

**BOROUGH OF BERLIN
PLANNING BOARD MEETING
March 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.

ROLL CALL:

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

ABSENT:

Daniel MacDonnell who is continuing service in the military, Bonnie Deery, Gary Knight. Jack Hall and Ken Clegg will be voting on all matters in the absence of Bonnie Deery and Gary Knight.

MINUTES:

A motion to approve the minutes for February 8th, 2010 was made by Richard Crain, and seconded by Joe Adolf, on roll call all members voted aye.

Chairman Gangluff addressed the board regarding Ordinance 2010-01 adopted by Council to re-institute the site plan review committee. Mr. Adolf volunteered to be on the committee as well as chair the committee. Carl Canfield and Richard Crain also volunteered to be on the committee. Ken Clegg will serve as an alternate. The meetings will be held the 2nd Thursday of the month at 2pm in the lunchroom at the Borough Hall.

7:35 pm. motion by Joe Adolf to go into closed session to discuss legal matters, and seconded by Mayor Armano. All members voted aye. 7:55 pm. meeting resumed.

RESOLUTIONS:

Case # 09:11-3

Harry Schetter

1044 Route 73

Berlin, NJ. 08009

Sign Variances

A motion to approve the resolution for Harry Schetter was made by Richard Crain, and seconded by Joe Adolf. Those eligible to vote all voted aye.

Case # 09:11-3

Mohinder Mathoan and Gurvinder Singh

T/A Sahig Brothers, LLC

33 S. White Horse Pike

Berlin, NJ 08009

Minor Site Plan

Bulk Variances

A motion to approve the resolution for Sahig Brothers, LLC was made by Chairman Gangluff, and seconded by Mayor Armano. Those eligible to vote all voted aye.

Case # 10:27-1

Virtua West Jersey

100 Townsend Avenue

Berlin, NJ. 08009

Bulk Variances

A motion to approve the resolution for Virtua West Jersey Hospital was made by Mayor Armano, and seconded by Joe Adolf, those eligible to vote, voted aye. Mr. Rinaldi addressed the board regarding correspondence he received from Mr. Baranowski, attorney for the applicant. The letter is a request to re-open the hearing, to vacate or modify and clarify information, the applicant will re-notice. Mr. Adolf made a motion to accept the letter, and Mr. Crain seconded the motion. The board unanimously agreed. Mr. Rinaldi will notify the applicant. Mayor Armano asked if this can go before the newly formed Site Plan review committee, and Mr. Rinaldi stated his preference would be to have the entire application on the record as opposed to the Site Plan Review Committee.

NEW BUSINESS:

Case # 06:4-20

BAM Developers LLC

45 E. Taunton Ave.

Block: 1102 Lot: 3.01

Amended Final Site Plan

Appearing on behalf of the applicant is attorney David Patterson. Also appearing is Dominck Dandrea of 14 Heron Pt., Marlton. Mr Dandrea is the applicant and was sworn in. Mr. Dandrea is seeking relief from a previous condition of a resolution to prohibit rentals.

Mr. Dandrea explained to the board the time frame and the various ways he has attempted to market and sell his new townhouse units. The economy is bad and he has been unsuccessful. Chairman Gangluff addressed the COAH unit requirement. Mr. Patterson commented that the applicant is aware of his obligation to the COAH requirement. The applicant is still seeking an off site property to use for his COAH obligation. There is one unit that is occupied under an agreement of sale. Mr. Dandrea testified that he is looking at a property in town. Unit #5 was the unit that was going to be the COAH unit on site. That unit will not be rented or sold until the offsite property is purchased and presented as the COAH unit. He will try to keep them himself as an owner, and rent or lease to keep the building nice. The building is built maintenance free, and he does not allow outside storage, etc. too keep it nice.

Mr. Slaugh added that if the board allows the rental property that it should be a low income. One thing that was explored was Family Services, which does a 2 bedroom that would be a rental scenario with Family Services owning the off site unit. Mr. Patterson stated that there is someone that may be interested in this property that would meet the requirements for COAH. Mr. Patterson added that the applicant understands that he will maintain the obligation of the COAH requirement. The applicant agreed that they will comply with all COAH rules. Family Services could own the property and can still remain a rental project to comply with COAH. Chairman Gangluff added that the master deed would not be changed. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public.

Appearing before the board is Dan Molnar of 13 Jefferson Avenue. Mr. Molnar stated that Mr. Dandrea has done a fine job as a builder, and he conveyed a concern of 5 owners vs. 1 owner, and he is happy with the fact that Mr. Dandrea will own all units. With nothing further from the public, Chairman Gangluff closed the public portion.

Mr. Rinaldi summarized the conditions as Unit #5 will continue as a reserve unit, and cannot be sold, the applicant is required to comply with all COAH regulations, and the master deed will not change, or be modified. This would then be an amended major site plan approval to allow leasing and or lease purchasing. Mr. Adolf made a motion to approve the application, and Mr. Crain seconded the motion. All members voted aye, motion granted.

Case # 10:1-29

Gladys LaLena

220 Estaugh Avenue

Block: 1314 Lot: 3.01

Bulk Variance

At this time there is no one present for this application.

Case # 10:2-18

Robert Arthur

109 Watsonstown New Freedom Road

Block: 800 Lot: 23

Bulk Variance

Richard Shapiro appearing on behalf of the applicant. Robert L. Arthur, applicant was sworn in. Mr. Shapiro explained this is a height variance that the applicant is seeking. Mr. Arthur testified that he is in a rural area, most of the buildings are approximately the same height as the structure he wants to construct. The property is currently heavily wooded, and there would be minimal tree removal and no disturbance of wetlands. There is no negative impact, and will maintain the current environment, which is the benefit to go up and not out. Mr. Shapiro presented a Borough Engineer approval letter dated March 2nd, 2010 that approved the proposed grading plan.

