

RESOLUTION NO. 2021-12

Applicant: Bank of America
The Commons at Berlin Township

Property: 71 Walker Avenue and 84 Haddon Avenue
Berlin Township
Block 701 Lots 8.01 and 8.02

Zone: C1- Highway Commercial Zone

The applicant requests Amended Site Plan with a Use Variance to construct a drive-up ATM Kiosk and drive-thru lane

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD
DENYING APPLICATION FOR A USE VARIANCE TO PERMIT A DRIVE-UP
ATM KIOSK WITH DRIVE-THRU LANE

WHEREAS. On April 13th 2021, the Planning/Zoning Board of the Township of Berlin, Camden County, New Jersey, considered the above application. The applicant was seeking an Amended Site Plan with a Use Variance to permit a stand-alone ATM Kiosk Drive-Up/Drive-Thru. The applicant does not propose the development of a Bank of America Store on the site to serve as the primary use. The applicant intends the ATM Kiosk to be the primary stand-alone structure, and

WHEREAS. The applicant did previously appear before the Planning/Zoning Board on March 9th 2021, and was heard on the issue of the necessity for a Use Variance to permit a stand-alone ATM Kiosk, and

WHEREAS. On March 9th 2021, following a discussion on the issue of a stand-alone ATM Kiosk, the Board determined that a stand-alone ATM Kiosk was not a permitted use under the Land Use Code of the Township of Berlin, and the applicant therefore required a Use Variance as part of their application then before the Board, and

WHEREAS. Since the application required a Use Variance, the Class I and Class III members of the Board were required to step down and not participate in the hearing on a Use Variance Application. This resulted in only five members of the Board remaining and qualified to participate and vote on the application before the Board on March 9th 2021. The applicant requested and was granted a postponement of the application, and

WHEREAS. The applicant again appeared before the Board on April 13th 2021, and was represented by Thomas M. Letizia Esq.,

WHEREAS. The Board received the amended site plan and use variance application, prepared by applicant and containing the following;

1. Amended Major Site Plan dated December 16th 2020, prepared by Paul D. Mutch Jr. P.E.
2. Boundary and Topographic Survey dated November 11th 2020, prepared by Thomas F. Miller P.L.S.
3. Plan set of the Bank of America ATM Kiosk prepared by Companion.
4. Copy of Deed recorded in Book 7889 Page 1723.

All documents have been received and 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 January 11th 2021, and

WHEREAS. The Board determined the application was properly before the Board, having met all jurisdiction requirement. All parties present to testify were sworn-in by the attorney for the Board, and

WHEREAS. The Board determined the applicant was seeking a Use Variance to permit a stand-alone ATM Kiosk as a primary structure use, with an amended site plan to eliminate ten (10) existing parking spaces currently established for the site and used by the existing retail Dollar Store. The applicant plans to construct a stand-alone ATM Kiosk and Drive-thru in place of the existing parking spaces, and

WHEREAS. The applicant presented testimony from their engineer Thomas D. Mutch Jr. P.E. and marked exhibits A1, A2, and A3 in support of the proposed amended site plan. The applicant also presented testimony from Keenan Hughes, Planner in support of the applicants request for a Use Variance, and

WHEREAS. There was discussion on testimony presented by Keenan Hughes, the applicant's Planner. The discussion centered on the Applicant's burden to demonstrate "Special Reasons" for the granting of a Use Variance as well as offering an "Enhanced quality of Proof" to show the variance is not inconsistent with the intent and purpose of the Township Master Plan and Zoning Ordinance ("Negative Criteria"), and

WHEREAS. The meeting was opened to the public. Damien DelDuca Esq. appeared as the attorney representing the property owner. The property owner was not present. Mr. Delduca presented arguments to the Board to encourage the Board to support the application for a Use Variance as well as objections to the Board's comments not favorable to a Use Variance. In response to a Board Member's question as to the property owner's reason for support of approval of the Use Variance, Mr. Delcuca responded in the affirmative that the property owner would receive additional rent for the land use by the applicant, and

WHEREAS. There was much discussion by the Board concerning the applicant's position that the ATM Kiosk should be considered a primary bank structure and permitted as a primary use. The Board was of the opinion that the Berlin Township Ordinance clearly defined the intended Kiosk as an accessory use to a primary structure, and that the applicant did not propose a primary structure (Bank building) to support the accessory use. There was also testimony by the applicant's Planner that this property was particularly suitable for the proposed use. However, the Planner was unable to establish that there was a particular need for this type of use in the community as a stand-alone structure, and

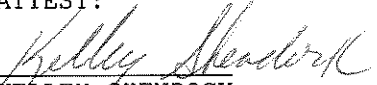
WHEREAS. There was discussion by the Board on concern that location of the drive thru area proposed for the ATM Kiosk would cause a negative traffic pattern and interference with movement of vehicles at the site visiting the retail Dollar Store, and

WHEREAS. The Board determined that the proposed stand-alone ATM Kiosk drive-thru structure would be a detriment to the immediate community and a substantial deviation from the intent and purpose of zoning.

