

RESOLUTION NO. 2024-10

Applicant: Dent Wizard International

Property: 433 Commerce Lane
Block 1201, Lot 11

Zone: C-2 Commercial-Industrial Zoning District

Application: Site Plan with Variance and Waivers

Whereas: on February 27, 2024, the Applicant, Dent Wizard International, being represented by James Burns, Esquire with the permission and authorization of Velocity Venture Partners, LLC, owner of the lands and premises situate 433 Commerce Lane, Block 1201, Lot 11, which property is located in the C-2 Commercial Zoning District, did appear before the Berlin Township Planning/Zoning Board requesting Site Plan Approval with Variances and Waivers, for permission to convert the southern 81 +/- foot portion of the building (closest to Commerce Lane), a 6,637 square foot area, to an auto body repair shop, and a variance from Section 340-51.G of the Zoning Ordinance, which requires that auto body repair and painting activities shall be done in areas a minimum of 75 feet from any adjoining property; and

Whereas: the Applicant has submitted a Minor Site Plan, dated October 18, 2023, prepared by Louis L. Zuegner, IV, P.E., of MidAtlantic Engineering Partners, and a Floor Plan, dated July 5, 2023, prepared by Ricardo Perez, R.A., A.I.A., in support of the application; and

Whereas: the Board has reviewed and considered that certain Review Letter dated November 30, 2023, prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township; and

Whereas: the Board reviewed the letter dated December 8, 2023 from MidAtlantic Engineering Partners in response to the Review Letter dated November 30, 2023, prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township; and

Whereas: the Board has heard and considered the testimony Aldo Bazzano, representative of the Applicant and Louis L. Zuegner, IV, P.E., Engineer for the Applicant; and

Whereas: the Applicant has agreed to revise the plans submitted in accordance to the review comments and recommendations set forth on that Review Letter dated November 30, 2023, prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township, excepted therefrom Items 13a, 13b and 14, from which waivers have been requested; and

Whereas: the Board has determined that if has jurisdiction to hear the Application submitted, 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 November 30, 2023, and that approving the Site Plan submitted, and the granting of the variance and waivers requested, will not have a negative impact on the Zoning Ordinance or 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 Minor Site Plan, dated October 18, 2023, prepared by Louis L Zuegner, IV, P.E. of MidAtlantic Engineering Partners, subject to the following conditions:
 - a. The Applicant shall revise the plans submitted in accordance to, and comply with the review comments and recommendations set forth on that Review Letter dated November 30, 2023, prepared by Charles J. Riebel, Jr., P.E., P.L.S., P.P., C.M.E., Township Engineer for Berlin Township, excepted therefrom Items 13a, 13b and 14, from which waivers have been requested.
 - b. Conditioned on the Applicant's representation that the trash and waste material generated at the site, will be properly maintained, stored and managed.
 - c. Conditioned on the Applicant's representation that a structurally sound frame and durable opaque surface gate, shall be installed along the front to screen the contents of the trash enclosure.
 - d. Conditioned on the Applicant's representation that the outside lighting shall be updated, if required by the Township Engineer.
 - e. Conditioned on the Applicant's representations that they will comply with the representations set forth in that certain reply letter dated December 8, 2023, by MidAtlantic Engineering Partners.

2. The Applicant is granted the following use variance:

a. A variance from Section 340.51.G of the Zoning Ordinance, which states that auto body repair and painting facility are only permitted in an enclosed building or workshop area a minimum of 75 feet from any adjoining property, so that the Applicant can maintain an auto body repair and painting booth facility within 65 feet of the adjoining property, with the understanding that there will be no outdoor storage of any parts or materials.

3. The Applicant is granted the following waivers:

a. A waiver from the requirement that a current survey of the property be submitted with the application.

b. A waiver from the requirement of the submission of a deed for the property.

c. A waiver from the requirements under Section 200-69.E of the Township Code, so that the Applicant shall not be required to provide a soil conservation service code classification, contour lines and vertical design information for that handicap ramps which are to be reconstructed, and information regarding the locations, sizes and slopes of storm drainage pipes and elevations of storm structures.

d. A waiver from the requirement to install concrete sidewalks along the front of the existing building.


e. A waiver from the requirement to install an irrigation system.

f. A waiver so that the Applicant can install LED lighting fixtures.

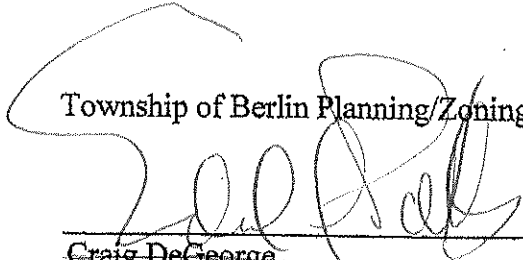
g. A waiver from the requirement that a permanent abutment be installed along the east end of the parking rea, along the front of the building.

4. This Site Plan Approval with Variances and Waivers 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:

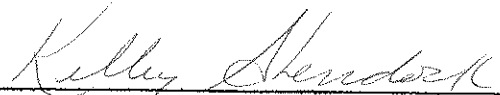


Kelley Shendock
Secretary

Township of Berlin Planning/Zoning Board


~~Craig DeGeorge~~
V. Chairman, Ed Totts

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 23 day of April, 2024.



Kelley Shendock, Secretary
Township of Berlin Planning/Zoning Board