

**RESOLUTION NO. 2021-15**

**Applicant:** Likos, LLC (Victory Bar and Grill)

**Property:** 795 Route 73

Block 1605, Lot 1

**Zone:** C-3 Regional Commercial Growth Zoning District – (Pinelands Commercial)

**Application:** Amendment to Site Plan Approval with Variances and Waivers

**WHEREAS**, the Applicant, Likos, LLC, being represented by Charles R. Ropka, Esquire, of Ropka Law, LLC, is the owner of the lands and premises situate at 795 Route 73, Block 1605, Lot 1. Victory Bar and Grill, its occupant, has filed an Application for amended site plan approval, requesting authorization to expand its existing structure by building an addition thereon.

**WHEREAS**, the Applicant has submitted a Site Plan, dated March 19, 2021, prepared by Thomas J. D'Arrigo, Sr., AIA, R.A., of TJD Architects & Engineers PC; Plan of Survey with Topography, dated April 30, 2021, by James A. Sassano, P.L.S., in support of the Application; and

**WHEREAS**, the Applicant has requested that the Board grant certain variances and waivers as set forth on behalf of the Applicant; and

**WHEREAS**, the Board has considered that certain Review Letter dated April 29, 2021 prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township; and

**WHEREAS**, the Board has given careful consideration to the application and testimony of the Applicant and the Applicant's expert, and has reviewed and considered the Review Letter dated April 29, 2021, prepared by the Township Engineer and Letter prepared by the Township Fire Marshall, and finding that the granting of the Amended Site Plan approval with the variances and waivers requested by the Applicant will not be a detriment to the existing zoning ordinance

or the public good, and it further appearing that the public was given an opportunity to question the Applicant, and no member of the public objected to the relief requested by the Applicant.

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

1. The Applicant is granted an amendment to the Site Plan Approval in accordance with the Site Plan dated March 19, 2021, prepared by Thomas J. D'Arrigo, Sr., AIA, R.A., of TJD Architects & Engineers PC ("Site Plan"); Plan of Survey with Topography, dated April 30, 2021, by James A. Sassano, P.L.S., subject to the conditions set forth in that Review Letter dated April 29, 2021, prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township, and further conditioned on the following requirements:

A. The Applicant shall complete the consolidation of Lots 1 and 1.02 in accordance with the suggestions of the Township Engineer.

B. The Applicant withdraws the previously approved site plan approval to build a retail building on Block 1605, Lot 1.02 as approved by the Board, but only that the Applicant is not constructing a retail building. All other approvals relating to the site plan approval will remain in and affect.

C. The Applicant shall depict at least one (1) handicap parking space and handicap ramp on the north-side parking area in accordance with the suggestions of the Township Engineer as set forth in the Review Letter dated April 29, 2021, Item 6(b).

D. The Applicant shall comply with item 6(c) as set forth on the Review Letter dated April 29, 2021.

E. The Applicant shall not depict bollards between the edge of the parking spaces and the sidewalk in accordance with the suggestions of the Township Engineer as set forth in the Review Letter dated April 29, 2021, Item 6(d).

F. The Applicant shall properly align and anchor the loose concrete wheel stops along the northwest side of the existing parking in accordance with the suggestions of the Township Engineer as set forth in the Review Letter dated April 29, 2021, Item 6(e).

G. The Applicant shall relocate the “additional parking sign” from the rear of the existing parking area to the front of the parking area in accordance with the suggestions of the Township Engineer as set forth on the Review Letter dated April 29, 2021, Item 6(f).

H. The Applicant shall comply with item 6(g) as set forth on the Review Letter dated April 29, 2021.

I. The Applicant shall comply with item 7(c) as set forth on the Review Letter dated April 29, 2021.

J. The plan shall be revised to depict the cross slope for all pedestrian ways and areas to not be greater than two percent (2%) in accordance with the suggestions of the Township Engineer as set forth in the Review Letter dated April 29, 2021, Item 8(c).

K. The bottom of the expanded basin shall consist of the 6" thick K5 sand layer (filter fabric along the sides of the sand layer) in accordance with the suggestions of the Township Engineer as set forth in the Review Letter dated April 29, 2021, Item 9(a).

L. The discharge from the proposed roof shall drain discharge on a stabilized surface and be directed, overland, to the stormwater basin in accordance with the suggestions of the Township Engineer as set forth in the Review Letter dated April 29, 2021, Item 9(b).

