

**BOROUGH OF BERLIN
PLANNING BOARD MEETING
February 8, 2010**

Jack Gangluff, Chairman, called the meeting of the Board to order and stated that it was being held in compliance with the "Open Public Meetings Act" and has been duly noticed and published as required by law.

SWEARING IN:

New Member Bonnie Deery was sworn in by Mr. Rinaldi.

ROLL CALL:

Mayor John Armano, Councilman Nick Maccaroni, Chairman Jack Gangluff, Joseph Adolf, Carl W. Canfield Jr., Richard Crain, Jack Hall, Gary Knight, Ken Clegg, Bonnie Deery

ABSENT:

Daniel MacDonnell who is serving in the military.

Jack Hall will be voting on all matters in the absence of Daniel MacDonnell.

MINUTES:

A motion to approve the minutes for January 11th, 2010 made by Gary Knight, and seconded by Joe Adolf. All members voted aye.

RESOLUTIONS:

Case # 09:12-1

Block 1309 Lot: 4 & 8

Church of the Good Shepherd

108 W. Broad Street

Berlin, NJ. 08009

A motion to approve the resolution for the Church of the Good Shepherd was made by Richard Crain, and seconded by Carl Canfield. All members voted aye with the exception of Mayor Armano, and Councilman Maccaroni who did not vote.

OLD BUSINESS:

Cast # 09:11-2

Harry Schetter

1044 Route 73

Block: 1601 Lot: 12

Bulk Variance for Signage

Providing testimony is the applicant Harry Schetter, who was sworn in. Mr. Schetter presented exhibits for review. Mr. Schetter testified that he is asking for variances for 3 signs one on the side of the building that faces Route 73. This sign is above the 2nd floor window, the monument sign due to size, and height, and on the front of the building a 22 ft. sign leaving ½ of the sign blank for a future tenant. Exhibit A is the survey prepared by Mr. Peterman, Exhibit B is the monument sign rendering, Exhibit C is the rendering of the 2x 8 and 2x22 sign, Exhibit D is the double elevation of the building rendering, and Exhibit E is a rendering of the building signs in compliance, below the second story window.

Mr. Rinaldi commented the monument with sign is a total of 72 square feet where 40 square feet is allowed. The sign does not exceed 40 square feet, by ordinance, however the provision may not be limited to just the sign area and can include the monument by interpretation. The height of the monument is 9 feet. Chairman Gangluff added that the set back shown for the monument sign is 3.25 feet from the property line, and 11 feet in height. Mr. Schetter testified that he contacted the D.O.T. and as long as the sign is on my property there is no concern. Mr. Schetter testified that the sign will come no closer than 3.25 feet to the property line. The monument with the sign included total height is 11 feet. No variance would be required for the sign without the structure or monument portion. There is a height variance required for the requested 11 feet where 5 feet is required. Mr. Schetter testified that the monument is not internally illuminated, it is externally illuminated, and the sign will also have small sections to place future tenants names in the monument sign. Mr. Crain asked if the sign will be illuminated on both sides, and Mr. Schetter testified yes, it would be a double-faced sign. Mr. Rinaldi added that would be another variance request, the ordinance requires internally illuminated signs, for a total of 3 variance requests for the monument sign. Councilman Maccaroni asked if there is a size limitation on monument signs, and Chairman Gangluff stated there is. Chairman Gangluff asked why does the sign need to be this size, and why is the sign not internally illuminated. Mr. Schetter testified that the external illumination is softer less distraction or glare. Mr. Schetter also testified that in his opinion the monument is more attractive than just placing a conforming sign. Mr. Knight asked if this will be block? Mr. Schetter testified it will be a decorative, grey in color EP Henry Block, with caps on the top and bottom. The second sign, 2 x 8 sign is the side elevation but due to the fact that it faces Route 73, it is the front elevation. This sign is proposed to be above the 2nd floor window, and would only have the information on it for Mr. Schetter's business. The sign would also be internally illuminated. Mr. Rinaldi stated that there is a height requirement for the sign. Mr. Schetter testified that the sign is above 20 feet. There is no variance required for the size of the 2 x 8 sign. The next proposed sign, Mr. Schetter stated is proposed to be 22 feet. Mr. Schetter testified that he would utilize ½ of the sign and the other ½ would be for a future tenant. This proposed sign would exceed the allowable area. Mr. Adolf asked why does the size of the sign need to be 22 feet. Mr. Schetter stated it seemed to fit the building. Mayor Armano stated that the monument sign is larger with 3 different variances, and

