

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
September 9th, 2013**

CAUCUS: 7:00PM

REGULAR MEETING: 7:30PM

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 published by law.

ROLL CALL:

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

MINUTES:

A motion to approve the minutes from June 10th, 2013 was made by Richard Crain, and seconded by Jack Hall. Those eligible to vote, all voted aye.

ZONING OFFICERS REPORT:

Craig Fallstick, Zoning Officer
Applications and board recommendations
Complaints
Court actions

SITE PLAN REVIEW COMMITTEE:

Chairman Gangluff reported to the board of the 2 applicants that came in for Site Plan Review. One applicant was for a proposed major subdivision at Wyndam Road, and New Freedom Road. The other is for Spring Oaks Assisted Living for an amended site plan for a proposed addition to include more beds.

RESOLUTIONS:

Case # 13:4-2

John Cole

42 Canyon Drive

Block: 2501 Lot: 27

Bulk Variances

A motion to approve the resolution for John Cole was made by Mayor John Armano, and seconded by Dan Pomponio. Those eligible to vote:

Mayor John Armano	Yes
Councilman Nick Maccaroni	Yes
Chairman Jack Gangluff	Yes
Jack Hall	Abstain
Richard Crain	Yes
Ken Clegg	Yes
Dan Pomponio	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Abstain
John McCall	Abstain

Resolution Memorializing Stuart Platt, Special COAH Council for the Planning Board during the Nexus Application:

A motion to approve the resolution for Stuart Platt as Special COAH Council during the Nexus Application was made by Councilman Maccaroni, and seconded by Mayor John Armano. Those eligible to vote:

Mayor John Armano	Yes
Councilman Nick Maccaroni	Yes
Chairman Jack Gangluff	Yes
Jack Hall	Yes
Richard Crain	No
Ken Clegg	Yes
Dan Pomponio	Yes

Ron Katkocin	Yes
Carl Canfield Jr.	Abstain
John McCall	Abstain

OLD BUSINESS:

None

NEW BUSINESS:

Case # 13:7-2

Nirangan Yahnik

120 Rutgers Blvd.

Block: 2302 Lot: 1

Bulk Variance

Appearing before the board is Niragan Yahnik who was sworn in at this time. Mr. Yahnik testified that he is requesting to install a white 6 ft. vinyl fence in the rear yard, 6ft. from the property line where 25ft. is required. Mr. Rinaldi explained to the applicant there is a 5ft. shade tree easement on the property and nothing is permitted to encroach in that easement. Since the applicant is on a corner property, the applicant is required to seek a second variance to have a fence in the front yard, as it faces a street and is considered a second front yard. The board questioned the shrubs on the property, and Mr. Yahnik explained that the shrubs belong to the neighbor and will be on the outside of the fence. Mr. Katkocin asked that the submitted survey be re-drawn to show the appropriate lines of the proposed fence location. Mr. Hall asked what was involved with the shade tree easement, and Mr. Rinaldi explained that trees could be there, but it is designated so that no invasion of that space is permitted. Mr. Pomponio asked if the fence would encompass the rear yard, and Mr. Yahnik testified yes, and that there will be 2 gates, one on both sides of the house. Mr. Yahnik agreed to raise the fence 4 inches to allow proper drainage. Mr. McCall mentioned a concern of the fence obstructing traffic on the corner. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public. No one from the public spoke on the application, Chairman Gangluff closed the public portion. Mr. Crain made a motion to approve this application, Mr. Pomponio seconded the motion. On roll call vote:

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

Ron Katkocin	Yes
Carl Canfield Jr.	Yes

Case # 13:7-3

Deepak Joshi

202 Rutgers Blvd.

Block: 2307 Lot: 15

Bulk Variance

Appearing before the board is Deepak Joshi, who was sworn in at this time. Mr. Joshi testified that he is requesting two variances to construct a 6 ft. tan vinyl fence 15ft. from the property line, where 25 ft. is required, and to have the fence in a “second front yard” since he is a corner property. Mr. Joshi testified that he will have 2 gates, one in the front and one in the back, and his fence will be raised 4 inches above grade for proper drainage. Mr. Joshi also testified that his neighbors have fences and he will be adjoining to their fences. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public. No one from the public appeared on this application, and Chairman Gangluff closed the public portion. Mr. Pomponio made a motion to approve this application, and Mr. Canfield Jr. seconded the motion. On roll call vote:

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

Case # 13: 8-1

Jodi and Todd Wojtowicz

44 Canyon Drive

Block: 2501 Lot: 26

Bulk Variance

Appearing before the board is Jodi Wojtowicz and Mr. Galletta (her father) of 6 Mossview Lane in Hammonton. Mr. Galletta testified that he is a licensed retired Planner, and assisted his daughter with her application. Mr. Galletta and Mrs. Wojtowicz was sworn in at this time.

Mr. Galletta testified that Mr. and Mrs. Wojtowicz are seeking a rear yard set back variance. He stated this property is unique it sits on a cul-de-sac, and has a 2nd front yard facing Cross Keys Road, where there are easements. The applicant is proposing a 6 ft. solid vinyl fence 4 inches above grade. The design of the location of the fence is to keep it off of the existing manholes, and the fence would be 6ft. to the property line at it's closest point to Olympic, and 15 ft. across the rear of the property facing Cross Keys. The fence would be inside the property line, inside the drainage easement. The applicant proposes that they will maintain the yard area outside the fence as well. Mr. Hall mentioned that both properties on either side have tan fences, what color would the applicant's fence be. The applicant testified white. The applicant also proposed that she will tie into the fence at lot 27 along the property line, which is also screened by a shade tree easement. The applicant is seeking 2 variances, one is to have a fence in the second front yard, the other is 6 ft. from the property line at it's closest point, for 45 ft. then reduces to 15 ft. from the property line for the remainder to stay off of the manhole.

