

RESOLUTION NO. 2023-10

Applicant: Chick-Fil-A

Property: 244 Route 73 and Minck Avenue  
Block 703 Lot 11

Application to Amend existing Site Plan for improvements to the drive-thru operations lanes, additional canopies at drive-thru lanes and vehicular circulation.

RESOLUTION OF THE BERLIN TOWNSHIP PLANNING/ZONING BOARD  
GRANTING AMENDED SITE PLAN APPROVAL

WHEREAS. The applicant appeared before the Board on January 10<sup>th</sup> 2023, and is applying for amended final Site Plan approval for property known as Block 703 Lot 11, 244 Route 73 at Minck Avenue, and

WHEREAS. The applicant has submitted an amended final site plan for approval, which plan 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 December 9<sup>th</sup> 2022. The applicant appeared before the Board and was represented by Stephen F. Hehl Esq., and

WHEREAS. The applicant provided the following reports;

- a. Preliminary & Final Site Plan prepared by Ahmad Tamous P.E. dated July 12<sup>th</sup> 2022.
- b. Exterior Elevations of the building and proposed drive-thru canopies dated October 7<sup>th</sup> 2022, by Daniel L. Tesarolo R.A.
- c. Plan set "(6) Column Canopy, OP Canopy" dated November 28<sup>th</sup> 2022, by Azutosh Patel P.E.
- d. Planning and Zoning Bboard Application consisting of various attached documents.

WHEREAS. All intended witnesses 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 Site is located at the southwest corner of NJSH Route 73 and Minck Avenue and was previously approved as a restaurant improvements on November 29<sup>th</sup> 2016, followed by amendments to site plan approval on May 15<sup>th</sup> 2018 and again on August 11<sup>th</sup> 2020, and

WHEREAS. The applicant now seeks amendments for improvements to the drive-thru operations and lanes with the addition of canopies for the drive-thru lanes and vehicular circulations, and

WHEREAS. The applicant seeks the following variances;

- a. To permit a front yard set back of 24.0 feet, for a "Order/Point Canopy" from the right-of-way of Route 73 and
- b. To permit a 18.1 feet setback for a "Pick/Up area Canopy" from the right-of-way of Minck Avenue.
- c. To permit a rear yard set back of 20.4 feet for a "Pick/Up Canopy"

- d. To permit five (5) accessory structures (2 canopies plus trash enclosures and storage building.
- e. To reduce parking spaces to 46 spaces.

WHEREAS. The applicant seeks the following waivers;

- a. To reduce the distance between the proposed drive-thru lanes and curb line of Minck Avenue to 8+- feet
- b. To permit drive-thru lanes to be 10.5 feet wide at ordering area and 9 feet wide at pick up area.
- c. To permit angled parking at designated areas.
- d. To permit the use of LED lighting.
- e. TO permit an arch design of Canopy structure.

WHEREAS. As part of the Testimony presented by the applicant, the applicant marked Exhibits "A-1 aerial photos, A-2 Site Plan Parking and A-3 additional design plans into evidence and in support of the application.

WHEREAS. The applicant presented testimony concerning improvements to the drive-thru lanes and customer pick-up stations, and addressing safety to customers and employees, together with issues addressing improvement to the queuing of vehicles for the drive-thru lanes. The applicant addressed the reduction in the number of indoor seating so as to reduce the number of spaces required for vehicular parking, and

WHEREAS. There was discussion on issues of landscaping for screening adjoining properties and site lighting. The applicant expressed agreement to work with the Board Engineer to address these issues, and

WHEREAS. There was discussion on the removal of an existing storage shed, and the relocation of a smaller storage shed. The applicant agreed to work with with the Board Engineer's as to the location and façade of a possible smaller storage shed.

WHEREAS. The application was opened to the public. There was no public present to be heard on this application and there was no opposition.

Whereas. The Board determined that the applicant addressed all concerns of the Board and those contained in the Board Engineer's report. The applicant presented no opposition to the Board Engineer's report dated December 29<sup>th</sup> 2022.

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 Board of the Township of Berlin that the applicant's request for Amendment to the Final Site Plan be and is hereby GRANTED.

BE IT FURTHER RESOLVED, that the following Variances are hereby GRANTED;

- a. To permit a front yard set back of 24.0 feet, for a "Order/Point Canopy" from the right-of-way of Route 73 and
- b. To permit a 18.1 feet setback for a Pick/Up area Canopy" from the right-of-way of Minck Avenue.
- c. To permit a rear yard set back of 20.4 feet for a "Pick/Up Canopy"

BE IT FURTHER RESOLVED, that the following Waivers are hereby APPROVED;

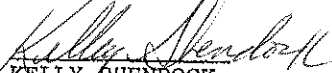
- a. To reduce the distance between the proposed drive-thru lanes and curb line of Minck Avenue to 8+- feet
- b. To permit drive-thru lanes to be 10.5 feet wide at ordering area and 9 feet wide at pick up area.
- c. To permit angled parking at designated areas.
- d. To permit the use of LED lighting.
- e. TO permit an arch design of Canopy structure.

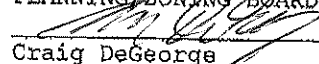
Be it further resolved, that the following conditions are hereby REQUIRED

- a. Painted crosswalk and signage be installed to alert drive-thru customers and employees in crossing areas.
- b. The 5 feet curb radius at the southeast corner of the intersection of the entrance drive be increased to 12 feet.
- c. Pavement marking for the exit for the west drive-thru lane depict a right turn only arrow and right turn only sign together with a stop sign for exit lane.
- d. The applicant work with the Board Engineer in replacing the unhealthy and missing landscape.
- e. The applicant will work with the Board Engineer in relocating the storage shed.

BE IT FURTHER RESOLVED, the applicant will seek and receive all approvals and permits as may be determined necessary 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 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 January 10<sup>th</sup> 2023.

  
KELLY SHENDOCK, Secretary