

RESOLUTION NO. 2025-9

**Applicant:** Cindy Real Estate, LLC

**Property:** 546 N. Route 73  
Block 903, Lot 8

**Zone:** C-1 Highway Commercial Zoning District

**Application:** Minor Site Plan Application, Variances and Waivers

**Whereas:** on February 11, 2025, the Applicant, Cindy Real Estate, LLC, being represented by Edward Paul, Esquire, and owner of the property located at 546 N. Route 73, Block 903, Lot 8 which property is partially located in the C-1 Highway Commercial Zoning District and partially in the R-1 Residential Zoning District, did appear before the Berlin Township Planning/Zoning Board requesting a Minor Site Plan approval for permission to open a new Asian Restaurant in the building previously occupied by a business, and to continue to residential use in the building which is a pre-existing nonconforming use in the zone. The proposed restaurant is a permitted use within the C-1 Highway Commercial Zoning District; and

**Whereas::** the Applicant, in support of the application, presented a Site Plan, prepared by AR Engineers, dated July 7, 2024, signed by Alex Yong, P.E., a Survey of Premises prepared by Ewing Associates, dated June 10, 2024, and signed by Erik F. Valentin, P.L.S., a Lighting Illumination Analysis prepared by LED Lighting Supply, and a Letter with Project Narrative from Edward Pail, Esquire, dated November 14, 2024; 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, which set forth the required variances which were needed, made certain review comments and suggested conditions of approval; and

**Whereas:** the Board heard the testimony of Yang Zheng, owner of the Applicant and intended occupant of the residential portion of the property and reviewing the submissions made on behalf of the Applicant; and

**Whereas:** the Board has determined that it has jurisdiction to hear the application and having considered public comments and concerns made at the hearing, and determining that the grant of a Minor Site Plan approval can be made with certain conditions, 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 February 4, 2025, prepared by the Township Engineer and finding that the granting of the minor site plan and bulk variance approvals 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,**

A. The Applicant is granted Minor Site Plan approval with certain bulk variances, as herein set forth, subject to the following conditions:

1. The Applicant shall file a cross access deed with the owner of Lot 9, before a Certificate of Occupancy is issued.



2. The Applicant shall repaint the existing sign pole.
3. The Applicant shall cap the window frames and paint or repair as needed.
4. The Applicant shall remove the existing metal shed.
5. The Applicant shall repair and/or repaint the existing exterior siding.
6. The Applicant shall replace or repaint the doors on the building.
7. The applicant shall grant a five (5) foot shade tree easement along Route 73 and Grove Avenue.
8. The Applicant shall install plastic covered parking bollards
9. The Applicant shall replace the deteriorated and broken sidewalks along Route 73 and in the front of the building, as noted on the Review Letter dated February 4, 2025, and shall show the sidewalk details on the revised site plan.
10. All access to the property shall be made from Route 73, Access to the property from Grove Avenue shall not be permitted.
11. The Applicant shall install a six (6) foot solid vinyl fence fifty (50) feet from the property line along Grove Avenue.
12. The Applicant shall install an external 1000 gallon grease trap and depict the location on the revised site plan.
13. The Applicant shall revise the plan in order to eliminate excessive ponding on the site.
14. The Applicant shall revise the site plan to show spot grade elevations across the entire barrier-free parking area.



15. The Applicant shall revise the site plan to shall details regarding the exterior lighting plan.

16. The Applicant shall prepare a landscaping plan to be reviewed and approved by the Township Engineer.

17. The Applicant shall provide a total of nine (9) parking spaces on the site.

18. The Applicant shall revise the plan submitted to include the recommendations set forth in the Review Letter dated February 4, 2025

B. The Applicant is granted the following variances:

1. A variance from Section 340-90B.(1) of the Zoning Ordinance which requires a painted loading zone no less than 12 feet wide by 35 feet long, so that the Applicant can install a painted loading zone 20 feet wide by 20 feet deep in front of the 15 foot wide overhead door.

2. A variance from Section 340-94A of the Zoning Ordinance which requires that a loading zone shall not be located in an area designated for off-street parking, so that the Applicant can install the loading area in front of the area to be used for residential parking, Subject to the condition that any doordash or other pick-ups shall be in the loading area designated on the plan.

3. A variance from that section of the Zoning Ordinance which provides that trash enclosures shall not be located within five (5) feet from a property line, so that the Applicant can located the trash enclosure no more than one (1) foot from the property line, subject to the conditions that the trash enclosure shall be placed on a concrete pad, with self locking gates.

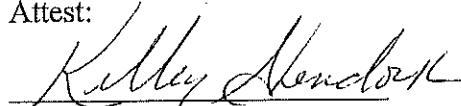


C. The Applicant is granted the following waivers:

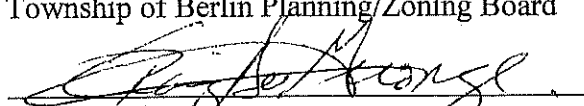
1. A waiver from the requirement to install an irrigation system at the site.
2. A waiver from the requirement to provide a soil conservation plan.

D. This approval is also conditioned on the Applicant obtaining any and all other required Federal, State, or Local Municipal approvals.


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 18<sup>th</sup> day of March, 2025.

  
Kelley Shendock, Secretary  
Township of Berlin Planning/Zoning Board