

**BOROUGH OF BERLIN  
PLANNING BOARD MEETING  
August 9th, 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:**

Councilman Jim Bilella, sitting in for Mayor Armano, Joseph Adolf, Councilman Nick Maccaroni, Chairman Jack Gangluff, Bonnie Deery, Carl Canfield Jr., Jack Hall, Ken Clegg

**ABSENT:**

Richard Crain, Gary Knight, Daniel MacDonnell ( due to military ) Both alternate members, Jack Hall and Ken Clegg will be voting on all matters.)

**MINUTES:**

A motion to approve the minutes for July 12th, 2010 was made by Joe Adolf, and seconded by Carl Canfield. Jack Hall, and Chairman Jack Gangluff abstained, all others voted aye.

**RESOLUTIONS:**

**Case # 10:5-1**

KB Property, LLC/Lucien's

81 W. White Horse Pike

Berlin, NJ. 08009

Block: 304 Lot: 1

Minor Site Plan, Bulk Variances

A motion to approve the resolution for KB Property LLC/Lucien's was made by Joe Adolf, and seconded by Ken Clegg. Those eligible to vote all voted aye. Mark Rinaldi addressed the board members regarding the deed of easement prepared by Dennis Riley, Esq. for the applicant KB Property. The deed was never recorded, Mr. Rinaldi reviewed the submitted deed and it is acceptable. Mark will get a copy of the recorded easement for the Borough.

**OLD BUSINESS:**

Gate of Heaven Cemetery

Letter dated June 24th, from David Patterson

Mr. Rinaldi stated that he has contacted the Borough Engineer, and due to the fact that the original owner has passed away, it is clearly acceptable to remove her name from the final plan, and replace with the Diocese of Camden as the owner.

## **NEW BUSINESS:**

### **Case # 10: 7-1**

William Koehler

103 Watsonstown New Freedom Road

Berlin, NJ. 08009

Block: 800 Lots: 20 & 21

Bulk Variance

Appearing before the board is William Koehler of 103 Watsonstown New Freedom Road, who was sworn in at this time. Mr. Koehler submitted copies of his property survey, and made notations on his survey relative to the structures locations, and photographs were also submitted as exhibits. Mr. Koehler testified that he is a collector of vintage cars/sleighs; he currently keeps these items in large tents and containers for safekeeping. He uses them in parades after he restores them. Originally the property was a working farm when he bought it. There are 3 tents two that area 24 x 24, and one that is 8 x 20, there are 2 containers that are sunk into a hill on the property that are 20 x 8, and one container next to the hill that is 40 x 8. Mr. Koehler testified that his property is very hilly, and it is not level. Mr. Koehler addressed Chairman Gangluff and showed him on the survey submitted where each structure is located. The structures are not visible from the street. Mr. Koehler stated he is financially unable to put up a pole barn, he needs the tents, and there is a cliff or hill in the back of the property that is about 35 feet high. Mr. Koehler also testified that he has done some landscaping to the property, there were previously 5 out buildings and he removed 3 of them. Jim Biegen, Borough Engineer, commented the property is in an R-1 Zone, which allows accessory structures no more than 150 square feet, and no more than 10 feet high, with a 5 ft. rear yard set back. Councilman Maccaroni commented with that information in mind, it is difficult to act on this application with none of that information. Mr. Biegen asked Mr. Koehler about the stockade fence, and Mr. Koehler testified the fence is gone and replaced with a burm. Mr. Hall asked if the containers, and tents had roadway access to them? Mr. Koehler testified that there are paths that lead to them. With no further questions from the Board, Chairman Gangluff opened this portion of the meeting up to the public. Appearing from the public is Michael DePalma, Boro of Berlin Construction Official and Zoning Officer. Mr. DePalma stated that he has a few issues. Neither the containers nor the tent type structures are suitable for an accessory use, and Mr. Koehler is under violation with the NJDEP. Mr. DePalma is also concerned with the amount of structures on site. Mr. DePalma stated that the applicant should get a topographical survey to show the lot lines, as well as grading and exact location of the structures. He has not proven a hardship, and there are multiple variance requests. Next to appear is Luciano Lamberti, of 105 Watsonstown New Freedom Road. Mr. Lamberti stated that there are multiple structures, it is out

