Plan Approval - with variance

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

WHEREAS. The applicant appeared before the Board on October 27th 2020, and is applying for a use variance and preliminary and final Site Plan approval, with variances for property known as Block 1604 Lots 1,2,3,4 & 5, 901 Route 73 South, 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 April 28th 2020, and marked 8/6/2020. The applicant appeared before the Board and was represented by the law office of Michael J. Baker Esq., and

WHEREAS. Also appearing for the applicant was Joshua M. Sewald P.E. PP.

WHEREAS. The applicant provided the following reports;

- a. ALTA/NSPS Land Survey, dated January 18th 2020 by Craig Black, P.E. P.L.S
- b. Site Plan Exhibit dated February 26th 2020, by Dynamic Engineering.
- c. Preliminary and Final Site Plan by Joshua M. Sewald P.E. PP.
- d. Storm Water Management, Ground Water Recharge and Water Quality Analysis by Josuha M. Sewald P.E. PP.
- e. Stormwater Management Operation Manual by Joshua M. Sewald P.E. PP.
- f. Traffic Impact Study dated September 25th 32019 by Nick Verderese P.E. and Justin P. Taylor P.E. PTOE.
- g. Architectural Building Elevations by Cyntergy dated January 14th 2020.
- h. Floor Plan dated February 4th 2020 by David F. Phelps.

And

WHEREAS. All intended witnesses for the applicant and the Board's Engineer 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-2RG Pinelands Highway Commercial Regional Growth zone. The proposed Tractor Supply store is a permitted use in the zoning district. The proposed sale of tow behind trailers requires a "D" Variance as part of this application, and

WHEREAS. The applicant provided testimony;

a. The applicant provided testimony that the intended location of the tow behind trailers that are available for sale would be located on the South side of the property and would be less visible from the roadways and that the sale of trailers is not primary but ancillary to the principal retail business of the proposed Tractor Supply Store.

b. The applicant provided testimony that the granting of the use variance will not be a substantial detriment to the public good and will not substantially impair the intent and purpose of zoning.

c. The applicant also provided testimony that the granting of the use variance supports the general purpose of zoning as it does provide for an appropriate use of the commercial property, does better provide for sufficient visual space and by placing the trailers along the South side of the property, facing the railroad would make the trailers not visible from Route 73 or Jackson Road.

d. During the the public portion on the use variance, there was no opposition to the intended location of the trailers nor the sale of the tow behind trailers.

e. The Board determined that granting the use variance request will not be a substantial deviation from the intent and purpose of zoning for the area and will not cause a substantial detriment to the community, and that the applicant has satisfied the criteria established by the New Jersey Municipal Land Use Law necessary for the granting of a "D" Variance.

and

WHEREAS. Having determined the approval of the Use Variance, the application moved forward on presentation of the site plan and variances requested, and as part of the application, the applicant seeks the following variances and waivers;

Variances:

1. The applicant seeks a variance to permit outside storage and display of goods without screening (340-16).
2. The applicant seeks a variance to permit an eight (8) foot fence where six (6) foot is permitted (340-18 D).
3. The applicant seeks a variance to permit a Freestanding sign of 75.1 square feet, where 65 square feet is permitted.
4. The applicant seeks a variance to permit a Façade sign of 125 s.f facing Route 73 where 65 s.f is permitted.
5. The applicant seeks a variance to permit a Façade sign of 125 s.f. facing Jackson Road where 65 s.f. is permitted.

Waivers:

1. The applicant seeks a waiver from improving the entire frontage of Hopewell Road to 30 feet wide with curb and sidewalk.
2. The applicant seeks a waiver from requiring sidewalk along Jackson Road.
3. The applicant seeks a waiver to permit LED site lighting fixtures .

And

WHEREAS. There was discussion concerning the applicant's request for waiver of curb and sidewalk on Hopewell Road and sidewalk on Jackson Road.
And

WHEREAS. The applicant informed the Board that the County is requiring the

applicant to make geometric and traffic signal improvements to Hopewell Road at the intersection with Jackson Road and the roadway of Hopewell Road to be improved to 30 feet. The applicant was in agreement and would make the improvements from Jackson Road to the end of the far radius of the Tractor Supply driveway at Hopewell Road, and if the County and or Waterford Township requires improvements to the remaining frontage on Hopewell Road, now or at a time in the future, they will construct the concrete curb along the remaining of Hopewell Road frontage., and

WHEREAS. Following discussion, the applicant agree to install sidewalk along the relevant frontage of Jackson Road. Also, following discussion, the applicant agreed that the 10X20 Feet masonry block trash enclosure would be constructed to match the main building façade, and

WHEREAS. Following discussion on items 13a, 13b and 13c of the Board Engineer's report, the applicant agreed to continue to work with the Board Engineer to satisfy issues that may be present. The Board was in agreement this proposal, and

WHEREAS. There was some discussion on proper visual notice to motorist traveling on Route 73 north bound lanes as they approached the Tractor Supply Store. For better safety, the applicant agreed to clearly display a "Tractor Supply Co, Enter" directional sign at the proposed entrance drive.

WHEREAS. At the conclusion of the applicant's presentation, the meeting was open to the public for comment. There was no public comment on the application, and

WHEREAS. In considering the applicant's request for variances, the Board determined that there would be no substantial detriment to the public good nor substantial deviation from the intent and purpose of zoning.

NOW THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Berlin that the application for use variance to permit the sale of trailers be and is hereby GRANTED.

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 outside storage and display of goods without screening (340-16).
2. The applicant seeks a variance to permit an eight (8) foot fence where six (6) foot is permitted (340-18 D).
3. The applicant seeks a variance to permit a Freestanding sign of 75.1 square feet, where 65 square feet is permitted.
4. The applicant seeks a variance to permit a Façade sign of 125 s.f facing Route 73 where 65 s.f is permitted.
5. The applicant seeks a variance to permit a Façade sign of 125 s.f. facing Jackson Road where 65 s.f. is permitted.

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

1. A waiver from improving the entire frontage of Hopewell Road to 30 feet

- wide with curb and sidewalk.
2. A waiver to permit LED site lighting fixtures .


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

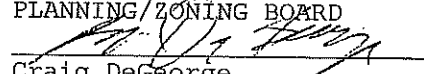
1. The applicant will make all geometric and traffic signal improvements required by Camden County, for the intersection of Hopewell Road and Jackson Road and will improve Hopewell Rad to 30 feet with concrete curb along booth sides to the end of the far radius of the proposes Tractor Supply drive at Hopewell Road. If the County and or Waterford Township requires the the roadway of Hopewell to be improved by either the applicant of other party, the applicant must construct the concrete curb along the remaining of Hopewell Road.
2. The applicant will work with the Board Engineer to address the satisfaction of item # 13a, 13b and 13c of the Board Engineer's report.

BE IT FURTHER RESOLVED, the applicant will post any and all performance guarantees required.

BE IT FURTHER RESOLVED, the applicant will seek and receive all approvals and permits necessary from all governing departments and agencies and shall meet compliance with all applicable Federal, State and County and Municipal 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 October 27th 2020.


KELLY SHENDOCK, Secretary