

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
August 13th, 2012
CAUCUS: 7:00 PM
REGULAR MEETING: 7:30 PM**

CALL TO ORDER:

FLAG SALUTE:

SUNSHINE STATEMENT: This meeting is being held in compliance with the "Open Public Meetings Act" and has been duly noticed and publishes required by law.

ROLL CALL:

Mayor John Armano	Present
Councilman Nick Maccaroni	Present
Chairman Jack Gangluff	Absent
Joseph Adolf	Present
Ken Clegg	Present
Richard Crain	Absent
Jack Hall	Present
Carl Canfield Jr.	Present
Dan Pomponio	Present
Ron Katkocin	Present
John McCall	Present

Due to the absence of Chairman Jack Gangluff, Vice Chairman Jack Hall ran the meeting. Due to the absence of Chairman Jack Gangluff and Richard Crain, alternates Ron Katkocin, and John McCall will be voting on all applications.

MINUTES:

A motion to approve the minutes for July 9th, 2012 was made by Carl Canfield Jr., and seconded by Dan Pomponio All eligible members voted aye.

RESOLUTIONS:

Case # 12: 6-1

Durney

19 Delwood Lane

Block: 2210 Lot: 18

Bulk C Variance

A motion to approve the resolution for Durney was made by Joe Adolf, and seconded by Carl Canfield Jr. All eligible members voted aye.

Case # 12: 6-2

Dylan's RV

19 S. White Horse Pike

Block: 1107 Lot: 5

Amended Final Site Plan

A motion to approve the resolution for Dylan's RV was made by Mayor Armano and seconded by Ken Clegg. All eligible members voted aye.

OLD BUSINESS:

NONE

NEW BUSINESS:

Case # 12:7-1

Barry and Kathleen Laskowski

30 Bryce Road

Block: 2504 Lot: 6

Bulk C Variance

Appearing before the board is Barry and Kathleen Laskowski, both were sworn in. Mr. Rinaldi, the board solicitor briefed the board on the merits of the application, and the submissions. Submitted is a copy of descriptions of covenants and restrictions, which is in place for a Homeowners Association to abide by. This requires the deck to be a minimum of 3 feet to one property line with a 10 foot aggregate. Mrs. Laskowski testified there is no Association to go to for approval, and Mr. Laskowski testified that they submitted an application to the Construction Department for a deck and received approval. After inspections of the footings, the Construction Official informed him the deck is too close to the property line and must be moved or apply for a variance. Mr. Laskowski testified the deck is constructed of pressure treated wood. Mr. McCall asked where the utility boxes are. Mr. Laskowski testified there is a dryer vent, and an electrical

box, both have access. Mayor Armano asked if the drawing was submitted to the Zoning Department. Mr. Laskowski stated yes. Mayor Armano commented with all the issues the Borough has had in this development, the permit should not have been issued. Councilman Maccaroni asked the depth and width of the deck, and questioned the easement shown on the survey. Mr. Hall asked if the property was fenced, Mr. Laskowski stated no, he does not have a fence. Mr. Laskowski testified the deck is up, but it is not finished. Railings still need to be added. Mr. Hall asked when the permit was issued, and Mr. Laskowski stated the 11th of July. Mr. Clegg asked how far from the property line does the bilko door measure from the property line. Mrs. Laskowski stated it was never measured but they believed about 3 feet. Mr. Laskowski stated he did not know about the 3ft. restriction.

Mr. DePalma, the Construction Official appeared before the board. Mr. DePalma explained the property is in the R2 Zone, the restrictions by ordinance are in the R1 Zone. He was not aware of the descriptions of covenants and restrictions until after the permit was issued. A complaint by a neighbor came in, and Mr. DePalma followed up on the complaint. At that time is when he was provided with the copy of the descriptions of covenants and restrictions by the neighbor. Mr. DePalma testified that with an interior town home, there is no side yard, there is only an adjoining property line, and upon the initial review of the application, he reviewed it under the R2 zone requirements and approved the application. With nothing further from the board, Vice Chairman opened this portion of the meeting up to the public.

Appearing before the board is Joseph Kosyla of 32 Bryce Road. Mr. Kosyla testified that he is lot 15. Mr. Kosyla asked why if there is 6ft. available on the other side of the property, why does the deck have to be 1ft. off of his property line. He also asked what the dimensions of the deck are. Mr. Rinaldi stated by looking at the survey, the deck would be 17 ft. wide. Mr. Kosyla stated the deck according to the Construction Office is 21 ft. wide. He also submitted photos that he has taken of the deck, these photos were marked as exhibits for the application. There was discussion as to what the photos contained. Mr. Kosyla also informed the board that construction has continued, and in his opinion, they never stopped working. Mr. Clegg commented that he was there today, and he witnessed men that appeared to be working. He has no objection to the deck, his only request is to move the deck over so that his side has at least the required 3ft. set back.

Mr. and Mrs. Laskowski testified the deck is 20 ft. wide, and 23ft. long. By looking at the photos, Mr. McCall commented on the emergency electrical box that will be covered by the deck. Mr. Laskowski also testified that the work has continued, as their contractor is on a timeline. The board members questioned the actual size of the deck, there seems to be a discrepancy. Mr. Clegg asked if they were the original owners of the property. Mr. Laskowski stated yes they are. He also added by getting approval for the permit, he does not understand why he has to go through this. Mr. Rinaldi explained to the applicant that 3 things can happen. The board can grant the application, the board can deny the application, or the applicant can request a continuance to perhaps speak with Mr. Kosyla come to an agreement, make adjustments to the plan if needed and come back to the board. Mr. Laskowski asked for a continuance, until the September 10th meeting. Mr. Adolf made a motion to continue the application, and Mayor Armano seconded the motion.

Mayor John Armano	Yes
Councilman Nick Maccaroni	Yes
Joseph Adolf	Yes
Ken Clegg	Yes
Jack Hall	Yes
Carl Canfield Jr.	Yes
Dan Pomponio	Yes
Ron Katkocin	Yes
John McCall	Yes

Mr. Rinaldi discussed a handout in the member's packets regarding Open Public Meetings Act in Land Use, and consequences of discussing an application off the record. This must be done on the record at a public meeting.

CORRESPONDENCE:

Berlin Township Planning Board Agenda

GOOD OF THE ORDER:

Rocco's Collision is having a Grand Opening on Saturday July 14th, from 11am. to 5pm. They will have dancers, food, prizes, etc. Everyone is encouraged to attend.

PUBLIC PORTION:

None

ADJOURNMENT OF REGULAR MEETING:

With nothing further, Joe Adolf. made a motion to adjourn the regular meeting; Carl Canfield Jr. seconded the motion. Motion carried by assenting voice of the board.

Respectfully Submitted,

Deborah Simone

Planning Board Secretary