

RESOLUTION NO. 2022-18

Applicant: Lawrence Nyambane

Property: 231 First Avenue
Berlin Township, New Jersey
Block 603 Lot 4

Variances to permit a variance for a 28 feet long by 6 feet high chain link gate with privacy slats.

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD
GRANTING A VARIANCE TO PERMIT A SIX FOOT HIGH CHAIN LINK GATE

WHEREAS. The applicant appeared before the Board on October 24th 2022, and is applying for a variance to permit a 28 feet long by six feet high chain link gate with privacy slats within the front yard setback, and

WHEREAS. The applicant has submitted a map of survey prepared by V & I Associates dated 5/27/22, which has been 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 August 22nd 2022. The applicant appeared before the Board and was represented by the law office of Edward L Paul P.C., and

WHEREAS. The applicant and all intended witnesses for the applicant and the Board's Engineer and Township Zoning/Construction Officer were sworn-in by the Board Solicitor,

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

WHEREAS. The Board has received and reviewed all reports filed by the applicant and the Board engineer, and

WHEREAS. The site is located along the southwest side of First Avenue and contains a residential duplex building and a fenced storage yard with a masonry block garage leased by a plumbing contractor, and

WHEREAS. The applicant provided testimony that the applicant replaced and upgraded the fencing following his purchase of the property. The applicant now desires to insert a gate in the open area to increase security. There was much discussion on the existing site which consist of pre-existing non-conforming uses for the Central Business District Zone, and

WHEREAS. There was much discussion on the pre-existing condition of the fence and encroachment of an existing concrete porch and steps being in the right-of-way of Fifth Avenue, and

WHEREAS. The applicant stated that he will be willing to install the gate on the property line and install the fence with privacy slates. The applicant also stated that he would be willing to move the existing fence to be on the property line if such movement became necessary by the Township, and

WHEREAS. The application was opened to the public. No one from the public appeared on this application, and

WHEREAS. Following the public portion, there was no further testimony presented by the applicant.

WHEREAS. In considering the applicant's request for variances, the Board determined that there would be no substantial detriment to the public good nor substantial deviation from the intent and purpose of zoning.


NOW THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Berlin that the application a variance to permit a 28 feet long by six feet high chain link gate with privacy slats to be installed on the front yard property line, be and is hereby GRANTED.

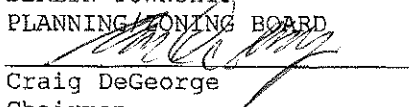
BE IT FURTHER RESOLVED, that the following conditions of this approval have been approved and agreed to by the applicant;

1. The applicant will be willing to move the existing front yard fence to be placed on the property line if request by the Township. be placed work with the Board Engineer and Township

BE IT FURTHER RESOLVED, the applicant will seek and receive all approvals and permits necessary from all governing departments and agencies and shall meet compliance with all applicable Federal, State and County and Municipal laws, rules and regulations.

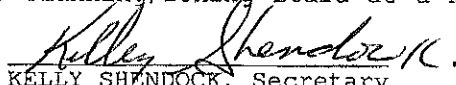
ATTEST:


KELLY 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 October 24th 2022.


KELLY SCHENDOCK, Secretary