is attractive and the building is attractive, however the building signs are not attractive and takes away from the building. The renderings provided do not appear to depict half of the sign being taken by a future tenant. Mr. Schetter testified that his building is about 90 feet in length. Mr. Hall asked how many tenants will fill the building. Mr. Schetter stated it could be 4 tenants, or 1 could take all of the space. Mr. Hall asked how will it be determined which tenant will get the sign? Mr. Schetter testified only 1 tenant will get the space, and that would be worked out. Chairman Gangluff commented that there is another variance request for this sign, which is that the sign does not face a public street. Mr. Adolf stated that the 2 x 22 sign he would like to see it reduced to 16 feet as opposed to 22 feet, and the monument sign and 2 x 8 sign is fine. Councilman Maccaroni commented on other monument signs in the borough and referred to the proposed monument sign as a brick wall and is too large. Mr. Hall asked if there will be landscaping at the base of the monument sign and Mr. Schetter testified it will. Mr. Adolf asked the applicant if he is willing to reduce the 22 foot sign to 16 feet, and the applicant testified yes. Mr. Crain asked the applicant would be willing to also reduce the size of the monument sign, and Mr. Schetter said yes but not to half the size, that would be too small. Mr. Crain commented that as proposed it is too bulky. Mr. Schetter agreed to reduce the size by 2 feet. With no further comments from the board, Chairman Gangluff opened this portion of the meeting up to the public. With no one from the public wishing to speak on this application, Chairman Gangluff then closed the public portion. Joe Adolf made a motion to approve the 2 x 8 sign, and Gary Knight seconded. All members voted aye. Mr. Adolf made a motion to approve the 2 x 22 proposed sign by reducing it to 2 x 16, Richard Crain seconded the motion. Mayor Armano voted no, all other members voted aye. Joe Adolf made a motion to approve the monument sign proposed at 9ft. x 11ft, reduced to 9ft. x 9ft, with the external illumination as proposed. Chairman Gangluff seconded the motion. Mr. Rinaldi commented on an additional variance for the monument sign, he can only display his business name, directories are prohibited. Mr. Schetter stated that the structure can be lowered without the directory. Mayor Armano, Chairman Gangluff, Carl Canfield, Joe Adolf, and Bonnie Deery all voted aye, Councilman Nick Maccaroni, Richard Crain, Jack Hall, and Gary Knight all voted no. Motion carried.

Case # 09:11-3

Sahig Brothers, LLC

33 S. White Horse Pike

Block: 1108 Lot: 1

Minor Site Plan

Appearing on behalf of the applicant is Robert Borbe. Kris Kluk professional engineer, and planner as well as the applicant Movinder Singh were sworn in. Mr. Kluk verified his qualifications.

Mr. Borbe addressed the review letter from Maser Consulting, Jim Biegen. Mr. Borbe stated the applicant is seeking a waiver from an Environmental Impact statement, as Mr. Kluk testified that there will be no new impact on the site. Mr. Kluk also testified that the hours of operation will be

6am to 11 pm. There are 2 employees for the gas station, and 1 mechanic. Mr. Kluk testified that in most cases with gas stations, they would count on their present customers. There would most likely be no additional traffic. All auto repairs are done inside the building. The restroom would also be upgraded, and internal walls would be relocated. The garage is leased (3 bays) there is parking on the south side for the mechanic. 13 spaces have been proposed for the Mechanic. There are 2 parking spaces plus 1 handicap for the convenience store. The newly renovated restroom will be handicap accessible. There is a proposed trash enclosure, and the sale of propane will be eliminated. There is an existing clothing drive container that will be relocated to the Northern portion of the trash enclosure. There is also a note on the plan for the property owners obligation to clean up the site. Mr. Kluk testified that he prepared different templates for traffic movement that he will submit to the Board Engineer. Mr. Kluk stated that regarding curb stops, he is against it due to snow removal the stops end up going. It can be painted. Mr. Kluk commented on the sidewalk and repairing the sidewalk, it would be too much to replace the sidewalk with brick. Just past the gas station is grass. The compressor behind the building may be 4 x 4 or smaller and located behind the building. There was discussion regarding the lighting. Mr. Kluk commented that he will work with the Engineer after the light bulbs are replaced to get an accurate reading. Presently there is a large canopy with several lights as well.

