

Applicant: Walmart Real Estate Business Trust  
Property: Walmart Store # 1807-221  
265 Route 73 North  
Block 1203 Lot 4

Preliminary and Final Site Plan Approval - with variance

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

WHEREAS. The applicant appeared before the Board on August 27<sup>th</sup> 2024, and is applying for preliminary and final Site Plan approval, with variance, for property known as Block 1203 Lot 4, and

WHEREAS. The applicant has submitted a site plan for approval, which plan has been reviewed by Gregory B. Fusco P.E., P.P., C.P.W.M., and Robert Scott Smith P.L.S, P.P, for the Board. The report of the Board's Engineer is dated July 29<sup>th</sup> 2024. The applicant appeared before the Board and was represented by the law office of Thomas M. Letizia Esq., and

WHEREAS. Also appearing for the applicant was David Fahim, P.E., Andrew O'Malley PE..

WHEREAS. The applicant provided the following reports;

- a. Boundary and Partial Topographic Survey depicting property information prepared by Control Point Associates Inc. dated March 19<sup>th</sup> 2024 signed James C. Weed P.L.S.
- B. Stormwater Statement dated May 2024 by Bohler Engineering
- c. Major Site Plan dated April 15<sup>th</sup> 2024 by Bohler Engineering prepared by Benjamin S. Crowder P.E.,.
- d. Storm water Management report dated February 3<sup>rd</sup> 2015, and Storm water Management Plan dated February 5<sup>th</sup> 2015 by John M. Pettit P.E., P.P. C.E.M.,
- e. Architectural Plans by Messa Multimedia Architecture dated May 13<sup>th</sup> 2024
- d. A Variance list prepared by Bohler Engineering dated May 21<sup>st</sup> 2024.

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

WHEREAS. The site is located in the C-2 Highway Commercial. The proposed Retail uses are permitted uses in the District, and

WHEREAS. The applicant has received and reviewed a copy of the Board Engineer's report. The applicant introduced exhibits, marked A-1 and A-2. The exhibits noted on the record as Exhibit A, B. C. D., and

WHEREAS. The applicant proposes to construct a 3,914 s.f. building addition within the established parking area along the northernmost wall of the existing Walmart building. The addition will result in a loss of 37 parking spaces. the applicant seeks the following variances and waivers;

Variances:

1. The applicant seeks a variance to permit 847 parking spaces where 890 is required by ordinance.
2. The applicant seeks a variance to permit a total of six (6) wall signs where one wall sign is permitted by ordinance.

WHEREAS. Following a review of the application, and the receipt of testimony, the Board determined;

A). The applicant has made application for preliminary and final site plan approval with variance.

B) The parcel is located in the C-2 Highway Commercial District. The proposed use is a permitted use in the zone.

C) The applicant presented testimony that there was no objection to the Board's professional report dated July 29<sup>th</sup> 2024, and was in agreement with recommendation and comments the Board's Engineer's report unless noted herein.

D) The applicant further identified that there will be sufficient signage to designate the areas for customer pick-up. The applicant proposed 42 customer pick-up parking areas, with sufficient directional signage to the pick-up area, and signs, approximately three sq.ft. size, indicating a "One-Way-Only" for the pick-up area.

E) The applicant further presented testimony that it intended approximately 150 new plantings throughout as part of this site plan. And, there was no additional lighting plan for the site. Referencing the Board's Engineer report dated July 29<sup>th</sup> 2024, the applicant recognizes that a lighting plan must be provided for the entire pick-up area to document sufficient lighting illumination pursuant to the Township Ordinance.

F) The application was open to the public. There was no Public comment on the application.

G) The Board determined that the applicant has responded to all the Board's questions and concerns. The Board being satisfied with the comments and responses provided.

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. The applicant seeks a variance to permit 847 parking spaces where 890 is required by ordinance.
2. The applicant seeks a variance to permit a total of six (6) wall

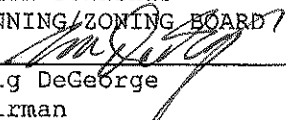
signs where one wall sign is permitted by ordinance.

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

1. The applicant will provide a lighting plan for the entire pick-up area to document sufficient lighting illumination pursuant to the Township Ordinance.
2. 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.

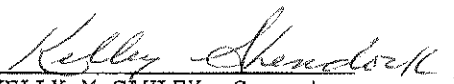
ATTEST:

  
~~KELLY McCAULEY~~ *Shendrick*  
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 August 27<sup>th</sup> 2024.

  
KELLY McCAULEY, Secretary  
Memorialized 9-24-2024 2024