Mr. Galletta testified that the inlets are not deep and machinery can get in. MR Hall asked that the corner that adjoins on the rear and lot 27 how far from the back door is the fence? Mr. Galletta testified about 30 ft. There is a proposed patio as well that is 15 ft. from the property line. With nothing further from 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 then closed. Mr. Pomponio made a motion to approve this application including that the owner agrees that the fence will need to be moved if necessary for purposes of working on or near the manhole. On roll call vote:

Mayor John Armano	No
Councilman Nick Maccaroni	Yes
Chairman Jack Gangluff	Yes
Jack Hall	No
Richard Crain	Yes
Ken Clegg	Yes
Dan Pomponio	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

At this time the board took a brief break, all members returned.

Case # 13: 7-1
Michael McNally
115 W. Taunton Avenue
Block: 1306 Lots: 3.03, and 5
Minor Subdivision with Variance

At this time Mr. Hall and Mr. Crain both excused from hearing this application due to conflict. Mr. McCall will be voting on this application.

Appearing before the board is Addison Bradley, Planner for the Applicant, 1585 Hider Lane, Gloucester Township, NJ. Mr. Bradley and Mr. McNally were sworn in at this time. Mr. Bradley confirmed the submittal of revised plans dated September 4th, 2013.

Brian Slaugh, Borough Planner was sworn in on this application. Mr. Slaugh testified that the application is deemed complete. Jim Biegen of Maser Consulting, also sworn in, testified that the application is deemed complete.

Mr. Bradley stated this lot was not part of the original Glenview Court subdivision. The property has an encroachment of a pool house that crosses property lines. There are 4 large maple trees that are 15 ft. from the property line which are important to Mr. McNally's property. The applicant is seeking a single side yard variance, and has a 55ft. envelope to build a house. The applicant proposes 20 Canadian Hemlock trees too be planted for screening which will be planted 5ft. on center and will span 100 ft..

Mr. Biegen stated that all completeness items have been addressed. There is a 10ft. drainage easement on the southerly side of the property that should be shown. The current Subdivision on Glenview Court is complete, however there should be some type of guarantee posted to assure the project is completed. The driveway is proposed to be concrete and the application reflects at it's closest point 1 single 10 ft. side yard set back variance. Mr. Bradley testified that pins will be placed in all corners.

Mr. Slaugh commented that Key Engineers was the original design professional for the subdivision. From the front of this lot, you will not be able to see the actual depth. The proposed house is consistent with what is existing. Jason Schaffer appeared on behalf of the applicant and was sworn in. Mr. Schaffer stated that the proposed house is the Winston Model about 55ft. wide. Mr. Biegen added that The Pool House is an additional variance that sits 9 ft. from the property line where 30ft. is required for an accessory structure, as well as the 10ft. side yard set back where 20 ft. is required.

Councilman Maccaroni commented that the lot is buildable without notching out the space for the pool house, and would need no variances. Mayor Armano added that the trees appear to span more than 10 feet and the tape in the photo provided is 15 ft, giving the proposed dwelling a 10 ft. side yard set back. Chairman Gangluff added that the lot is conforming without the notch, is the house consistent? Mr. Bradley stated the house is consistent with the rest of the homes, and the applicant will agree to a tree preservation easement, and will still provide the Canadian Hemlocks for screening. Mr. Katkocin also stated that the notching of the property line to accommodate the pool house is questionable. Mr. McCall asked if there was plumbing and/or electric in the pool house to prevent the applicant from moving it. Mr. McNally stated yes there is, and there is an ejector pump as well for the sink and the toilet in the pool house. Councilman Maccaroni commented that the pool house should be 30 ft. from the property line. Mr. Slaugh suggested that the applicant consider coming back to the next meeting. Mr. Bradley requested on behalf of the applicant for a continuation, and Mr. McNally agreed to waive the 45 day right of action. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public. No one from the public appeared on

this application, Chairman Gangluff closed the public portion. Mayor Armano made a motion to approve the request for a continuance, and Carl Canfield Jr. seconded the motion. On roll call vote:

Mayor John Armano	Yes
Councilman Nick Maccaroni	Yes
Chairman Jack Gangluff	Yes
Ken Clegg	Yes
Dan Pomponio	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes
John McCall	Yes

This application will be placed on the October 15th, agenda. No further notice is required of the applicant.

GOOD OF THE ORDER:

None

CORRESPONDENCE:

Berlin Township Planning Board Agenda

PUBLIC PORTION:

None

ADJOURNMENT OF REGULAR MEETING:

Ron Katkocin made a motion to adjourn the meeting, Mayor John Armano seconded the motion. Meeting Adjourned.

Cc: Bill Behnke, Fire Marshall, Fire Chief
Stacey DiVello, Escrow Financial Department
Michael DePalma, Construction Official
Terry Stagliano, Tax Assessor
Lou DeMarco, Captain, EMS
Chairman Andrew Simone, West Berlin Planning Board