

**BOROUGH OF BERLIN
PLANNING BOARD MEETING
July 12, 2010**

Richard Crain, Vice 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:

Councilman Jim Bilella, sitting in for Mayor Armano, Joseph Adolf, Richard Crain, Carl W. Canfield Jr., Ken Clegg, Bonnie Deery, Mark Rinaldi, the Borough Solicitor made mention that due to the fact that the board Alternates have been exhausted, for this evenings meeting Councilman Jim Bilella will be sitting in for Mayor Armano. Dennis Riley Esq. had no objections.

ABSENT:

Daniel MacDonnell who is continuing service in the Military, Chairman Jack Gangluff, Mayor Armano, Councilman Nick Maccaroni, Gary Knight, Jack Hall.

Ken Clegg as alternate member will be voting on all matters.

MINUTES:

A motion to approve the minutes for June 14th, was made by Carl Canfield, seconded by Joe Adolf, all members voted aye on roll call, with the exception of Councilman Bilella who abstained.

RESOLUTIONS:

Case # 10:4-1

Lauren Lafferty

392 S. White Horse Pike

Berlin, NJ 08009

Block: 1700 Lot: 21

Bulk Variance for Pole Barn

A motion to approve the resolution for Lauren Lafferty was made by Mr. Adolf, and seconded by Bonnie Deery. All eligible members voted aye on roll call.

OLD BUSINESS:

Joe Adolf reported on the Site Plan Review Committee and potential Planning Board applications.

NEW BUSINESS:

Case # 10:5-1

KB Property, LLC/ Lucien's Manor

81 W. White Horse Pike

Berlin, NJ 08009

Block: 304 Lot: 1

Minor Site Plan, Bulk Variance

Appearing on behalf of the applicant is Dennis Riley, Esq. Mr. Riley stated that he and his client has reviewed the letter from the Borough Tax Assessor and agreed to do a consolidation of lots. The Borough Fire Official also submitted a letter requesting additional review time; Mr. Riley agreed to make the Fire Official's concerns a condition of any approvals. Mr. Riley also stated that they have filed an application with Camden County Planning Board. There was discussion regarding the right of way on Egg Harbor Road. All existing conditions remain, and Bach Associates will prepare the survey of the property and any new construction will conform to the current existing 2 ft. set back, and outside of the right of way.

At this time the Board Solicitor Mark Rinaldi swore in anyone who may be providing testimony. Christos Kolovos of 15 Presidential Drive, Berlin, he and his father are owners. Mr. Kolovos testified that no neighboring properties will be affected by construction of the proposed solar panels, and covered parking lot. Mr. Riley shared various renderings of the property as exhibits. Mr. Riley addressed a previous resolution dated July 12th, 2004 listing 3 conditions. One of the conditions is a parking easement, one has not been found, so Mr. Riley will prepare the easement. Mr. Crain asked what the total seating is. Mr. Kolovos stated he is not sure exactly, it is under 1,000.

Next to testify is Peter Lazaropoulos, 1926 Greentree Road, Cherry Hill. Mr. Lazaropoulos was sworn in as the Engineer for the project. Mr. Lazaropoulos testified that any changes on the plans have incorporated any previous comments. There is currently 7 ft from the property line to the cartway. If the new survey shows they are closer, the canopy will be moved to maintain the 2ft. set back that is being requested. The right of way and the property line are one in the same in this case. The measured distance of 7ft. is from the cartway not the right of way.

Mr. Lazaropoulos stated there would be a series of columns 40ft. apart, and 20ft. to 22ft. high above grade. The handicap accessible parking spaces will remain. There is also a series of American Arborvities within a 5ft. landscape island. The columns that are being proposed will match the current décor. There will be an increased landscaped area under the canopy. There is a 37 ft. set back from the front of the Canopy on White Horse Pike. This is in a C2 Zone and R2 Zone on the other side with a use variance approval owned by Lucien's. The applicant will seek approval from the County to tie into the storm water system on Clementon Road. There is a proposal to collect into a series of pipes as well as an easement will be requested. There is an

additional increase in the size of the outdoor cocktail area to 5,000 square feet from 1,000 square feet with brick pavers, and there will be a loss of 9 parking spaces.

There is a concern of a shadow on Egg Harbor Road, due to the time of year, the way the sun is directed, there will be no shadow. The next concern is the site triangle. The canopy is 37 feet back from the White Horse Pike, and is the same set back as the neighboring building Mary Janes Florist.

