

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
May 9th, 2016**

CAUCUS: 7:00PM

REGULAR MEETING: 7:30PM

CALL TO ORDER:

FLAG SALUTE:

SUNSHINE STATEMENT: This meeting is being held in compliance with the “Open Public Meetings Act: and has been duly noticed and published by law.

ROLL CALL:

Mayor Jim Bilella	Present
Andrew Simone	Present
Councilman Ron Rocco	Present
Dan MacDonnell	Present
Ron Sabatini	Present
Nick Maccaroni	Present
Jack Hall	Present
Dan Pomponio	Present
Ron Katkocin	Present
John McCall	Absent
Cynthia Jennings	Present

REGULAR MEETING:

MINUTES:

A motion to approve the minutes from April 11th, 2016 was made by Dan Pomponio and seconded by Jack Hall. On roll call vote, those eligible:

Mayor Jim Bilella	Yes
Andrew Simone	Yes
Councilman Ron Rocco	Yes
Dan MacDonnell	Yes
Ron Sabatini	Yes
Nick Maccaroni	Yes
Jack Hall	Yes

Dan Pomponio
Ron Katkocin

Yes
Yes

SUMMARY REPORT 2015

With the change that application # 15:3-2 was denied not approved. Jack Hall made a motion to approve the summary report submitted by Mark Rinaldi, Dan Pomponio seconded the motion. On roll call vote, all members voted aye.

RESOLUTIONS:

Case. # 16:1-1
DeCicco
18 Winding Way
Minor Subdivision/Lot Line Adjustment

A motion to approve the resolution for DeCicco was made by Jack Hall, and seconded by Mayor Bilella. On roll call vote, those eligible, voted aye.

Resolution #16-05
Recommendation that certain properties in the Borough of Berlin be determined to be areas in need of redevelopment

A motion to approve resolution # 16-05 recommendation that certain properties in the Borough of Berlin be determined to be areas in need of redevelopment was made by Mayor Bilella, and seconded by Jack Hall. On roll call vote, all members voted aye.

ZONING OFFICERS REPORT:

NONE

OLD BUSINESS:

Case# 15: 12-2
Alan Blair
211 Cross Keys Rd.
Block: 902 Lot: 10.01
Zone C2
Preliminary/Final Major Site Plan

Appearing before the board is Alan Blair, applicant. Mr. Platt asked that all witnesses step forward and place their name and address on the record. First is Bruce McKenna from Monarch Surveying & Engineering, Professional Engineer, Land Surveyor, Professional Planner, next is Andrew Feranda of Shropshire Associates, Professional Engineer, 377 White Horse Pike, Atco, Antonio Carollo, Alan Blair 35 Ridgeview Ave, Berlin, NJ. Architect. All were sworn in at this time.

Mr. Blair handed a 4 page document to the board as a handout A1. He also gave a brief history of the property in question beginning from the late 1970's and a previous occupant Countryside Ceramics. Ellie received a variance to operate the ceramic studio and retail. In 1984, Mr. Blair acquired the property, and received a variance to operate a professional use, ie Craig Larson's office, and the Blair Architects office. It has been commercial uses since the late 70's. In 1993-1994 the County took 12ft of the property to widen Cross Keys Road, in 2002 Mayor and council decided to the widening that the property should be zoned commercial, so 8/10 of the property was zoned commercial, and the rest is residential. They following the existing line at 149.5ft from the right of way that is zoned commercial, where 175 ft. is required, and currently non-conforming. The house was then moved back to the residential portion of the lot and in 2007 the residential lot was sold. The property was subdivided and a variance was granted for a zero buffer. This property is zoned commercial and a 2500 sq. ft., 35ft. high 2 story building would be permitted. The proposed building is showing no proposed rear windows, and no rear parking.

Mr. McKenna placed his credentials on the record as an expert witness. Mr. McKenna discussed the grading plan, Exhibit A-5, last revised on 4/26/16 proposed grading for the site, 4800 sq. ft. building. The rear will act as a buffer, the lot is 148ft, limited depth. Mr. McKenna stated the applicant is seeking a 21ft. rear access, there would be limited use, and would agree to a 6ft. board on board solid fence with additional landscaping. The proposed building is 96 x 50 with rear emergency access.

Mr. Feranda placed his credentials on the record as an expert witness, traffic engineer. Mr. Feranda stated a traffic study was completed for the intersection at Constitution and Cross Keys Rd., at the AM and PM peak hours. AM peak from 7am to 9am. and PM peak from 4pm. to 6pm. The study was also done during school hours, on March 19th, and on Saturdays. There are existing conditions to the intersection that has some issues. The Borough retained Pennoni Associates to do a study at 3 intersections. Cross Keys road has a R.O.W. dedicated for and easement for widening in the future by the County, and left turn lanes may be added, which will remove the delay. This is a level of service E during peak periods. The proposed development shows 38 parking spaces for 2 retail plus the restaurant, and 2 handicap spaces will be provided. Circulation in the lot is 2 way, rear is one way with 30 wide drive aisles.