Mr. Shapiro addressed the Planning Board Engineer's letter. Section 2 page 3 paragraph A4. there is no wetlands impact. Section C2 on page 4, there will be motion lights on the side where the doors are. Mr. Arthur testified that the closest neighbor is 60 to 80 feet. There is a retention basin between his property and the next development. Mayor Armano added that the proposed placement of the structure is 21 feet from the property line, and if the structure is constructed, will it be seen from New Freedom Village? Mr. Arthur testified that he has met with the residents most effected by visibility and has agreed to place some type of plantings for screening such as evergreens. Mayor Armano asked if the structure was moved that may eliminate the need for a buffer. Mr. Hall asked if the property would be exposed either way, and Mr. Arthur stated yes. Mr. Arthur also testified that he currently operates a landscaping business, and the proposed structure would not be used for his business, he has plenty of other storage for his business use. Mr. Arthur testified that the structure would be approximately 270 feet from New Freedom Road, and it borders the retention basin. Mr. Crain questioned a comment from the applicant regarding storage of antiques. Would this be an antique shop? Mr. Arthur testified there would be no antique shop, it is for personal storage only, he has 10 collector cars, a jet ski, and a motorcycle. This is a 1.84 acre lot.

Mr. Biegen stated the applicant has agreed to place a buffering 21 feet from the nearest owner in New Freedom village. Mr. Arthur testified if the Association at New Freedom Village agrees, he would also like to provide plantings on their side of the property as well. Chairman Gangluff stated that would be a condition of the board Engineers review and approval. Councilman Maccaroni commented the plan shows R1, what are the set backs? Chairman Gangluff stated it is 25 feet for a principle use, and 20 feet for an accessory use. With no further questions from the board, Chairman Gangluff opened this portion of the meeting up to the public.

Appearing before the board is Selma Rose of 7 Carriage Stop. Mrs. Rose commented that the rear of her property directly faces where the proposed building would be. She stated that Mr. Arthur agreed to put plantings, and asked to have some of the residents input. She has no objections to what Mr. Arthur has proposed.

Jack Hall Sr. of 1 Carriage Stop Drive, appeared before the board. He is concerned with environmental issues. Is there an alternative location for this structure, or is this the absolute best location. Mr. Hall Sr. asked about the lighting, and Mr. Arthur provided testimony that the lights would be facing away from the neighboring properties. Mr. Hall Sr. asked if any repairs would be done on site, and Mr. Arthur testified, maintenance only, the vehicles are self powered and do not need to be towed in. Mr. Hall Sr. asked about drainage, and clearing of the site. Chairman Gangluff addressed Mr. Hall and informed him that the applicant has an approved grading plan from our Environmental Resolutions. Mr. Arthur stated he feels this is the best location, with the least amount of trees being removed, giving the least impact. There is already gravel there, no paving will be done it will be all stone and his anticipated start date would be April. The structure is primarily wood frame, with steel skin, and it comes painted. It will have a green roof to try and blend it with the trees. The structure will also have peaked roof and squared sides. With nothing further from the public, Chairman Gangluff closed the public portion. Mr. Rinaldi pointed out that this application is not for a use variance, and the use cannot be used as a condition.

Mayor Armano asked the applicant if he would consider moving the structure 10 to 20 feet over towards the West of the property. Mr. Crain asked if the structure was moved, would it still be visible, and Mr. Arthur stated yes it will. Mayor Armano commented that the Engineer pointed out this borders the retention basin, and cannot plant trees where the basin is. Mr. Clegg commented that he is the president of the H.O.A. at New Freedom Village, and that Mr. Arthur should approach the association with regards to plantings on their property. Mr. Arthur agreed. Due to the involvement of Mr. Clegg to the Association, and Mr. Hall's father that testified, both members are ineligible to vote. Mayor Armano made a motion to approve the application providing the applicant moves the structure to 30 feet from the property line. Mr. Adolf seconded the motion, all members voted aye.

Informal Review

Jack Williams

60 S. White Horse Pike

Mr. Williams addressed the board. Mr. Williams stated that he has a sign in the back of his truck for advertising, in a safe location. He feels his sign is neat and professional. His business is located on the White Horse Pike. Chairman Gangluff explained to the applicant that the Planning Board does not have jurisdiction over a state highway. Mayor Armano explained that he has received several complaints regarding the sign and that it is an eyesore. Mr. Williams feels that he is being singled out. Mr. Rinaldi suggested bracket signs on the front of the building for identification, which would need a variance. Mr. Williams stated that he suggested this and was told he would be denied. Chairman Gangluff discussed with Mr. Williams that he has several signs, one on the front of his building, and one on the side. If the board was inclined to honor an application for the bracket style sign, which sign would he be willing to remove? Mr. Williams stated neither. Chairman Gangluff reiterated that the board cannot act on an application for a variance to allow a sign in a truck on the White Horse Pike. That is a State Highway.

Case # 10:1-29

Gladys Lalena

220 Estaugh Avenue

Block: 1314 Lot: 3.01

Bulk Variance

Chairman Gangluff called the application twice and with no one appeared on this application. Mr. Rinaldi explained that some action must be taken. Mr. Crain made a motion to deny the application, Mr. Canfield seconded the motion. All members voted aye.

PRIVELEDGE OF THE FLOOR:

None

ADJOURNMENT:

Mr. Adolf made the motion to adjourn the meeting, Mr. Crain 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