

RESOLUTION NO. 2023-8
(Revised)

Applicant: McDonald's USA, LLC

Property: 270 Route 73
Block 708, Lot 2.02

Zone: C-1 Highway Commercial Zoning District

Application: Minor Site Plan Approval, Conditional Use Approval, Sign Variance

Whereas: on December 13, 2022, the Applicant, McDonald's USA, LLC, being represented by Cheryl Lynn Walters, Esquire, of Nehmad, Davis & Goldstein, owner of the lands and premises situate at 270 Route 73, Block 708, Lot 2.02, which property is located in the C-1 Highway Commercial Zoning District, did appear before the Berlin Township Planning/Zoning Board requesting Minor Site Plan Approval and Conditional Use Approval to convert the existing single order point drive-thru configuration into a dual order point drive-thru configuration and permission to revise site signage to: (i) relocate a pre-browse changeable copy menu board and add one (1) new pre-browse changeable copy menu board, (ii) relocate one existing changeable copy menu board and add one (1) new changeable copy menu board and (iii) increase the overall sign area to 177 square feet; and

Whereas: the Applicant has submitted a Site Plan Application, Preliminary & Final Site Plan, dated May 11, 2022, prepared by Michael E. Jeitner, P.E., and a Boundary & Partial Topographic Survey, dated May 2, 2022, prepared by James C. Weed, P.L.S, in support of the Application; and

Whereas: the Applicant provided the testimony of Michael Jeitner, P.E., Tiffany

Morrissey, P.P. and Stephanie Schwarz in support of the Application; and

Whereas: the Applicant did produce and marked the following exhibits: Exhibit A-1, an Aerial Rendering of the Site; Exhibit A-2, Bohler Site Plan; Exhibit A-3, Vehicle Turn Plan; Exhibit A-4, Picture of Traffic Delineation; Exhibit A-5, Truck Delivery Route and Exhibit A-6, Truck Turning Depiction, in support of the Application; and

Whereas: the Board has reviewed and considered that certain Review Letter dated December 5, 2022, prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township, who made certain review comments and Recommendations; and

Whereas: the Applicant has agreed to revise the plans submitted in accordance to the review comments set forth on that Review Letter dated December 5, 2022, prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township, except review comment 12F, which the Applicant has agreed to address by replacing the damaged curbing with taller curbing in the same location and repairing the rutted lawn area; and

Whereas: the Board has given careful consideration to the application and testimony of the Applicant and the Applicant's experts and witnesses, and has reviewed and considered the Review Letter dated December 5, 2022, and finding that the Applicant has met the requirements of Section 340-53(2) of the Zoning Ordinance and that the sign variances requested by the Applicant 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 Site Plan Approval in accordance with the Preliminary & Final Site Plan, dated May 11, 2022, prepared by Michael E. Jeitner, P.E. subject to the following conditions:

a. The Applicant shall comply with the all review comments set forth in that certain Review Letter certain Review Letter dated December 5, 2022, prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township, except review comment 12F, which the Applicant has agree to address by replacing the damaged curbing with taller curbing in the same location and repairing the rutted lawn area.

b. The Applicant shall install lineal traffic control posts in the area of the drive-thru pursuant to the testimony given on behalf of the Applicant and consistent with the images shown in Exhibit A-4.

c. The Applicant shall relocate the three (3) existing mobile order/mobile delivery parking spaces from the north parking field to the parking area in front of the building facing Route 73, provided that the three (3) mobile order/mobile delivery parking spaces shall be located next to the two (2) existing drive-thru pull up parking spaces and the new mobile order spaces shall be delineated by ground markings only, in lieu of ground-mounted signs.

d. The Applicant shall be permitted a maximum of 56 seats inside the restaurant to establish compliance with the Zoning Ordinance requirement for parking whereas the site contains 25 customer parking spaces plus the five (5) designated parking

spaces identified in Paragraph 1(c) above. To meet this requirement the Applicant shall remove up to eighteen (18) seats from inside the restaurant seating area, or such other number of seats necessary to reduce the inside seating area to a maximum of 56 seats in the event there are fewer than 74 existing seats inside the restaurant. In no event shall the restaurant have more than 56 seats so long as the Applicant maintains 25 customer parking spaces and 5 designated parking spaces.

e. Upon completion of the construction of the two (2) drive-thru lanes the Applicant shall instruct delivery vehicles to park in the rear parking field behind the building and adjacent to the trash enclosure.

f. The Applicant shall remove all temporary ground-mounted signage from the drive-thru area.

2. The Applicant is granted Conditional Use Approval to expand the existing single drive-thru lane in order to permit a two (2) lane drive-thru configuration and related altered lane configuration and circulation, and has satisfied the requirements of Section 340-53(2) of the Zoning Ordinance.

3. The Applicant is granted the following bulk variances:

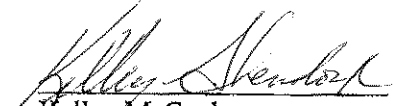
a. A variance from that Section of the Zoning Ordinance that require a minimum drive aisle width of 18 feet, so that the Applicant is permitted to maintain a drive aisle width of 17.3 feet along the north side of the building.

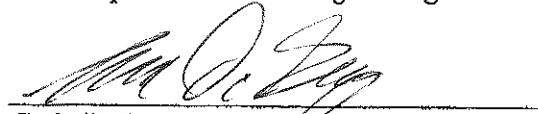
b. A variance from Section 340-84.A(5) of the Zoning Ordinance, so that the Applicant is permitted to increase the number of freestanding signs to five (5) signs, with a total of 177 square feet of signage and a variance to allow four of the signs to be changeable copy signs where changeable copy signs are not permitted.

4. This Site Plan Approval with Conditional Use Approval and Variances is further conditioned upon the Applicant obtaining any and all other approvals which may be required from any and all other State, County or Local governmental agencies.

Attest:

Township of Berlin Planning/Zoning Board


Kelley McCauley
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 10th day of January, 2023.


Kelley McCauley, Secretary
Township of Berlin Planning/Zoning Board