Councilman Bilella questioned the roof drain, as it appears they are on the property line. Mr. Lazaropoulos stated the columns are 4 feet from the property line, and the gutters are inside that. The pvc shown slopes to the rear and currently drains to the roadway surface, they are underground and travel to the inlet. It is a graphic representation only. It will not extend beyond the fascia. Councilman Bilella also asked if there was a drainage system, and Mr. Lazaropoulos stated no. The Canopy is 7 feet tall, and under the canopy there is lighting that meets the ordinance of the allowable 1 footcandle of lighting. They are on the bottom of the steel joists and there are shields on the rear on Egg Harbor Road.

Mr. Crain questioned the size of the inverter. Charles Kartsaklis, 5 Greentree Center, Electrical Engineer, was sworn in, and testified that the inverter is 36" x 102" required pad. The actual size is 26" x 87" actual size. Mr. Crain asked if the pad has already been formed, Mr. Kartsaklis testified no. The pad will be 18 inches from the rear of the building. Councilman Bilella asked if that is the only outdoor equipment? Mr. Kartsaklis testified that there will be the solar modules, racks, conduit. The conduit will be mounted 120 feet on the South Side and will run underground up the columns. There will be four 4 inch pipes to be used. The inverter has no exposed parts. There will be 1 main shut off near the inverter. Placards will be placed throughout the building as required. If there is a power outage, the inverters will not produce power.

Jim Biegen, Borough Engineer asked that if any existing Arborvitae are damaged that they be replaced. Any set back variance is to the edge of the Canopy, so he requested an agreement that no walls in the future be constructed and the applicant agreed. The applicant agreed that the Canopy would not be any closer than 2 feet from the property line. The height will not exceed 35 feet. Mr. Lazaropoulos stated that originally the building was 1 story, 100% paved, no landscaping, no curbing. The applicant has created interior islands, proper circulation, 5ft. set back for parking. Mr. Lazaropoulos testified that the structures will not be attached and there will be no connection. A code analysis was done, this is an open structure, and is not required to be sprinklered since it is open. The applicant agrees to work with the Fire Official on this. Councilman Bilella asked if there was an air gap, and Mr. Lazaropoulos testified yes. Mr. Riley testified that the property would be re-surveyed to properly identify the lot lines, and variance requests. Mr. Riley stated that the applicant would like to include all variances pre-existing as well as any new variances also to include all parking variances with this application. With no further comments from the board, Vice Chairman Crain opened this portion of the meeting up to the public. With no comments from the public, the public portion is closed.

Mr. Rinaldi summarized the variance requests and conditions for the Preliminary and Final Minor Site Plan application. The side yard set back on the side of Mary Jane's Florist is 27 ft. 4

inches where 40 feet is required. The front yard set back of 37 feet where 50 feet is required on White Horse Pike, a second front yard variance on Egg Harbor Road of 2 feet where 50 feet is required, on Clementon Road there is a Front yard Variance of 4.25 feet where 50 feet is required, also 70% impervious coverage allowed and 84% proposed. There is a required easement pertaining to the parking conditions of 219 on site parking spaces and 88 off site the easement will be prepared by Mr. Riley and reviewed by Mr. Rinaldi. There is a 2 ft. set back measured from the canopy and as per the Tax Assessors request a consolidation of lots by deed will be completed. There is another condition relating to consulting with the Fire Official Mr. Behnke regarding any issues he needs addressed after his full investigation of the site and the work being performed. Any current vegetation that needs to be replaced will be done and after the new survey is completed, the Board Engineer Jim Biegen is to receive a copy of such. There will also be nothing closing in the canopy other than landscaping, and if the canopy is closer than 2 feet to the property line after the new survey, the applicant agrees to reduce the size of the canopy.

Mr. Adolf made a motion to approve the Preliminary and Final Minor Site Plan with all aforementioned variances and conditions, as well as County Planning Board Approval, and Mr. Klegg seconded the motion. All members voted aye on roll call.

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CORRESPONDENCE:

None

PUBLIC PORTION:

None

ADJOURNMENT OF REGULAR MEETING

Joe Adolf made a motion to adjourn, and Bonnie Deery seconded the motion. All voted aye on the roll call.

Cc: Bill Behnke, Fire Marshall

Stacey DiVello, Escrow Financial Department

Michael DePalma, Construction Official

Terry Stagliano, Tax Axxessor

Lou DeMarco, Captain, EMS

Paul Miller, Fire Chief

Chairman Andrew Simone, West Berlin Planning Board

