

RESOLUTION NO. 2026-10

Applicant: 395 Chestnut Holdings, LLC

Property: 395 Chestnut Avenue
Block 2103, Lot 7

Zone: L-1 Light Industrial Zoning District

Application: Preliminary and Final Site Plan Approval with Waivers

Whereas: on February 10, 2026, 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 Preliminary and Final Site Plan approval, 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 materials, equipment and vehicles, used in the operation of the Applicant's construction business. This matter comes before the Board pursuant to a previous denial of an application brought before the Board by the Applicant on February 11, 2025. As a result of the denial, the Applicant filed a Complaint in Lieu of Perogative Writ in the New Jersey Superior Court, Camden County, under Docket Number CAM-L-1344-25. On August 18, 2025, a Consent Order for Settlement was executed on behalf of the Applicant and the Township of Berlin Planning and Zoning Board, which set forth terms and conditions acceptable to the parties and permitted the Applicant to file this

application for site plan approval and determination by the Board of the permitted uses allowed in a L-1 Light Industrial Zoning District.

Whereas; the Applicant presented the testimony of Max Polichuck, a member of 395 Chestnut Holdings LLC,, who testified that the Applicant would own the material, 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, that the only materials, equipment or vehicles to be stored at the site would be the sole property owned by the Applicant and no other person or entity; and

Whereas: the Applicant, in support of the application did submit a Boundary and Topographic Survey prepared by Colliers Engineering and Design, dated January 16, 2024, signed by Robert W. Telschow, Jr. P.L.S.; Tree Inventory Plan, prepared by Colliers Engineering and Design, dated August 29, 2025, signed by Mark J. Janiszewski, P.E; Fire Truck Vehicle Turning Plan prepared by Colliers Engineering and Design, dated August 29, 2025, signed by Mark J. Janiszewski, P.E.; Preliminary and Final Site Plan prepared by Colliers Engineering and Design, dated August 29, 2025, signed by Mark J. Janiszewski; N.J.D.E.P. Flood Hazard Area Verification Approval (File No. 0406-24-000.1.1, LUP 240001; N.J.D.E.P. Freshwater Wetlands Letter of Interpretation: Line Verification, dated February 24, 2025; Stormwater Management Design Report and Stormwater Management Facilities and Manual, dated August 29, 2025, prepared by Colliers Engineering and Design and signed by Mark J. Janiszewski, P.E. and report of Preliminary Infiltration Evaluation dated October 21, 2024, prepared by Colliers

Engineering and Design, signed by Megan Nugent, P.E. and James J. Serpico, Jr., P.E.;
and

Whereas: the Board has reviewed and considered that certain Review Letter dated November 10, 2025, prepared by Gregory B. Fusco, P.E., P.P., C.P.W.M., Township Engineer for Berlin Township, who made certain comments and recommendations to be considered by the Board; and

Whereas: the Board opened the meeting to the public at which time Robert N. Wright, Esquire, representing the Township of Evesham, set forth opposition to the plan submitted, and in support of that opposition called Michael Angelastro, P.E. to give testimony on behalf of the Township of Evesham regarding environmental and wildlife concerns, and further called John Barree, PP to give testimony on behalf of the Township of Evesham in opposition of the plan submitted; and further submitted a letter from the Evesham Township Environmental Commission setting forth their opposition, which was marked Evesham Exhibit #1; and further hearing from various members of the public residing in the Township of Evesham, who set forth their environmental concerns;
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 determined that the intended use of the Applicant is a permitted use within the L-1 Industrial Zone, so that a use variance is not required; and further finding that the Preliminary and Final Site Plan approval with conditions and certain waivers can be granted to the Applicant, without a negative impact on the intent of the Zoning Ordinance regarding a site situate within the L-1

Industrial Zoning District.

NOW THEREFORE, BE IT RESOLVED,

1. The Board has determined that the intended use of the Applicant to store Materials, equipment and vehicles associated with the operation the Applicant's construction business, is a permitted use within the L-1 Light Industrial Zoning District, and does not require a use variance.

2. The Applicant is granted Preliminary and Final Site Plan approval of the Preliminary and Final Site Plan, prepared by Colliers Engineering and Design, dated August 29, 2025, subject to the following conditions and requirements:

a. The Applicant shall revise the plan submitted, as recommended in that certain Review Letter dated November 10, 2025, prepared by Gregory B. Fusco, P.E., P.P., C.P.W.M., Township Engineer for Berlin Township.

b. The Applicant shall not store any materials, equipment or vehicles on the site which may impair the impervious areas.

c. The Applicant shall not repair, service, fuel or change the fluids of any equipment stored on the site.

d. The Applicant shall not store any hazardous liquids or solids on the site.

e. The Applicant shall confer with the Township Engineer regarding the types and sizes of the trees to be installed in the required buffer areas.

f. The Applicant shall install three (3) end of road markers at the end of Chestnut Avenue.

g. The Applicant shall install a "No Outlet" sign in a location to be determined by the Township Engineer.

h. This approval is subject to the agreements and representations set forth in that Consent Order for Settlement, dated August 18, 2025, and file in the Superior Court of New Jersey, Law Division, Camden County under Docket Number Cam-L-1344-25.


3. The Applicant is granted the following Waivers:

a. The Applicant shall be permitted to install LED lighting fixtures instead of high pressure sodium type fixtures.

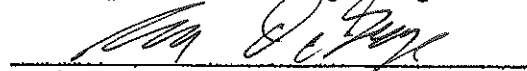
b. The Applicant is granted a Waiver from the requirement that sidewalks be installed along the frontage of the site facing Chestnut Avenue.

4. This approval is further conditioned on the Applicant obtaining any and all other required Federal, State, or Local Municipal agency 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 17 day of March, 2026.


Kelley Shendock, Secretary
Township of Berlin Planning/Zoning Board