

RESOLUTION NO. 2025-10

Applicant: 395 Chestnut Holdings, LLC

Property: 395 Chestnut Avenue
Block 2103, Lot 7

Zone: L-1, Light Industrial Zoning District

Application: Use Variance Application with Preliminary and Final Site Plan Approval

Whereas: on February 11, 2025, the Applicant, 395 Chestnut Holdings, LLC, being represented by Mark Rinaldi, Esquire, and owner of the property located at 395 Chestnut Avenue, Block 2103, Lot 7 which property is located in the L-1 Light Industrial Zoning District, did appear before the Berlin Township Planning/Zoning Board requesting a Use Variance from Section 340-51.H of the Zoning Ordinance which requires any business engaged in the sale, rental or storage of motor vehicles shall not be located closer than one (1) mile from a similar business establishment, as measured from each property line of every property on which each such use is located, so that the Applicant could develop the site with an approximately 72,000.00 square foot paved storage area, to be used to store construction equipment and vehicles. The Applicant also sought Preliminary and Final Site Plan approval of a Plan dated November 5, 2024, prepared by Colliers Engineering and Design. At the time of the hearing, it was agreed by the Applicant and the Board, that the Application would be bifurcated, so that the application for the Use Variance would be heard first, and if approved, the application would proceed at the next meeting for consideration of site plan approval.

Whereas; the Applicant presented the testimony of Max Polichuck, a member of 395 Chestnut Holdings LLC,, who testified that the Applicant would own the equipment and vehicles intended to be stored at the site, that there would be no full-time employees at the site, that there would be no deliveries made to the site, and that no repairs or maintenance of equipment or vehicles would be made at the site; and

Whereas: the Applicant presented the testimony of Daniel Bloch, a Professional Planner, who testified on behalf of the Applicant regarding the positive, negative criteria and special reason (N.J.S.A.. 40:55D-2.G), of why the use variance could be granted; and

Whereas: the Board has reviewed and considered that certain Review Letter dated February 4, 2025, prepared by Gregory B. Fusco, P.E., P.P., C.P.W.M., Township Engineer for Berlin Township, who gave his opinion that it was the intent of Section 340-51.H of the Zoning Ordinance not to concentrate businesses engaged in the sale, rental or storage of motor vehicles or unpowered vehicles intended to be towed by motor vehicles, any closer than one (1) mile to a similar business, and that storage of vehicles and equipment were currently being stored on adjoining properties to the site owned by the Applicant; and

Whereas: the Board opened the meeting to the public at which time an Associate of Remington & Vernick, Engineers for the Township of Evesham, voiced the concern of the environmental impact to the area, and the intended extensive clearing of the site, if a variance was granted; and four (4) other members of the public objected because of either the environmental impact, or the movement of construction equipment along

Chestnut Avenue; and

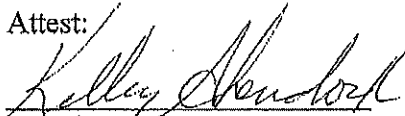
Whereas: the Board has determined that it has jurisdiction to hear the Application

submitted, has given careful consideration to the application and testimony of the Applicant and the Applicant's expert and having reviewed and considered the Review


Letter dated February 4, 2025, and considering that the intent of Section 340-51.H of the Zoning Ordinance is to limit such storage facilities any closer than one (1) mile from a similar facility; and finding that there are already businesses adjoining the site in question which stores vehicles and equipment, and finding that the burden of proof under the positive, negative and special reason criteria has not been met by the Applicant, and that the granting of the use variance requested would have a detrimental effect on the intent and purpose of the Zoning Ordinance

NOW THEREFORE, BE IT RESOLVED, and for the reasons set forth herein, the Applicant's application for a use variance from the provisions of Section 340-51.H of the Zoning Ordinance is hereby DENIED.


Attest:


Kelley Shendock
Secretary

Township of Berlin Planning/Zoning Board


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 18th day of March, 2025.


Kelley Shendock, Secretary
Township of Berlin Planning/Zoning Board