M. The Applicant shall comply with item 11(a) as set forth in the Township Engineer’s Review Letter dated April 29, 2021.

N. The Applicant shall comply with item 11(b) as set forth in the Township Engineer’s Review Letter dated April 29, 2021.

O. The Applicant shall comply with item 11(d) as set forth in the Township Engineer's Review Letter dated April 29, 2021.

P. The Applicant shall obtain development certification (approval) from the Camden County Soil Conservation District in accordance with the suggestions of the Township Engineer as set forth in the Review Letter dated April 29, 2021, Item 14(a).

Q. The Applicant shall obtain site plan approval or an exemption letter from the Camden County Planning Board in accordance with the suggestions of the Township Engineer as set forth in the Review Letter dated April 29, 2021, Item 14(b).

R. The Applicant shall comply with Item (15) as set forth in the Township Engineer's Review Letter dated April 29, 2021.

S. The Applicant shall fill all rutted lawn areas along the edge of the existing pavement with topsoil and seeding in accordance with the suggestions of the Township Engineer's Review Letter dated April 29, 2021, Item 18(a).

T. The Applicant shall repair or replace the damaged aluminum fence along the drive which is parallel and close to Rt. 73 in accordance with the suggestions of the Township Engineer as set forth in the Township Engineer's Review Letter dated April 29, 2021, Item 18(b).

U. The Applicant shall obtain approval from the New Jersey Department of Transportation for the lot consolidation in accordance with the suggestions of the Township Engineer as set forth in the Township Engineer's Review Letter dated April 29, 2021, Item 19(b).

V. The Applicant shall comply with Item 19(c) as set forth in the Township Engineer's Review Letter dated April 29, 2021.

W. The Applicant shall comply with Item 1 of the Township of Berlin's Fire Marshall, Joseph Cornforth dated April 30, 2021

X. The Applicant shall comply with Item 2 of the Township of Berlin's Fire Marshall, Joseph Cornforth dated April 30, 2021

Y. The Applicant shall comply with Item 3 of the Township of Berlin's Fire Marshall, Joseph Cornforth dated April 30, 2021

2. The Applicant is granted the following variances:

A. A variance from Section 340-55(A)(5)(a) of the Township of Berlin Zoning Ordinance of the Township of Berlin which requires a minimum front yard set-back of 50 feet so that the Applicant can continue to use the lot with a front yard set-back of 28.58 feet, which is a pre-existing non-conforming condition.

B. A variance from Section 340-55(A)(5)(a) of the Township of Berlin Zoning Ordinance of the which requires a minimum front yard set-back of 50 feet so that the Applicant can construct the addition to the existing building structure having a front yard set back of 30.13 feet.

C. A variance from Section 340-18(D) of the Township of Berlin Zoning Ordinance which requires a maximum fence height of 6 feet so that the Applicant can erect a vinyl fence with a height of 8 feet as set forth on the Site Plan.

D. A variance from Section 340-83 of the Township of Berlin Zoning Ordinance which prohibits all signs which flash, mov, or have apparent moving signs, except the changeable copy.

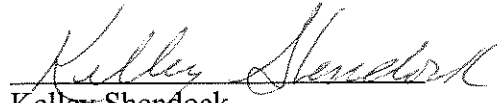
3. The Applicant is granted the following waivers:


A. A waiver from the applicable Section 340-69(E)(21) of the Township of Berlin Zoning Ordinance which governs the permitted types of lighting fixtures so that the Applicant is permitted to install LED type lighting fixtures.

4. This Amended Site Plan Approval, variances and waivers are further conditioned upon the Applicant obtaining any and all other approvals which may be required from any and all other State, County or Local governmental agencies.

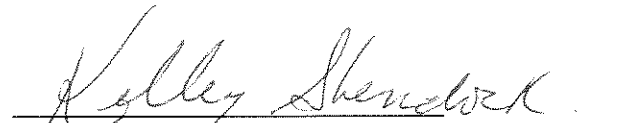
Attest:

Township of Berlin Planning/Zoning Board

  
Kelley Shendock  
Secretary

  
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 22 day of ~~May~~, 2021.  
June

  
Kelley Shendock, Secretary  
Township of the Berlin Planning/Zoning Board