

RESOLUTION NO. 2023-21

Applicant: 501 Partners LP
Property: 525 Route 73 North
Block 1101 Lot 14.01

Preliminary and Final Site Plan Approval

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

WHEREAS. The applicant appeared before the Board on October 17th 2023, and is applying for Preliminary and Final Site Plan approval for property known as Block 1101 Lot 14.01, and

WHEREAS. The applicant has submitted a 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 October 11th 2023. The applicant appeared before the Board and was represented by the law office of David C. Patterson Esq., and

WHEREAS. Also appearing for the applicant was Michael Bown of 501 Partners LP, applicant and providing testimony was Christopher Bown, and

WHEREAS. The applicant provided the following reports;

- a. Site Plan dated August 7th 2023, prepared by Joseph R. Odenheimer P.E.
- b. Boundary Topography Survey, dated June 1st 2023 by Robert W. Telschow Jr. P.L.S.
- c. Traffic Impact Study dated July 26th 2023 by Michelle Briehof P.E.
- c. Storm Water Management Report dated August 7th 2023 by Joseph R. Odenheimer P.E.
- d. Report of Preliminary Assessment dated July 12th 2023, Michael T. Brown Sr.
- e. Environmental Letter Report dated August 4th 2023 by Kurt A. Martin LSRP.

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

WHEREAS. The Applicant, Applicant's Professional and Board's Professional were sworn in by the Board Attorney, and

WHEREAS. The site is located in the C2-1 Commercial District. The proposed use is a permitted use in the C2-1 Commercial District and must be licensed by the New Jersey Department of Human Services, 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 various exhibits to establish

building renderings, and proposed site plan. All exhibits were noted in the record as submitted as part of the testimony, and

WHEREAS. The applicant seeks approval for a 10,500 +/- sq ft. single story child day care center, with approximately 5,870 square feet fenced outdoor playground area along the rear of the property, and

WHEREAS. Although the application did not seek a variance as part of the application, testimony determined the applicant's proposal required the following variances,

1. The applicant must obtain a variance to permit a 20X16 feet trash enclosure as an accessory use to be located in the front yard.

2. The applicant must obtain a variance to permit a second free standing monument sign, in the island area at the entrance and exist along Bloomfield Drive, - in addition to the existing "Bloomfield Business Park Sign", and

WHEREAS. The applicant also requires the following waivers,

1. A waiver to permit LED lighting.

2. A waiver from Sec. 340-58 of the Zoning Code to permit the proposed building façade and architectural details.

WHEREAS. The applicant provided testimony that the center will operate five (5) days a week, and have a capacity of approximately 158 children, age six (6) weeks to six (6) years of age, with approximately 26 staff members on site, and

WHEREAS. The applicant proposes 42 parking spaces, with two handicapped parking spaces. The parking spaces are in compliance with the local zoning regulations.

WHEREAS. There was some discussion concerning on site traffic circulation. There was testimony presented that the site will be permitted to install stop sign and stop bar at the exit lane of Bloomfield drive, a cross walk, painted, at the entrance and exit lanes, a handicap accessible sidewalk within the drive island area and a "Keep Right" (R4-7) sign can be installed at the nose of the island drive area, and

WHEREAS. There was much discussion on the front yard location of the 20X16 trash enclosure. Following the discussion, the Board was satisfied that the applicant addressed all concerns of the Board and that the trash enclosure was in an appropriate location for this particular site, and

WHEREAS. There was much discussion on the items numbered 8a through 8g of the Board Engineers report dated October 11th 2023. The applicant provided testimony that the applicant will work with the Board Engineer, and will provide the necessary easement and soil testing related to the storm water management facility.

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

WHEREAS. The Board determined that the applicant provided all necessary documents and testimony and the Board was satisfied the applicant's response to the Board's concerns.

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 is Granted;

1. A variance to permit a 20X16 feet trash enclosure as an accessory use to be located in the front yard.

2. A variance to permit a second free standing monument sign, in the island area at the entrance and exist along Bloomfield Drive, - in addition to the existing "Bloomfield Business Park Sign", and

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

1. A waiver to permit LED lighting.


2. A waiver from Sec. 340-58 of the Zoning Code to permit the proposed building façade and architectural details.

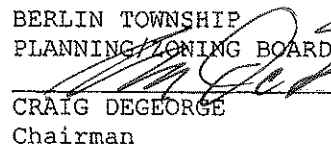
BE IT FURTHER RESOLVED, that the following conditions of this approval have agreed to by the applicant;

1. The applicant will work with the Board Engineer on all areas of recommendation contained in the Engineer's report dated October 11th 2013 at item 8a. through and including 8g.
2. The applicant will provide a mitigation plan addressing the planting of 18-2 and ½ inch caliper trees on the site or elsewhere in the Township and obtain the necessary tree removal permit.
3. The applicant will obtain the necessary sanitary sewer connection and
4. sanitary sewer easement from the land owner.
5. The applicant will obtain the necessary water connection and easement for water service.

BE IT FURTHER RESOLVED, 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:


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 October 17th 2023.


KELLY SHENDOCK, Secretary