Next to appear before the board is Antonio Carollo. Mr. Carollo stated he has been in this business for 42 years, with locations in Franklinville, and Moorestown. He is open 7 days a week, Sunday through Thursday 10am to 10pm, and Friday and Saturday 10am. to 11pm. Trash would typically be picked up on Tuesday and Friday, (twice per week)

The proposal is for a 2400 sq. ft. building and the busy or peak hours are lunch time 11:30 -1:30pm, and dinner time 4:30-8:30pm. There will be deliveries made to the site by US food, typical box truck, SU30. Mr. Carollo stated there would be approximately up to 10 employees at one time. There will be a container in the back for oil/food disposal, and every few weeks it will be pumped out. Food deliveries will be during open business hours. Mr. Beigen, board engineer mentioned that food deliveries would need to be called for, and would typically come through the front door, depending on how busy they were. Ms. Stanley board planner mentioned landscaping in the basin. Mr. Blair responded he would maintain that, the wooden guardrail, and add additional plantings. Mr. Blair testified the proposed fence is 8ft. high with 10ft. high plantings. Ms. Stanley mentioned that the existing plans show lot lines between lots 7&8, lots 3&4, and lots 11 & 12. At this time Chairman MacDonnell called a 5 minute recess.

Upon return from the break, Mr. Hall asked for additional testimony on the oil disposal. Mr. Carollo stated it would be through the rear of the building, and the container would be outside in an enclosure. Mr. Sabatini asked if the current proposed size of the trash enclosure would have enough room to house the oil disposal container, a container for recycles, and a container for trash. There are 2 proposed retail spaces, and we don't know what those uses are yet, in respect to trash disposal. Mayor Bilella added, the 2 proposed retail uses could be more intense, create more parking, etc. Mr. Blair added that he will comply with the zoning ordinances. Mr. Hall questioned delivery drivers for the Pizza shop. If there are up to 4 drivers, is additional parking needed, or is it calculated in the current count. If there are no specified spaces for the pizza delivery people that gives them the liberty to park anywhere. What about the circulation for Fire apparatus? Mr. Feranda stated there are 2 way drive aisles through the lot, one way in the rear. With nothing further from the public, Chairman MacDonnell opened this portion of the meeting up to the public.

Appearing from the public is Keith Giberson. Mr. Giberson asked to submit a signed petition from Lonaconing Development, Centennial Square, and Carriage Stop. Mr. Blair objected to the submission of the petition. Mr. Giberson stated he feels that justification has not been made for the variance request. Mr. Giberson asked where the trash would be, and Mr. Blair responded in the rear of the building, in a masonry structure. Mr. Giberson added he has a concern for odors, would the trash be in the rear? Mr. Blair stated yes, in a masonry structure. He also commented on traffic, if there are 12 trip in and 12 trips out during peak hours, that's 24 trips, that's a lot of cars/trips. Mr. Giberson asked if the Governing Body is prepared to deal with residents filing tax appeals as he feels his property value will decrease.

Next to appear before the board is Herbie Schwagerl. Mr. Schwagerl asked if when the property was subdivided was that when the County took the R.O.W. Also he has a concern of the trash with bugs and rodents.

Next to appear before the board is Bill Bansch of 79 New Freedom Road. He would like to see more commercial development and asked the board to vote in favor of this application.

Next to appear is Gary Knight of 18 Evergreen Drive. Mr. Knight also stated he is in favor of the application, it is a permitted use, it provides tax revenue, and is self-contained. Cross Keys Rd. is a major thoroughfare with 5 open lanes from New Brooklyn Road to Black Horse Pike. This would send a message to the department of transportation that we need 5 lanes, and he recommends approval of this application. With nothing further from the public, Chairman MacDonnell closed the public portion.

Mr. Blair commented on the placement of the house on the lot, when the subdivision was approved, zoning set back permitted is 10 ft. he has 50 ft. He takes pride in his property, trash would be cleaned and emptied twice per week. This being a corner lot, has 2 front yards with a 50 ft. set back. The side yard abuts the basin that requirement is 40 ft. he has proposed 70 ft. The only variance is for the rear. There is less impervious coverage now then at the initial submission. Mr. Blair added he is not maximizing the lot, it is zoned commercial. The house was moved in 2003/2003 and in 2007 was the subdivision. Chairman MacDonnell made a motion to deny the application, Mayor Bilella seconded the motion. On roll call vote:

Mayor Jim Bilella	Yes to deny
Andrew Simone	Yes to deny
Councilman Ron Rocco	Yes to deny
Dan MacDonnell	Yes to deny
Ron Sabatini	Yes to deny
Nick Maccaroni	No
Jack Hall	No
Dan Pomponio	No
Ron Katkocin	No

NEW BUSINESS:

NONE

CORRESPONDENCE:

Chairman MacDonnell reminded all board members to complete their financial disclosures, and sign the form provided and return to the board secretary.

PUBLIC PORTION:

GOOD OF THE ORDER:

ADJOURNMENT OF REGULAR MEETING:

Jack Hall made a motion to adjourn the meeting, and Mr. Pomponio seconded the motion, all in favor, meeting adjourned.

Cc: Bill Behnke, Fire Marshall, Fire Chief
Stacey DiVello, Escrow Financial Department
Michael DePalma, Construction Official
Terry Stagliano, Tax Assessor
Lou DeMarco, Captain, EMS