Mayor Armano addressed the applicant regarding the parking spaces on the North side of the building, the size of the handicap space, and the size of the other 2 spaces. Mr. Kluk stated the spaces are set up where they are with that size to accommodate the trash enclosure. Mayor Armano also asked about the curb stops, and Mr. Kluk commented that if the board would prefer the curb stops they will put them in, otherwise the applicant would prefer not to. Mayor Armano also commented on the testimony regarding the condition of the sidewalk. He stated repair of the sidewalk, and upgrading does not necessarily mean to replace with brick as what is along the White Horse Pike. It could just be new concrete. Chairman Gangluff addressed the different tenants, and cleaning up the site, for instance cars on site for more than 60 days, cars with no tags. There needs to be a reasonable amount of time for a vehicle sitting while waiting to be repaired. Also, Chairman Gangluff commented on unauthorized signage not being placed on the site anywhere. Mr. Borbe stated all scrap metal will be cleaned up, no equipment outside, all vehicles will be tagged, and there will be no tools outside. Mr. Hall asked about separating the uses with a wall from the mechanic and the food service. Mr. Borbe stated that there will be a separation, and all food will be pre-packaged, no prep will be done. No coffee only cans, and bottles of drinks will be sold. Chairman Gangluff addressed 1 sign over the door that would say "mini-mart" and an additional 2ft. section on the existing freestanding sign indicating the mini mart. All other signs not shown on the plan will be removed. Mr. Crain asked about setting a perimeter on how long cars can stay on the lot. Chairman Gangluff stated that the applicant is not, however the board can. Mr. Knight stated that he feels the site is tight and very congested.

Mr. Biegen from Maser Consulting commented on the clothing drive container he feels that it should be removed as well, and the applicant agreed. Mr. Biegen addressed the ordinance where it states that no more than 6 vehicles can be located outside the station for no more than 5 days. Mr. Biegen also addressed the trash enclosure and what the construction of that would be. Chairman Gangluff commented that something with some type of permanency. The

applicant agreed to a vinyl chain link with interior mason bollards. Mr. Rinaldi addressed the 3 turning templates as exhibits. Mr. Borbe commented on the frequency of deliveries, frequency of loading and unloading of fuel. Mr. Singh commented that currently it takes about 20 to 30 minutes to fuel, and deliveries are about 2 times per week. There is an existing air dispenser that would occur with no designated parking space. Mr. Rinaldi summarized the application, there are multiple variances that are pre-existing lot size variance 19,550 sq. ft. where 40,000 is required, frontage of 125ft. and 156.5 ft. where 175 ft. is required. Side yard set back of 33.5 feet where 40 feet is required and a greater than 70 % lot coverage, and a front yard set back for the canopy of 18 feet where 75 feet is required. There are also 2 additional variances to allow the operation of a gas station, and a variance for 300 feet of a municipal building. The variances should be voted on separate from the site plan. Mr. Biegen also addressed parking as a possible variance. The definition of a parking space allows for access, and the current plan as shown there is stacking, so only 1 space would be accessible. That would bring it to 8 spaces provided where 16 is required. Mr. Hall asked if the entrance and the sidewalk would need to be ADA compliant. The restroom is noted as such, but will the entrance to the convenience store be? Mr. Rinaldi stated as per the Construction Office, they will need to comply. With no further comments from the board, Chairman Gangluff opened this portion of the meeting up to the public. With no one from the public wishing to speak on this application, Chairman Gangluff closed the public portion.

Mayor Armano made a motion to approve the requested variances, subject to the conditions listed by Mr. Rinaldi. Mr. Crain seconded the motion. All members voted aye. Mr. Crain made a motion to approve the site plan also with the aforementioned conditions, and Mr. Adolf seconded the motion. All members voted aye.

