

RESOLUTION NO. 2021-19

Applicant: Evan Schaffer
Property: 367-377 Mink Avenue
Block 707 Lot 1

Zone: R-2 Single Family-Detached

Application for a minor subdivision - no variance

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD
GRANTING MINOR SUBDIVISION-NO VARIANCE

WHEREAS. On August 10th 2021, the above application was considered by the Planning/Zoning Board of the Township of Berlin, Camden County, New Jersey, for minor subdivision, with no variances being requested, and

WHEREAS. The Planning Board having received a plan for the minor subdivision, and the Plan being prepared by Adam R. Grant P.L.S., dated 4/21/2021, and the plan 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 June 5th 2021. The applicant was represented by Richard J. Hoff Jr. Esq., and

WHEREAS. The Board has determined that the application was properly before the Board with notice and publication being submitted. The Board further determined that the application requested a minor subdivision to subdivide the existing 32,366 square feet lot into three lots for single family residential detached use.

FIRST:

WHEREAS. From a review of the Board's Engineer Report dated June 5th 2021, at paragraph 1c, the Board was required to determine if the application required a "D" variance on the issue of density pursuant to sec. 340-35 & 340-38A of the Berlin Township Land Use Ordinance, and

WHEREAS. The applicant opined that N.J.S.A. 40:55D-70d-5 specifically exempted a minor sub-division from issue of density. The Board agreed with applicant,

WHEREAS. A motion was made and passed by unanimous vote of the Board that the application did not require a Density variance.

SECOND:

WHEREAS. The application continued before the Board being a minor subdivision to subdivide the existing 32,366 square feet lot into three lots for single family residential detached use, and

WHEREAS.

a)

The property in question is located along the North side of Minck Avenue, is a wooded lot and is in the Single Family Detached Residential Zone - R-2.

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 submitted the Plan of Minor Subdivision prepared by Adam R. Grant P.L.S. dated 5/11/21. The Plan was marked as applicants Exhibit A-1. The applicant testified that he has received and reviewed the report filed by the engineer for the Board, dated June 5th 2021, and will comply with the comments contained in the report.

d) The applicant proposes to subdivide the parcel into three lots. The applicant proposes the front yard setback for all three lots on Minck Avenue at a 30-foot building front yard setback (consistent with the Berlin Township Ordinance requirement). The applicant also proposes the rear yard setback for all three lots on Fiske Avenue to be 25 feet. The Berlin Township Ordinance requires a 30-foot rear yard setback on Fiske Avenue (paper street). The applicant requests a variance to permit the rear yard setback on Fiske Avenue to 25 feet for all three lots.

e) There was discussion on the N.J. Residential Site Improvements Standards (R.S.I.S.) and the Township Ordinance that require a street right of way to be set at 50 feet. Neither Minck Avenue nor the paper street Fiske Avenue meet that requirement. The Board Engineers report dated June 5th 2021 recommends granting a waiver from the R.S.I.S. standard as well as the Township Ordinance. The Board was in agreement with the granting of this Waiver.

f) There was also discussion regarding paragraphs 3b and 3d of the Board Engineer report dated June 5th 2021. Following discussion, the Board determined that sidewalk will be required on Minck Avenue, a shade tree easement will be required along Fiske Avenue.

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

NOW THEREFORE, after considering the foregoing, it is herein RESOLVED that the above application for minor subdivision to provide for three lots as shown on the submitted plan (Exhibit A-1) be and is hereby GRANTED.

BE IT FURTHER RESOLVED the following waiver is Granted;


From the requirement that street Right of Way be set at 50 feet.- R.S.I.S. Standard 5;21-4.1C and the Township Ordinance Sec. 200-8 E.1.

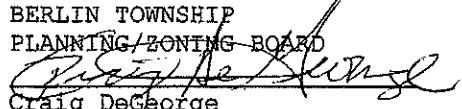
BE IT FURTHER resolved the following conditions are Required;

1. The applicant is required to dedicate five (5) feet wide side walk frontage along Minck Avenue and street curb and side walk to be installed along Minck Avenue frontage as part of the application approval.
2. The applicant is required to dedicate a five (5) feet wide shade tree easement along the frontage of Fiske Avenue.
3. The applicant shall identify and locate all trees with a diameter of 10 inches or more and submit an application for tree removal permits.
4. The applicant is required to file a grading plan for each lot prior to being issued a building/construction permit.

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

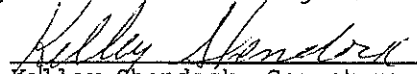
ATTEST:


Kelley 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 10th, 2021.


Kelley Shendock, Secretary
TOWNSHIP OF BERLIN
PLANNING BOARD