

BOROUGH OF BERLIN
PLANNING BOARD MEETING
May 9th, 2011

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	Present
Joe Adolf	Absent
Councilman Nick Maccaroni	Present
Richard Crain	Present
Daniel MacDonnell	Present
Jack Hall	Present
Bonnie Deery	Present
Carl Canfield	Present
Chairman Jack Gangluff	Present
Ken Clegg	Present
Dan Pomponio	Present

MINUTES:

A motion to approve the minutes for the April 11th, 2011 meeting was made by Carl Canfield, and seconded by Jack Hall. All eligible members voted aye.

RESOLUTIONS:

Case # 09: 11-3

Mohinder Mathoan

Gurvinder Singh t/a

Sahig Brothers, LLC

Block: 1108 Lot: 1

33 South White Horse Pike

Berlin, NJ. 08009

Amended Final Site Plan

A motion to approve the resolution for Mohinder Mathoan & Gurvinder Singh t/a Sahig Brothers, LLC was made by Richard Crain, and seconded by Carl Canfield. Those eligible to vote:

Mayor John Armano	Yes	
Councilman Nick Maccaroni	Yes	
Chairman Jack Gangluff		Yes
Richard Crain	Yes	
Jack Hall	Yes	
Carl Canfield	Yes	
Ken Clegg	Yes	
Dan Pomponio		Yes

Case # 10: 7-1

William Koehler

Block: 800 Lots: 20 & 21

103 Watsontown New Freedom Road

Berlin, NJ. 08009

Bulk Variance

A motion to approve the resolution for William Koehler was made by Richard Crain, and seconded by Jack Hall. Those eligible to vote:

Mayor John Armano	Yes	
Councilman Nick Maccaroni	Yes	
Chairman Jack Gangluff		Yes
Richard Crain	Yes	
Jack Hall	Yes	
Carl Canfield	Yes	
Ken Clegg	Yes	

Dan Pomponio Yes

Case # 10: 11-1

7 Aces LLC

121 Route 73

Block: 1001 Lot: 1

Final Major Site Plan

A motion to approve the resolution for 7 Aces LLC, was made by Mayor John Armano, and seconded by Carl Canfield. Those eligible to vote:

Mayor John Armano	Yes
Councilman Nick Maccaroni	Yes
Chairman Jack Gangluff	Yes
Richard Crain	Yes
Jack Hall	Yes
Carl Canfield	Yes
Ken Clegg	Yes
Dan Pomponio	Yes

OLD BUSINESS:

None

NEW BUSINESS:

Case # 11:3-1

Harry Schetter

Block: 1601 Lot: 12

1044 S. Route 73

Berlin, NJ. 08009

Use Variance

Appearing before the board is Robert Borbe, Esq. on behalf of Harry Schetter the applicant. Mr. Borbe distributed to the board exhibit A-1 for a storage area site plan. Mr. Harry Schetter was sworn in for testimony. Mr. Schetter testified that the intention is to park vehicles for his

landscaping business approximately 50 feet behind his building. There are no homes in the vicinity and all buildings nearby are commercial. Exhibit A-2 was submitted which is photographs of the vehicles that are parked at the site. Mr. Schetter read off a list of vehicles and equipment that is proposed to be stored with. Nothing is sold from the site and nothing is stored on side.

There currently are 28 parking spots available and only 27 are required. There are 16 spaces in the rear, and 4 spaces along Route 73, and the remainder in the front of the building. There are no additional vehicles or equipment except what was read from the list. The building itself blocks most of the equipment. Mr. Schetter addressed the board stating it is a financial measure to store the equipment on site, as opposed to off site. Previously Mr. Shetter stored the equipment off site at a friend's location, which has since passed away. Other than a financial hardship, it is convenient to have the equipment on location; there is no other hardship. Any gas for the equipment will be inside a cargo trailer. Mr. Schetter also testified that employees are given a vehicle that they take home.

At this time Chairman Gangluff opened this portion of the meeting up to the public. Mayor John Armano spoke from the public stating that financial reasons are not considered a hardship. There was previously an issue with Pinelands regarding this site. If vehicles are being parked beyond the parking surface, would there still be a Pinelands issue, would an approval be required. Mr. Borbe stated nothing is being built. With nothing further from the Public, that portion of the meeting is closed. Mr. Rinaldi summarized the application; this is in the PC-2 zone, our ordinance for that zone, there is no permitted use for storage of equipment. The application would then be for a variance to allow the requirements for the Industrial Zone to allow the storage of equipment in the PC2 zone. Mr. Borbe stated the applicant would need to change the configuration of where the equipment is stored, and if all of the equipment is parked on the parking surface, there should not be a Pinelands issue. Mr. Hall asked how would having the equipment all on the parking surface, effect the required amount of parking spaces? Chairman Gangluff mentioned a letter of non-applicability from Pinelands, and Mr. Rinaldi stated it would be a condition of the approval. Chairman Gangluff commented that there may be a concern of liquid petroleum leaking on the gravel into the ground. Mr. Crain is concerned with the number of vehicles and the exact location of each. Mr. Borbe requested a continuance of the hearing, the applicant will seek a letter from Pinelands, as well the applicant agrees to waive the 45 day time period for action from the board. The applicant asked for 30 days, and would agree to come back for the July agenda. Richard Crain made a motion to approve the request for continuance, and Bonnie Deery seconded the motion. All members voted aye. No further notice will be required of the applicant. Richard Crain made a motion to continue the application until the July 11th meeting, Bonnie Deery seconded the motion.

