RESOLUTION NO. 2026-20

Applicant: Laura Breinig

Property: 16 Fairfax Avenue
Block 102, Lot 8
24 Fairfax Avenue
Block 102, Lot 9

Zone: R-2 Residential Zoning District

Application: Minor Subdivision with Bulk Variances and Waiver

Whereas: on September 22 2026, Linda Dean daughter of the Applicant, Laura Breinig, pursuant to Power of Attorney authorizing Ms. Dean to appear on behalf of the Applicant, owner of the property located at 16 Fairfax Avenue, Block 102, Lot 8, which property is located in the R-2 Residential Zoning District, being represented by Mark A. Rinaldi, Esquire, and with consent of the Owner of 24 Fairfax Avenue, Block 102, Lot 9, did appear before the Berlin Township Joint Planning/Zoning Board requesting Minor Subdivision approval for the purpose of conveying a 35 foot wide by 197.36 foot deep strip of land from 24 Fairfax Avenue, Block 102, Lot 9 to 16 Fairfax Avenue, Block 102, Lot 8, so that Lot 8 shall increase in area from 9,868 feet +/- to 16,775 feet +/-, and Lot 9 will contain approximately 59,634 feet +/-. The proposed subdivision does not create an additional building lot , but only adjusts the common property between Lot 8 and Lot 9. Each lot currently contains a one-story single family dwelling with related site improvements; and

Whereas; the Applicant, in support of the Application, presented a Minor Subdivision Plan dated November 11, 2025, prepared by Peterman Maxcy Associates LLC, signed by

Mr. Dean B. Kirby, P.L.S., and a Survey of both properties, dated September 30, 2022, prepared by V & I Associates Land Surveying and Land Planning, and signed by Mr. Frank A. Intessimoni, P.L.S., P.P..

Whereas: the Board has reviewed and considered that certain Review Letter dated September 1, 2026, prepared by Gregory B. Fusco, P.E., P.P., C.P.W.M., Township Engineer for Berlin Township, which set forth a review of the application and made certain review comments and suggested conditions of approval which the Board should consider and adopt; and

Whereas: the Board has determined that it has jurisdiction to hear the application and notice of the hearing being sent and published according to the requirements set forth in the controlling statutes; and

Whereas: the Board has heard the testimony on behalf the Applicant, and the Board having determined that the Applicant is entitled to the subdivision proposed to take a portion of Block 102 , Lot 9 and add such divided portion to Block 102, lot 8, in accordance with the minor Subdivision Plan submitted, subject to the conditions herein set forth; and

Whereas: the Board has determined that the Applicant, or the owner of Block 102, Lot 9, shall not be required to comply with Sections 200-92G and 200-107A Municipal Code, regarding the installation of sidewalks and curbs along the frontage of both properties, since no expansions or additions are proposed to the dwellings on either lot, and by reason that the requested subdivision is for the purpose of adjusting the lot lines between Block 102, Lots 8 and 9; and

Whereas: the Board has determined that there a two (2) pre-existing and non-conforming conditions on both Lots 8 and 9, and that the granting of bulk variances should be granted at this time.

NOW THEREFORE BE IT RESOLVED:

1. The Applicant is granted Minor Subdivision approval for the purpose of conveying a 35 foot wide by 197.36 foot deep strip of land from 24 Fairfax Avenue, Block 102, Lot 9 to 16 Fairfax Avenue, Block 102, Lot 8, so that Lot 8 shall increase in area from 9,868 feet +/- to 16,775 feet +/-, and Lot 9 will contain approximately 59,634 feet +/-, in accordance with Minor Subdivision Plan dated November 11, 2025, prepared by Peterman Maxcy Associates LLC, signed by Mr. Dean B. Kirby, P.L.S. the subject to the following conditions:

a. The subdivision plan of the Applicant shall be revised to provide a 5 foot wide shade tree easement in favor of the Township of Berlin, running parallel and contiguous to Fairfax Avenue right-of-way along the frontage of proposed Lots 8 and 9., in accordance with Section 200-92.G of the Zoning Ordinance; and the property deeds shall include the easement description.

b. The Applicant shall comply with Paragraph 2, Sections d, e, f and g, set forth in the Review Letter dated September 1, 2026, prepared by Gregory B. Fusco, P.E., P.P., C.P.W.M., Township Engineer for Berlin Township.

2. The Applicant is granted a variance from that section of the Municipal Ordinance, which requires a minimum side yard set-back of fifteen (15) feet, so that the Applicant can maintain the pre-existing non-conforming condition side yard set-back of eight (8) feet on proposed Lot 8.

3. The Owner of Block 102, proposed Lot 9 is granted a variance from that section of the Municipal Ordinance, which requires a minimum front yard set-back of thirty (30) feet, so that the Owner can maintain the pre-existing non-conforming condition front yard set-back of 18.9 feet on proposed Lot 9.

4. The Applicant and the Owner of Block 102, proposed Lot 9, are granted a waiver from the requirements of Sections2 00-107A and 200-113, which requires the installation of sidewalks and curbing along the front property lines along Fairfax Avenue. However, the Township of Berlin reserves the right to re-visit and/or terminate this waiver in the event there is an expansion, modification or addition to either of the existing single-family homes which are situate on Block 102, Lots 8 and/or 9.

5. 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 20 day of October, 2026.

Kelley Shendock, Secretary
Township of Berlin Planning/Zoning Board