NEW BUSINESS:

BAM Developers

45 E. Taunton Avenue

Block: 1102 Lot: 3.01

Informal Review

Chairman Gangluff recognized that Mr. Slaugh has not appeared for this meeting, however, Mr. Dandrea continued to address the board. Mr. Slaugh's presence was requested due to the project having an outstanding COAH requirement. There will be no action, just an informal discussion, and some direction for the applicant.

Mr. Dandrea stated that 5 years ago, he came before the board with a 6 unit condo site plan. 1 of the units was to be a low to moderate income unit. It has taken 2 ½ years to get through the process. He has had 40 open houses, and has only sold 1 unit due to the bad market. Mr. Dandrea is selling the units \$9,000 below cost. Mr. Dandrea is asking to rent the additional units, with the intent to sell once the market gets better. Mr. Dandrea is also obligated to a COAH requirement and was permitted to find a re-hab unit in town to comply. Mr. Dandrea stated he is still looking for that unit to comply. Chairman Gangluff addressed the COAH unit by

stating that Mr. Dandrea must decide if the COAH unit obligation will be kept on site or go off site. Mr. Rinaldi commented that the application must be different than the previous to avoid double jeopardy. There is a condominium association, and the association by-laws prohibit renting the units. Mr. Dandrea stated that if a new resolution is created to allow rental units, then the association can change their by-laws to allow rentals. Mr. Dandrea expressed that he has had his own issues with his engineers, the borough engineers, planning board, etc. Mr. Dandrea complimented the efforts of the Planning Board. Mr. Dandrea added that the current unit that is sold, he is holding her mortgage just to get someone in there. It is a financial strain at this point. Mayor Armano addressed Mr. Dandrea to come back to the board with a formal application for an amended site plan. Mr. Adolf also commented that he feels that he would be in favor of lease purchase, or rentals to assist Mr. Dandrea. Chairman Gangluff informed Mr. Dandrea that he will need an attorney.

Debbie's Florist

Debbie Briggs

136 S. White Horse Pike

Informal Review/Dual Use

Appearing before the board is Debbie Briggs from Debbie's Florist. Ms. Briggs informed the board that she is proposing adding a Coffee Shop with her existing Flower Shop. The coffee shop would be located in the front with an entrance from the White Horse Pike, and the back portion of the store would remain the flower shop and would have entrance from the parking side of the building. Parking would be available on both the White Horse Pike, and the parking lot. There is a hallway that is 12 feet long and she could put a doorway to separate the 2 uses if need be. Ms. Briggs stated that she is looking to open the coffee shop by mid fall of this year for a 10 year anniversary. Ms. Briggs stated there will be no cooking and baking done on premises, pre-packaged goods will be sold along with coffee, tea, and hot chocolate. 7am to 8pm will be hours of operation. She is also looking to hire additional employees. Mayor Armano commented that Ms. Briggs has spoken to him regarding this and that flower shops all over are doing this concept to bring in more people to a more relaxed type atmosphere. This would enhance the business district for the town. Ms. Briggs stated there are no additional square footage will be needed. Councilman Maccaroni asked if the display box would be relocated. Ms. Briggs stated that it will still have a floral atmosphere in the coffee shop but the display area would be placed in the back. Chairman Gangluff asked the board if they feel it is an ancillary use to the Flower Shop, as opposed to a dual use. Mr. Adolf stated that he feels it is an ancillary use to the existing use, and he feels Ms. Briggs would not need to come in for a formal application. Mr. Adolf made a motion that after discussion from the board that the proposed coffee shop is an ancillary use, and a formal application for a dual use is not needed, as our Construction Official and Zoning Officer will be able to deal with the applicant. Mr. Knight seconded the motion, all members voted aye.

Case # 10:27-1

Virtua West Jersey Hospital

100 Townsend Avenue

Block: 1805 Lot: 24

Bulk Variance for Signage

Appearing before the board is Robert Baranowski, attorney, as well as Pam Pellegrini site Engineer and planner, and Dennis O'Hara sign professional. All those testifying were sworn in.

