

RESOLUTION NO. 2024-17

Applicant: ATA, LLC

Property: 200 and 250 Allied Parkway
Block 1702, Lot 6.08

Zone: C-3RG Commercial Zoning District

Application: Use Variance

Whereas: on July 23, 2024, the Applicant, ATA, LLC, represented by Robert Sexton, Esquire, with permission of the owner of the lands and premises situate at 200-250 Allied Parkway, Block 1702, Lot 6.08, which property is located in the C-3RG Commercial Zoning District. The Applicant intends to operate a truck storage facility with on-premises vehicle maintenance to be performed by the Applicant and/or his employees on trucks (owned by the Applicant or by third parties), and to be conducted in Building #200 located on the site, in conjunction with the Applicant's business of infrastructure materials transportation and snow removal, which the storage of motor vehicles is a conditional permitted use under Section 340-51.H of the Zoning Ordinance, which prohibits such storage within one (1) mile of another similar facility; and

Whereas: Josh Yilmaz, principal owner of the Applicant, Jack Miller, P.E. and James Miller, P.P. were qualified and gave testimony in support of the Application and opined that the site was appropriate for the Applicant's intended use, that the stored vehicles could not be viewed because of the wooded area and location of the existing buildings, and that any vehicular traffic would not pass through any residential area, and that the intended use did not have a material negative impact on the intent of the controlling

Zoning Ordinance; and

Whereas: the Board has considered that certain Review Letter dated June 26, 2024, prepared by Gergory B. Fusco, P.E., P.P., C.P.W.M., Township Engineer for Berlin Township; and

Whereas: the Board has jurisdiction to hear the Application, and notice being sent and published according to the requirements set forth in the controlling statutes; and

Whereas: the Board has given careful consideration to the application and testimony of the Applicant and the Applicant's expert, and has reviewed and considered the Review Letter dated June 26, 2024, prepared by the Township Engineer and finding that the granting of the use variance requested by the Applicant, with conditions, 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 a use variance, so that the Applicant can store motor vehicles at the site used solely in conjunction with the Applicant's business of infrastructure material transportation and snow removal, and maintenance of such vehicles at the site, subject to the following conditions:

A. The Applicant shall submit a Site Plan, prepared by a Professional Engineer licensed in the State of New Jersey to be reviewed and approved by the Planning/Zoning Board of Berlin Township. This use variance shall be subject to any conditions placed on any Preliminary and Final Site Plan approval obtained by the Applicant. If a Preliminary

and Final Site Plan is not approved, the use variance granted herein be deemed null and void.

B. Any and all maintenance of vehicles shall be performed inside of a building situated on the site.

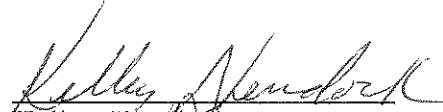
C. There shall be no outside storage of materials.


D. There shall be no sales or rental of vehicles at the site.

E. This Use Variance 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 Shendock
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 24th day of September, 2024.


Kelley Shendock, Secretary
Township of Berlin Planning/Zoning Board