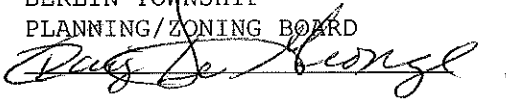
NOW THEREFORE, after considering the applicant's testimony and documents presented, it is herein RESOLVED that the application for a Use Variance be and is hereby DENIED.

The application was denied by unanimous vote of the Board Members present and voting.

ATTEST:

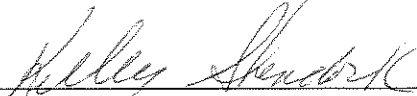

KELLEY SHENDOCK
Secretary

BERLIN TOWNSHIP
PLANNING/ZONING BOARD


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 April 13th 2021.


KELLEY SHENDOCK, Secretary

RESOLUTION NO. 2021-13

Applicant: Zallie-Somerset Inc.

Property: Shop Rite of West Berlin

Administrative Amendment to Site Plan to include an addition of a covered cart storage in front of the store at the side walk area.

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD
GRANTING ADMINISTRATIVE AMENDMENT TO AN APPROVED SITE PAN TO PERMIT A COVERD
CART STORAGE IN FRONT OF THE STOR AT THE SIDE WALK AREA

WHEREAS. The applicant appeared (administratively) before the Board on April 13th 2021, requesting an administrative amendment to a major site plan final approval to permit a covered cart storage in front of the store at side walk area, and


WHEREAS. The applicant did submit a draft site plan and arial photo showing the specifics of the site and location of the proposed covered cart storage. The plan was reviewed by Charles J. Riebel Jr. P.E., P.L.S., P.P. the Engineer for the Board. Mr. Riebel having no objection, and,

WHEREAS. The submitted plan has been received by the Board and has been placed as part of the record before the Board. The submitted site plan is dated March 23rd 2021 signed by the applicant, Christopher Calvert, Director of Store Development Zallie-Somerset Inc., and


WHEREAS. The Board has been advised that the amendment is properly before the Board and the request is appropriate for Administrative Amendment.

NOW THEREFORE, BE IT RESOLVED, by the Planning Zoning Board of the Township of Berlin that the Applicant's request for Administrative Amendment to include a covered cart storage at the font of the store at the side waka area is herein GRANTED.

ATTEST:

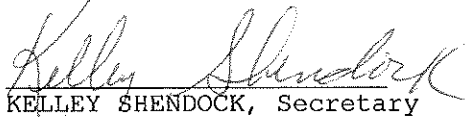

KELLY SHENDOCK
Secretary

BERLIN TOWNSHIP
PLANNING/ZONING BOARD


Craig DeGeorge
Chairman

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Amending Resolution adopted by the Berlin Township Planning/Zoning Board at a meeting held on April 13th 2021


KELLEY SHENDOCK, Secretary

RESOLUTION NO. 2021-14

Applicant: The Tab Group

Property:
Block 2499 Lot 1

Administrative Amendment to Site Plan to include a concrete ramp and pad on the rear north side of the building to accommodate a trash compactor.

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD
GRANTING ADMINISTRATIVE AMENDMENT TO AN APPROVED SITE PAN TO ACCOMMODATE A
TRASH COMPACTOR

WHEREAS. The applicant appeared (administratively) before the Board on April 13th 2021, requesting an administrative amendment to a major site plan final approval to permit construction of a 26' long by 15' wide pad to accommodate a concrete pad for trash compactor, and

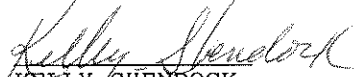
WHEREAS. The applicant did submit a site plan and arial photo showing the specifics of the site and location of the proposed concrete pad for the trash compactor. The plan was reviewed by Charles J. Riebel Jr. P.E., P.L.S., P.P. the Engineer for the Board. Mr. Riebel having no objection, and,

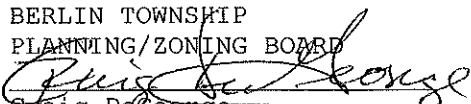
WHEREAS. The submitted plan has been received by the Board and has been placed as part of the record before the Board. The submitted site plan is signed by the applicant, Maurice Colantonio for TAB Shredding Inc., and

WHEREAS. The Board has been advised that the amendment is properly before the Board and the request is appropriate for Administrative Amendment.

NOW THEREFORE, BE IT RESOLVED, by the Planning Zoning Board of the Township of Berlin that the Applicant's request for Administrative Amendment to include a concrete ramp and pad on the rear north side of the building, as described in the transmittal submitted by TAB Shredding as part of the record is herein GRANTED.

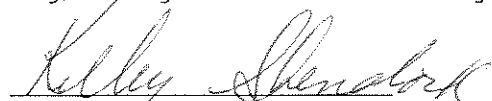
ATTEST:


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 an Amending Resolution adopted by the Berlin Township Planning/Zoning Board at a meeting held on April 13th 2021


KELLEY SHENDOCK, Secretary