Ms. Pellegrini stated there are 3 ground level signs. 2 of which are on Townsend Avenue. At the main entrance there is a proposed single dual sided sign. All of which the applicant is seeking variances for. The current sign is right on the right of way, with a planter that extends in to the right of way, and the proposed sign will be moved back 10 feet. At the main driveway the existing sign is also in the right of way, that sign will be moved to the opposite side of the driveway, and set back 10 feet. The proposed signage has much less copy on it for quick identification. Councilman Maccaroni asked how many residential homes are on Townsend Avenue? Mayor Armano stated there are 5. The hospital owns 16 Townsend Avenue which is a residence. Councilman Maccaroni stated that Virtua Hospital is not visible from Route 30, and the sign requested is 12 feet in height. A sign like this would fit on Route 73, which is a commercial street. Townsend Avenue is a residential street, and is not comfortable with a "tower" sign. Mr. Baranowski added that a free standing sign of 20 feet would be permitted. Ms. Pellegrini stated the existing sign is 13 feet wide, and is 7 ft. High. The proposed sign is higher, but more narrow which gives it a better esthetic feel, and it is less intrusive.

Mr. O'Hara testified that the sign will be internally illuminated. There will be a diminishing effect of the existing light that is currently there. The idea is to direct all of the emergency vehicles to the Townsend Avenue entrance. The 12 ft. signage is what is being used all over for West Jersey Hospitals. This sign was approved in Camden, on Brick road, and the existing sign will be more narrow with direction to the emergency entrance as well as the main entrance. This would be a more pleasant look. The positives outweigh the negatives. The sign adjacent Townsend is a non-illuminated sign, it will be reflective. That would direct main entrance, and visitor parking. Mr. O'Hara presented photos of the existing signage adjacent to the proposed sign. Mr. Adolf commented to the applicant could they reduce the size of the sign to 9 ft.? Mr. O'Hara stated he would have to also then reduce the width, and also the copy on the sign. Ms. Pellegrini commented that along Route 30 it is commercial and the proposed signage is designed for commercial use. Mr. O'Hara stated the proposed sign is only 2 sided, and smaller in square footage. Mr. Crain asked if the emergency vehicles would be directed to Townsend as opposed to Behnke Lane where there are no residential properties. Mr. Baranowski testified that the proposed signage would be for the sole purpose of the Hospital only. If Virtua ever left that building, the approval if received would be only for this application, not with the property for future tenant use. Mayor Armano added that Virtua is redesigning their entrance, and façade. Virtua will be in Berlin for some time. Mr. Hall asked if the sign on Behnke Lane would be changed? That sign would not be enhanced or enlarged. Mr. Adolf mentioned to the applicant that this sign is very large and asked again if the applicant would be willing to reduce the height

of the sign. Mr. Baranowski stated that for Virtua legal reasons, they cannot reduce the size. With nothing further from the board, Chairman Gangluff opened this portion up to the public. With nothing from the public, Chairman Gangluff closed the public portion. Mr. Rinaldi summarized the variances as follows 51 Sq. feet where 40 sq. ft. is required, and 12 ft. where 5 ft. is required. Mr. Rinaldi added that should the board decide to approve this application, the Planning Board can grant the approval with the condition that it is to the owner as opposed to the property. Mr. Adolf made a motion to deny this application and Councilman Maccaroni seconded the motion to deny. The voting is as follows:

Mayor Armano No

Councilman Maccaroni Yes to deny

Chairman Gangluff No

Joseph Adolf Yes to deny

Carl Canfield Yes to deny

Richard Crain Yes to deny

Jack Hall Yes to deny

Gary Knight No

Bonnie Deery No

Chairman Gangluff stated the motion carries as a denial.

PRIVELEDGE OF THE FLOOR:

None

ADJOURNMENT:

Mr. Adolf made the motion to adjourn the meeting, Mr. Knight seconded the motion. All members voted aye.

Respectfully submitted,

Deborah Simone

Planning Board Secretary

CC: Stacey DiVello, Finance Department Escrow

Theresa Stagliano, Tax Assessor

Michael DePalma, Construction Official

Bill Behnke, Fire Marshall

Lou DeMarco, Captain, EMS

Paul Miller, Fire Chief