Richard Crain	Yes
Daniel MacDonnell	Yes
Jack Hall	Yes

Bonnie Deery	Yes
Carl Canfield	Yes
Ken Clegg	Yes
Chairman Jack Gangluff	Yes

Case # 10: 7-1

William Koehler

Block: 800 Lots: 20 & 21

103 Watsonstown New Freedom Road

Berlin, NJ. 08009

Bulk Variance

Appearing before the board is William Koehler. Mr. Koehler testified that he is proposing a 22ft. high, 40 x 80 pole barn. There is no proposed lighting requested. Mr. Koehler testified that the existing tents have been sold, and he is waiting for the approval for the pole barn so the items under the tents can be stored in the pole barn. Mayor John Armano commented that the Zoning Officer has cited the applicant twice, and there was a Wetlands encroachment issue. Mr. Koehler testified the issue with wetlands has been resolved. Chairman Gangluff asked if there is any idea of a time frame of completion? Mayor Armano asked Mr. Rinaldi if the board could stipulate a time frame of completion of the applicant? Mr. Koehler stated possibly spring of 2012, he would need to contact the contractor, and he would like to speak to his neighbor who built the same structure. Mr. Rinaldi stated Mr. Arthur (neighbor) took 6 weeks to complete. Chairman Gangluff added that there are still items left undone, the current violations that exist onsite that has not been resolved for one year. To add an additional year to that for completion is not an acceptable time frame. Mr. Koehler stated he can get rid of the steel overseas containers, and will be 100% complete by fall. Mr. Koehler stated November 1st, 2011 the Pole Barn will be completed, and all of the non-conforming structures will be removed by November 2nd, 2011. Mr. Rinaldi summarized the application with one height variance, and 3 waivers. 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. Jack Hall made a motion to approve the application and Bonnie Deery seconded the application with the aforesaid timeline.

Mayor John Armano	Yes
Councilman Nick Maccaroni	Yes
Richard Crain	No
Daniel MacDonnell	No

Jack Hall	Yes
Bonnie Deery	Yes
Carl Canfield	No
Ken Clegg	Yes
Chairman Jack Gangluff	Yes

With 6 yes votes and 3 no votes, motion carries, application is approved.

Case # 11:4-1

ACI Berlin

Route 30 & Florence Avenue

Block: 1800 Lots: 5, 6, & 9

Minor Subdivision with Variances

Appearing on behalf of the applicant ACI Berlin, LLC is Dina Vicari Esq. of RC Shea Associates. Ms. Vicari summarized the application, and pending litigation regarding the applicant, and the Borough of Berlin including all history from time of her involvement. Ms. Vicari also assured the board that no matter what decision comes from tonight's meeting, will not effect the existing agreements in place. This is Phase I of the project. There will need to be a site plan later on that is part of the settlement agreement that is currently before the judge, this is only for the subdivision. Graham McFarlane of Professional Design Surveying was sworn in and gave testimony of his expertise, and was accepted as an expert to provide testimony on this project.

Mr. McFarlane explained exhibit A-1 showing the Minor Subdivision plan showing boundary lines, and the proposed demolition of the former ACME building all other buildings would remain, and the existing diner would remain, as it is currently under construction to be revitalized. The application shows creating 2 new lots. This is in the C2 zone. Mr. McFarlane discussed the review comments from Jim Biegen of Maser Consulting, planning board engineer. Variances were pointed out, and testimony provided adding those variances that are pre-existing. The requested front yard and rear yard set backs are existing conditions. The filing of the subdivision will be done by plat, and the demolition of the Kmart can take place approximately 1 year from the filing of the plat. The request for maintenance and cross access is appropriate and agreeable. The existing circulation will continue on the lot as it is now, and Ms. Vicari will prepare the cross access easements. Mr. McFarlane stated he agrees with the board Planner regarding his variance and design conceptions. The proposed 50 ft. residential buffer will be noted on the site plan when submitted. Mr. McFarlane addressed the outside agency approvals, Camden County Planning Board, an application has been submitted, and soil erosion and sediment control plan certification is not needed for a demolition.

