

RESOLUTION NO. 2026-13

Applicant: Petro Realty LLC  
Property: 250 Route 73 North  
Block 708 Lot 2.01

Preliminary and Final Site Plan Approval - with C-variance

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

WHEREAS. The applicant appeared before the Board on March 17<sup>th</sup> 2026, and is applying for preliminary and final Site Plan approval, with variance, for property known as Block 708 Lot 2.01, 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., for the Board. The report of the Board's Engineer is dated March 11<sup>th</sup> 2026. The applicant appeared before the Board and was represented by the law office of Cheryl Lynn Walters Esq., and

WHEREAS. Also appearing for the applicant was Jasinder Arjani, RA, Eric Hough, PE, Bryan Shopshire, Traffic Engineer and Stephen Hawk, PP, AICP - Planner.

WHEREAS. The applicant provided the following Exhibits;

- A-1. Aerial Mapp - Existing conditions by Bertin Engineering.
- A-2. Proposed Coffee Shop Rendering by Bertin Engineering.
- A-3. Preliminary First Floor Plan by Berlin Engineering.
- A-4. Preliminary Rendering Elevations by Bertin Engineering.
- A-5. Signage Elevations by Bertin Engineering.
- A-6. Proposed Site Redevelopment - Vehicle Circulation Exhibit

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 in the C-1 Highway Commercial Business Zone. The proposed use is permitted in the C-1 Highway Commercial District, and

WHEREAS. The applicant proposes to develop the site into a one-story Starbucks Coffee Shop, with outdoor seating and a drive-thru window, and

WHEREAS. the applicant seeks the following variances:

1. The applicant seeks a variance to permit a rear yard set back at 21 feet (25 feet required).
2. The applicant seeks a variance to permit the site development with NO loading zone (one loading zone set a 12 X 35 feet required).
3. The applicant seeks a building length to height ratio at 3.75 feet to 1 (2.5 feet to 1 max permitted)
4. The applicant seeks a "Welcome" sign set at 18 sq. feet (12 sq. feet max permitted).
5. The applicant seeks 2 façade signs oriented to Highway 73 (only one is permitted).
6. The applicant seeks one façade sign on west side of building not facing a street (where 0 permitted).
7. The applicant seeks two building façade sign on north side of building not facing a street (where 0 permitted).
8. The applicant seeks nine ground mounted signs on the site plan (where one permitted).
9. The applicant seeks one ground monument sign setback four feet from ROW (where 10 feet required)
10. The applicant seeks one Drive-thru menu board size set at 28.2 sq. feet (where 12 sq. feet permitted).
11. The applicant seeks one Drive-thru board order screen set at 13 sq. feet (12 sq feet permitted).

and

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) There was discussion on the proposed seating, and it's relation to the number of vehicle parking spaces. The applicant proposes 32 seats for indoor dining and 16 seats for outdoor dining. The applicant further provided testimony to establish the operation will maintain four (4) employees to work in the building. The Board determined that the site plan's proposed 23 parking spaces to be sufficient.

C) There was discussion on the hours of operation, specifically the hours of operation related to outdoor seating. The applicant represented that the hours of operation will between 5:00 Am and 10:00 PM.

D) There was much discussion on the location of the outside trash container. The applicant agreed to review a possible relocation of the trash container area, and to work with the Board engineer for the appropriate location.

E) There was much discussion on the flow of vehicle traffic within the site. The applicant was in agreement with the Board's recommendation that appropriate "Stop Signs" are to be placed at exits, and that a "No Exit" sign be placed at NJ Route 73. The applicant also agreed that there would be vehicle parking in the front of the building.

And

WHEREAS. The applicant presented testimony that there was no objection to the Board's professional report dated March 11<sup>th</sup> 2026, and was in agreement

with recommendation and comments the Board's Engineer's report unless noted herein.

And

WHEREAS. The application was open to the public. There was no public comment on the application,

WHEREAS. 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 be and are Granted;

1. A variance to permit a rear yard set back at 21 feet (25 feet required).
2. A variance to permit the site development with NO loading zone (one loading zone set a 12 X 35 feet required).
3. A variance to permit building length to height ratio at 3.75 feet to 1 (2.5 feet to 1 max permitted)
4. A variance to permit a "Welcome" sign set at 18 sq. feet (12 sq. feet max permitted).
5. A variance to permit 2 façade signs oriented to Highway 73 (only one is permitted).
6. A variance to permit one façade sign on west side of building not facing a street (where 0 permitted).
7. A variance to permit two building façade sign on north side of building not facing a street (where 0 permitted).
8. A variance to permit nine ground mounted signs on the site plan (where one permitted).
9. A variance to permit one ground monument sign setback four feet from ROW (where 10 feet required)
10. A variance to permit one Drive-thru menu board size set at 28.2 sq. feet (where 12 sq. feet permitted).
11. A variance to permit one Drive-thru board order screen set at 13 sq. feet (12 sq feet permitted).


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

1. The applicant agreed to review a possible relocation of the trash container area, and to work with the Board engineer for the appropriate location.
2. The applicant agreed there would be no vehicle parking in the front of the building.
3. The applicant agreed to use LED light fixtures with temperature setting at 2700 to 3000 Kelvin.
4. The applicant agreed all lighting will be shaded to prevent glare and spillage of illumination onto adjoining property or streets.
5. The applicant agreed to provide "Stop Signs" at exits, and that a "No Exit" sign be placed at NJ Route 73.
6. The applicant agreed that there would be vehicle parking in the front of the building.


7. The applicant agreed to provide a five (5) feet wide shade tree easement along Route 73 and Minck Avenue. The easement is to be recorded of record as part of the property deed.

BE IT FURTHER RESOLVED, 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:

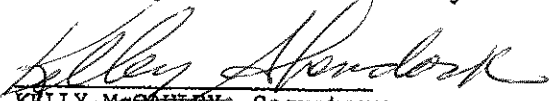
  
KELLY McCAULEY *Shendrick*  
Secretary

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 March 17<sup>th</sup> 2026.

  
KELLY McCAULEY, Secretary  
Memorialized 4-21 2026