

RESOLUTION NO. 2021-21

Applicant: Diggerland USA 1, LLC

Property: 441 E. Franklin Avenue
Block 2601, Lot 2

Zone: C2-I Commercial-Industrial Zoning District

Application: Amended Site Plan with Variance and Design Waiver

Whereas: The Applicant, Diggerland USA 1, LLC, represented by Robert F. Kelly, Esquire and with the permission of Power Engines, LLC, is the occupant of the lands and premises situate at 441 Franklin Avenue, Block 2601, Lot 2, which property is located in the C2-I Commercial-Industrial Zoning District; and

Whereas: The Applicant desires to amend the existing site plan and is proposing a Phase II expansion of the Outdoor Recreation Pool Area, which shall include a 15,045 square foot Wave Pool, 864 square foot Water Walk Pool, Concrete Apron, Twin Water Slides, with stairwell, eleven (11) additional cabanas, and relocation of the site amenities and fencing to enclose the entire area contiguous with the Phase I pool area (Approving Resolution 2019-13) and Splash Zone to be incorporated within and complement the existing Diggerland Adventure Park; and

Whereas: The Applicant has submitted an Amended Site Plan, dated June 30, 2021, prepared by Gregory Fusco, P.E., of Key Engineers, Inc.; an As Built Survey, dated June 24, 2021, by American Layout Land Surveying; Drainage Calculations, dated August 3, 2021, prepared by Gregory Fusco, P.E. of Key Engineers, Inc. and various Supplemental

Plans, Renderings and Aerial Photographs, in support of the Application; and

Whereas: The Board has considered a certain Review Letter September 6, 2021 prepared by Jack J. Gravlin, Jr., P.E., Township Engineer for the Berlin Township Planning/Zoning Board; and

Whereas: The Board has given careful consideration to the application, testimony of experts and representations of the Applicant, and have reviewed and considered the Review Letter dated September 6, 2021, prepared by the Engineer for Berlin Township, Planning/Zoning Board, and having determined that the granting of an Amended Site Plan Approval, with variance and waiver requested should be approved, and such approval 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:

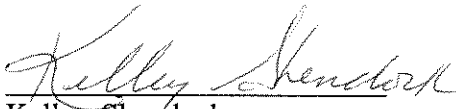
1. The Applicant is granted Amended Site Plan Approval of the Amended Site Plan, dated June 30, 2021, prepared by Gregory Fusco, P.E., of Key Engineers, Inc.
2. The Applicant is granted a variance from Section 340-66.A.(6) of the Zoning Ordinance, which sets a maximum height of a structure at 50 feet, so that the Applicant can construct the proposed water slide at a height of 52.1 feet.
3. The Applicant is granted a waiver to permit LED type lighting fixtures.
4. The Applicant has agreed, in lieu of submitting a tree mitigation plan

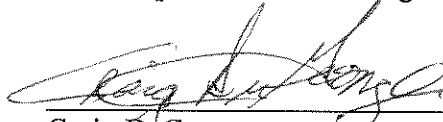
regarding the area to be developed, to donate the sum of \$4,160.00 to the Township of Berlin.

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

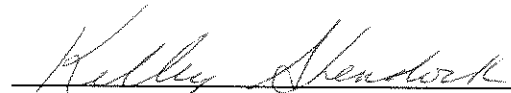
Attest:

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 26th day of October, 2021.


Kelley Shendock, Secretary
Township of Berlin Planning/Zoning Board