

APPEAL NO. BOA#20-5902
THE LLC
USE VARIANCE TO
CONSTRUCT MULTI FAMILY
RESIDENCES IN THE HB
(PERMITTED) AND R-125 ZONE
NON PERMITTED USE
BLOCK 963 LOT 1-5 & 18
BLOCK 964 LOTS 6.02, 6.03,
32-35, BLOCK 966 LOT 1.01
R-125 & HB WITHIN CN-B
OVERLAY DISTRICT
MARICIEL ANE AND 768
ROUTE 9
BERKELEY

RESOLUTION OF THE MEMORIALIZATION OF THE BERKELEY
TOWNSHIP BOARD OF ADJUSTMENT APPROVING A USE VARIANCE
PURSUANT TO N.J.S.A. 40-55D-70(D) FOR BLOCK 963 LOTS 1-5 & 18, BLOCK
964 LOTS 6.02, 6.03, & 32-35, BLOCK 966 LOT 1.01

WHEREAS, an application has been made by The LLC, for the granting of use
variances pursuant to N.J.S.A. 40:55D-70(d) 4 & 5 for Block 963 Lot &1-5 & 18, Block
964 Lots 6.02, 6.03 & 32-35, Block 966 Lot 1.01, so as to permit the applicant to
construct Multi-Family residences in the R-125 & HB within the CN-B overlay district.

WHEREAS, the Berkeley Township Zoning Board of Adjustment has considered
the application, has held public hearings on 27th day of January 2021, and has taken
testimony and received the report of its professional staff, the Zoning Board does hereby
make the following findings of fact:

1. The applicant has a proprietary interest in the property.
2. The applicant has requested the granting of a use variance in accordance with the
Ordinances of the Township of Berkeley..
3. The applicant was represented by Peter Van Dyke Esq.
4. The applicants Planner Gordon Gemma,P/P testified on behalf of the application.
5. The applicant's engineer, Matthew Wilder P.E./P.P. testified on behalf of the
application.

6. The applicant's traffic expert Scott Kennel of McDonagh Rea testified on behalf of the application.
7. The applicant's architect, Daniel Condatore A.I.A. testified on behalf of the application.
8. The applicant's engineer testified that the proposed project would consist of a total of 24 town homes.
9. The applicant's engineer further testified that the project would contain 20% Mount Laurel units.
10. The applicant's traffic engineer testified that the peak traffic time for the access street is 7:15am to 8:15am. And again at 4:30pm to 5:30pm.
11. The traffic engineer further testified that the number of trips generated in the morning would be 13 trips in the morning and 17 in the afternoon/evening.
12. The traffic engineer further testified that the amount of parking spaces would exceed the RSJS requirements.
13. The applicant's planner further testified that the R-125 zone in which 18 of the proposed townhomes are currently situated does require a use variance.
14. The applicant's planner further testified that the 20% Mount Laurel set aside will assist the township with its fair share obligation.
15. The applicant's planner further testified that proposed site is ideally suited for the Mount Laurel units due to its close proximity to Route 9 and thus availability of mass transit.
16. The applicant's planner further testified that the project would not have any detrimental impact to the township's master plan as the project complies with most of the multi family ordinances of the township.
17. The applicant's planner further testified that proposed project would be less dense than the River Bay Apartments which are in the immediate proximity, 14 units per acre as opposed to 20 per acre.
18. There was one objector who was concerned that the project not have access to Vine Street and that it would have insufficient open space
19. The Board is satisfied that the purposes of the Municipal Land Use Law will be advanced by the deviation from the ordinance and that the benefits of this deviation will Substantially outweigh any detriment as an appropriate use, will promote the public health, safety, morals and general welfare, with provide light, air, and open space and Provide for additional uses associated with the permitted business use.
20. The Board is satisfied that the granting of the variances as recited above will not have a substantial detriment to the public good and will not substantially impair the intent and purposes of the Zoning Plan and Zoning Ordinance of the Township of Berkeley.

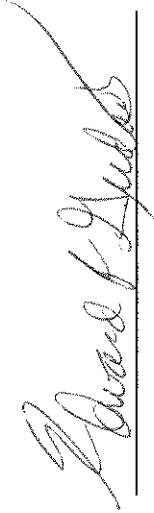
NOW, THEREFORE, be it resolved by the Zoning Board of Adjustment of the Township of Berkeley, County of Ocean, State of New Jersey, that the Board does hereby grant and approve the, Use variances for Block 963 Lots 1-5 and 18 Block 964 Lots 6.02, 6.03 & 32-35, Block 966 Lot 1.01 for the construction of a multi family residence development not to exceed 24 townhomes in the R-125and HB Zone in the CN-B overlay district subject to the following conditions

1. Proof of approval and/or waivers from all agencies having jurisdiction including Waterfront Development, Flood Plain Management, CAFRA, Ocean County Soil Conservation, Berkeley Township Sewerage Authority and Berkeley Township Municipal Utility Authority.
2. The matters agreed to by the Applicant as set forth in the Findings of Fact above are hereby made conditions of this approval and shall be binding on the Applicant.
3. The variance shall expire and no longer be valid unless construction shall be commenced within one year from the date of this resolution.
4. Payment of all outstanding professional fees of the Board and Township.
5. The units shall be age restricted such that no tenants shall be under the age of 48.
6. The portion of Garden Street that was vacated and transferred to Block 966 Lot 1 shall be placed in an easement in favor of the applicant for utilization in the final site plan lay out.
7. All conditions contained in the Board Engineer's review letter dated May28, 2020, August 19, 2020 and January 11, 2021 shall be complied with
8. All conditions contained the Board Planner's review letter dated May 28, 2020, August 19, 2020 and January 11, 2021 shall be complied with.
9. Applicant shall be responsible for publishing this Resolution of Approval in the Asbury Park Press or other newspaper designated by the Berkeley Township Board of Adjustment or Town Council for the publishing of legal notices.

The foregoing Resolution was duly passed and adopted by the Berkeley Township Zoning Board of Adjustment on the 13th day of January, 2021, by the following vote:

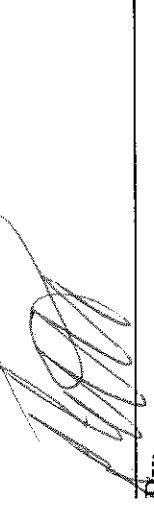
YES: 8
NO: _____
ABSTAIN: _____
DISQUALIFIED: _____
ABSENT: _____

ATTEST:



Secretary

BERKELEY TOWNSHIP ZONING
BOARD OF ADJUSTMENT



By:

Chairman