of control. In the winter when the leaves fall, the property looks a mess, everything is visible. He has asked Mr. Koehler to move things so that he cannot see them, it has been a problem. Mr. Lamberti showed the board his survey dated November of 1993 which shows the property to the rear belonging to Mr. Koehler, and Mr. Lamberti testified that the property does not look like is does on the survey due to all the regarding Mr. Koehler has done. The elevations have all changed, the low are was filled in, and NJDEP has requested it be removed. Mr. Lamberti stated that Mr. Koehler has made an improvement to the property, but the storage is too much. Mr. Adolf asked Mr. Lamberti if there is that big of a change in the topography, and DEP is involved, Mr. Koehler may not have enough time to come to the next meeting it may be too soon. Mr. Koehler asked that his application be continued, he will waive the 45 day time limitation, and stated he did not alter his land, he will get a survey. This application will be back before the board on October 12th, and Mr. Rinaldi will determine if he needs to renote. Mr. Adolf made a motion to continue the application, and Mr. Canfield seconded. On roll call, all members voted aye.

### **Case # 10:7-2**

Rich Avenue Properties LLC

82-86 W. White Horse Pike

Berlin, NJ. 08009

Block: 1301 Lot: 11

Minor Site Plan Waiver

Appearing on behalf of the applicant is David Thatcher Esq. Providing testimony is Alan Blair, Architect of 35 Richview Avenue, Berlin, Sharon Huber, applicant of 52 Fayview Drive, and Donald Foulk, applicant, of 140 Sturbridge Drive Erial. Mr. Thatcher summarized that this application is for 82-86 W. White Horse Pike and the corner of Rich Avenue. It is a store front with multiple stories and a detached garage. The applicant is seeking a site plan waiver. The applicants are Accountants, which the intent on the 1st level is to occupy for the Accounting firm, and the 2nd story is proposed office space. Donald Foulk testified, he is a CPA, he is self employed with an office currently in Atco. There are 7 employees total, it is a small firm. The firm does taxes, corporate work, financial statements, etc. and generally does not generate a lot of traffic. There may be visits 6 times per week estimated. The first level will be owner/occupied 4 offices and 3 cubicles. The 2nd floor is proposed to lease to other professionals such as Attorney's, Mortgage Brokers, anything with low traffic use. There will be no medical family practice. 2 Exhibits were presented. A1 is the rendering of the proposed façade with a fabric awning, and A2 the proposed preliminary Architecturals. Mr. Blair testified that the read deck with the roof would be removed, and the porch would be removed. The rear deck would be replaced with access stairs to construction code for the 2nd floor. There is a proposed elevator for the lobby to gain access to the 2nd floor. This is a less intense use than what was there, handicap accessibility will be provided. As for the signs, there is a wall sign currently on the building, that sign will be relocated, and the new sign will comply with all ordinances. The

basement will not be occupied as there are utilities only there. Mr. Blair testified that the applicant is proposing landscaping for the lot on the right side, the side street on Rich Avenue will be landscaped, and the applicants are willing to work with the Board Engineer on what type of landscaping. Mr. Foulk stated they would like to keep the area green, as there is an additional curb cut that will not be used for the lot on the right. The Parking area in the rear is partially stone. This will be regarded, and re-stoned with concrete bumpers and providing adequate spacing. Mr. Foulk also testified on trash removal. This type of business does not generate a lot of trash, documents are picked up by a shredding company and the applicant will use an outside cleaning service. The detached garage will be used for storage, Mr. Foulk testified they intend on cleaning it up, painting, put a new roof on, a new door, and add exterior lighting by the rear doors of the building. Street light exist in the front of the building. Chairman Gangluff stated that the detached garage is an accessory use only, anything else would require a variance. Adding square footage to the building may require a bulk variance, there was testimony on the sign, just moving the location. There is no approval or consideration for the sign through this application. No COAH requirements, no dumpster, no use of the curb cut on the White Horse Pike, and no variance required

for lot coverage. Mr. Biegen commented on parking. There is no pavement it is stone, and by what is proposed it clears up any nonconforming uses, and any variances are pre-existing. The actual footprint of the building will be reduced by removing the rear covered deck and porch. Mr. Hall asked what the intent is for the 3rd floor, and Mr. Foulk testified for storage right now. With nothing further from the applicant or 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, the public portion was closed. Mr. Adolf made a motion to approve this application for Minor Site Plan Waiver, and Councilman Bilella seconded the motion. On Roll call, all members voted aye.

**CORRESPONDENCE:**

None

**PRIVILEGE OF THE FLOOR:**

None

**ADJOURNMENT:**

Mr. Adolf made a motion to adjourn the meeting, and Councilman Bilella 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