Mr. McFarlane addressed the Planner's letter, Brian Slauch of Clarke, Caton, and Hintz. Mr. McFarlane stated the applicant is in agreement with all of the variance comments. The demolition of the former ACME building will take place within 1 year of filing of the final plat. This property has struggled over the years; the applicant has had difficulty keeping the small building occupied. This is phase 1 of the project; Phase 2 will include the site plan application. Mr. Biegen commented that the timeline of the removal of the building should be added to the plan. Mr. Slauch asked if the entire settlement process does not come to fruition, what happens with the subdivision? Regardless of what happens with the settlement agreement, the subdivision if approved will still take place. Upon anticipation there would be 2 site plans, as there are additional plans for the Kmart site. Mr. McFarlane commented they anticipate 1 application. Regarding the pad site the applicant may choose to come back. Mr. Slauch stated the proposed Minor Subdivision line is consistent with the settlement agreement that has been reviewed. Mr. McFarlane and Ms. Vicari added that cross access easements will be filed by the current owner, and Tansboro Road will remain open.

Councilman Maccaroni asked how many years Armstrong Capital has owned this site? How many new tenants have come into the site? Testimony was given by Ira Bernstein of Armstrong Capital as he was sworn in. Mr. Bernstein stated that Armstrong has owned the property for at least 5 years, and there has been 1 or 2 new tenants since Armstrong Capital has taken ownership. Councilman Maccaroni commented that the original plan states the commercial area must be developed first. His concern is demolishing the building so the applicant can lower their taxes for unimproved land. The snow is not removed properly, nothing has been done to the property to improve it, yet the applicant is seeking an approval for a subdivision. Ms. Vicari addressed the subdivision is part of the agreement. Councilman Maccaroni stated that the property maintenance on this property is terrible, along with 2 tax appeals that have been filed that is a concern. Ms. Vicari added this is the first step. Mayor Armano added that the Commercial portion will be developed first, improvements will be done to the existing commercial structures. The Commercial portion if sold to another entity, how does that effect the drainage, and will the existing basin be addressed. Ms. Vicari stated that the basin will be looked at on the site plan application. Mr. Slauch added that the applicant as part of the agreement will be allowed to build another 4,000 sq. ft. pad site, however they are not required to build such. Mr. McFarlane reiterated that this is only the first step as the subdivision, the applicant will be back for the site plan portion. Mr. Slauch added that if the subdivision is approved and for some reason the site plan is not approved, the subdivision line remains through a Commercial Zone. The zoning would not change. Mr. Crain commented that the applicant is committed to keeping Kmart open, there are lack of improvements to the entire parcel, there has been no maintenance to the site. Mr. Bernstien stated they do have a snow removal company, and this property is a viable property, a large amount of money is being spent on legal council to attempt to rectify things. The per square foot rent is very low now, and the only solution is redevelopment. Mr. Crain commented that fixing the lighting, and cleaning the building would show improvement. There are so many empty stores. Mr. Hall commented on the proposed subdivision line at 21 feet, where the requirement is 50 foot. If the intended use is for residential development, why not take the opportunity to request a 50 foot buffer at this time for future development. Mr. McFarlane added that the additional buffer could be addressed on

the site plan, however the 21 foot variance request will not create any detriment. The future site plan will reflect the appropriate buffer of 50 foot. Mr. McFarlane added there are several ways to accomplish the 50 foot buffer that could be addressed at the time of site plan approval.

Chairman Gangluff opened this portion of the meeting up to the public.

Appearing from the public is Dorothy Stick of 19 Florence Avenue, Berlin. Mrs. Stick asked why cant we have a nice grocery store in Berlin. We have to go to Berlin Township to buy groceries. Mrs. Stick stated Berlin used to be like a big family, a nice community, and she doesn't know what has happened to Berlin. We don't need more low income homes, we need commercial development for Berlin. With nothing further from the public, Chairman Gangluff closed the public portion.

Mr. Rinaldi summarized the subdivision application. Mr. Biegen commented that lots 5, 6, and 9 are the mother lots, so it is a consolidation, and any comments should reference the mother lot. Then there is a re-subdivision for the lots, with bulk variances. Chairman Gangluff made a motion to approve the application, and Mayor Armano seconded the motion.

Mayor John Armano	Yes	
Councilman Nick Maccaroni	No	
Richard Crain	No	
Daniel MacDonnell	No	
Jack Hall	No	
Bonnie Deery	Yes	
Carl Canfield	No	
Ken Clegg	Yes	
Chairman Jack Gangluff		Yes

With 4 yes votes, and 5 no votes, the application in denied.

PRIVELEGE OF THE FLOOR:

None

CORRESPONDENCE:

Township of Berlin Planning Board Agenda

ADJOURNMENT:

With nothing further from the board, Richard Crain made a motion to adjourn the meeting, and Carl Canfield 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

Andrew Simone, Planning Board Chairman, Berlin Township