

RESOLUTION NO. 2022-8

Applicant: Salvatore Cusumano  
My Angelo's Pizza LD  
Property: 168 Haddon Avenue  
Block 625 Lot 1

Preliminary and Final Site Plan Approval - with variance

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

WHEREAS. The applicant appeared before the Board on October 26<sup>th</sup> 2021, and is applying for preliminary and final Site Plan approval for property known as Block 625 Lot 1, 168 Haddon avenue, and

WHEREAS. The applicant has submitted a site plan for approval, which plan has been reviewed by Gregory B. Fusco. P.E., P.P., C.M.E. of Key Engineers the Engineer for the Board. The report of the Board's Engineer is dated October 6<sup>th</sup> 2021. The applicant appeared before the Board and was represented by Peter N. Milligan Esq., and

WHEREAS. The following either appeared or provided documentation reports on behalf of the the applicant;

- a. Joshua D. Hoagland P.E. of The Crossroads Group LLC.
- b. Jack Shoemaker P.L.S. of Valley Land Services LLC
- c. Michael Cihlar of Architectural Concepts P.C.
- d. Colin Camp E.I.T. The Crossroads Group LLC

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 Central Business District (CBD) Zone District. The applicant's proposed pizza shop restaurant is a conditional use, and

WHEREAS. The Board determined that the application is properly before the Board and the proof of notice and publication is appropriate, and

WHEREAS. The applicant has received and reviewed a copy of the Board Engineer's report. The applicant introduced their filed reports as exhibits to establish building renderings and proposed site plan, and

WHEREAS. The applicant seeks approval for a Restaurant space at 2,135 sf, a Tenant space at 906 sf and a residential apartment space at 2,588 sf. For a total 5,632 sf of space in a two story building., and

WHEREAS. the applicant seeks the following variances;

- 1. to permit an eight (8) high fence.

WHEREAS. The applicant seeks the following Waivers;

1. to permit a 23.92 feet wide drive aisle - where 25 feet is required.
2. To permit a loading area set at 12 feet by 33 feet along the rear of the building - where a 35 feet length is required.
3. from the requirement to provide a 5 feet wide strip along Grant Avenue for street widening.
4. To permit LED lighting - where high pressure sodium light fixtures are required.
5. From the requirement to provide a 6 feet wide buffer with vinyl fence and shrubbery along Grant Avenue.

WHEREAS. Following a review of the application, and the receipt of testimony, the Board determined;

A). The applicant has made application for preliminary and final site plan approval. The applicant presented testimony that the applicant intended the building use for Pizza Shop Business and one commercial tenant on the first floor and three residential apartments on the second floor ( two 2 bedroom and one 1 bedroom). The applicant's intended use as a pizza shop is a conditional use permitted in the CBD zoning district.

B). The Board determined that the proposed lot conforms with the area and dimensional requirements and the building conforms with the coverage and yard requirements of the zoning ordinance.

C). The Board also determined the application depicted a total of 24 parking spaces for the uses at this site. The 24 parking spaces conform with the Township Ordinance.

D). There was discussion related to the Board Engineer's report dated October 6<sup>th</sup> 2021. The applicant had no objection to the Board Engineer's comments and recommendations. The applicant also agreed that provided outside trash will be placed in an enclosed dumpster with a closed gate. The trash collection will be scheduled for twice a week.

E) There was discussion on the need for a variance to permit outside dinning. The applicant provided testimony that there will be no outside dinning proposed for this site location.

F) There was discussion on the applicant's proposal for Storm water Maintenance. The applicant agreed to continue to work with the Board Engineer to provide an acceptable storm water maintenance system.

G). There was discussion on the applicant's request for waivers identified above. Following the discussions, the Board determined it was appropriate to approve the requested waivers.

WHEREAS. The applicant agreed with the remaining comments contained in the Board Engineer's report, and

WHEREAS. The meeting was opened to the public with no objection being noted.

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 be and are hereby Granted;

1. to permit an eight (8) high vinyl fence along the rear and right side property line.

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

1. to permit a 23.92 feet wide drive aisle - where 25 feet is required.
2. To permit a loading area set at 12 feet by 33 feet along the rear of the building - where a 35 feet length is required.
3. from the requirement to provide a 5 feet wide strip along Grant

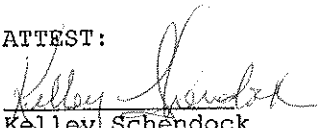
- Avenue for street widening.
4. To permit LED lighting - where high pressure sodium light fixtures are required.
  5. From the requirement to provide a 6 feet wide buffer with vinyl fence and shrubbery along Grant Avenue.

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

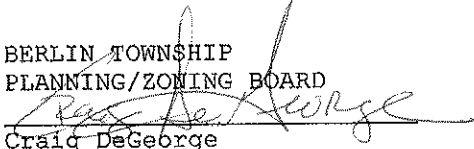
1. To provide for Knox-Box Rapid Entry Key Box system in the area of the main entrance door of the proposed building, with a key provided to the Berlin Township Police Department for emergency entrance.
2. The applicant agreed to work with the Board Engineer to assure the freestanding sign on the corner of Haddon Avenue and Grant Avenue will not create a line of sight obstruction, as well as the manner and construction of the sign monument base.
3. The applicant agreed to continue to work with the Board Engineer to provide an acceptable storm water maintenance system.

The applicant shall receive all approvals as may be necessary from applicable Local, County, State or Federal agencies, and shall comply with all such laws, rules and regulations. The applicant shall post any necessary performance and maintenance guarantee and inspection escrow as may be determined necessary and required pursuant to MLUL.

ATTEST:

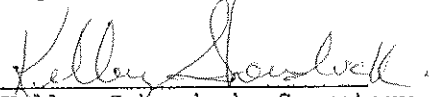
  
Kelley Schendock  
Secretary

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 January 11, 2022

  
Kelley Schendock, Secretary