

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
February 10th, 2014**

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.

REGULAR MEETING:

With the absence of Rick Miller, and Ron Katkocin, Carl Canfield Jr, and John McCall will be voting on all matters. At this time the Board Secretary Debbie Simone, Jennifer Beahm of CME Associates and Jim Biegen of Maser Consulting were all sworn in for the year 2014.

MINUTES:

A motion to approve the minutes from January 13th, 2014 was made by Dan Pomponio and seconded by Mayor John Armano. Those eligible to vote, all voted aye.

ZONING OFFICERS REPORT:

Craig Fallstick, Zoning Officer prepared report from January 1st, through February 10th, 2014, and was present for questions.

RESOLUTIONS:

Resolution memorializing decision to appoint Mark Rinaldi, Esq. as Board Solicitor.

A motion was made by Mayor John Armano to memorialize the resolution appointing Mark Rinaldi, Esq. as board solicitor, and Richard Crain 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	Dan Pomponio	Yes
Carl Canfield, Jr.	Yes	John McCall	Yes

Resolution memorializing decision to appoint Maser Consulting as Board Engineer.

A motion was made by Mayor John Armano to memorialize the resolution appointing Maser Consulting as Board Engineer, and Richard Crain 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	Dan Pomponio	Yes
Carl Canfield, Jr.	Yes	John McCall	Yes

Resolution memorializing decision to appoint CME Associates as Board Planning Consultants.

A motion was made by Mayor John Armano to memorialize the resolution appointing CME Associates as Board Planning Consultants, and Dan 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	Dan Pomponio	Yes
Carl Canfield, Jr.	Yes	John McCall	Yes

OLD BUSINESS:

NONE

NEW BUSINESS:

**Case # 14:1-1
 Evino's Corporation
 81 W. White Horse Pike
 Block: 301 Lot: 1.01
 Amended Minor Site Plan (Retaining Wall)**

At this time the board secretary, and Mr. Biegen confirmed the application is complete, and ready to proceed. Appearing before the board is Dimitrius Kolovos, Esq. on behalf of the applicant Evino’s Corporation. At this time the applicant’s engineer Wayne Roorda Jr. of 304 White Horse Pike, Haddon Heights, NJ. was also sworn in.

Mr. Roorda listed his background, and was accepted as qualified. Mr. Roorda testified that the retaining wall in question is 130 ft. that is 5 to 6’4” on the White Horse Pike side and 1’4” on the Lucien’s side. The wall will consisted of CMU split faced block, buff white in color to match the new sign. There will be some curb replacement on the Lucien’s property. The wall is outside of the NJ D.O.T. Right of way, and site triangle, and no permits are required from the NJ D.O.T. The sidewalk and wall area will be inspected by Borough officials. Landscaping will be installed behind the wall. The foundation detail has been submitted. With nothing further from the board Chairman Gangluff opened this portion of the meeting up to the public for questions. With no one appearing from the public, this public portion was closed. Chairman Gangluff then opened this portion of the meeting up to the public for comments. With no one appearing from the public, this public comment portion was closed. With nothing further from the board, Mayor Armano made a motion to approve this application, and Richard Crain 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	Dan Pomponio	Yes
Carl Canfield, Jr.	Yes	John McCall	Yes

Case# 13:1-1
Berlin Residences LLC
Spring Oaks Assisted Living Facility
Block: 1700 Lot: 1.01
Use and Bulk Variances

At this time the board secretary and Mr. Biegen confirmed the application is complete and ready to proceed. Appearing on behalf of the applicant is Jeffery Baron, Esq. At this time Tiffany CuvIELLO of 7 Equestrian Drive, Galloway Township, Planner for the applicant, and Matthew Baldino of Fralinger Engineering, 629 Shiloh Pike, Bridgeton, Engineer for the applicant, as well as Shalom Kesselman, representative of Spring Oaks, 1939 New Central Avenue, Lakehurst, NJ. were all sworn in.

Mr. Baron summarized that this is an application for a memory assisted addition. Separately contained, 15 units, 29 beds, and a dining facility. A written explanation of the memory support unit was submitted explaining the purpose and function of the space. A variance of 10 units per acre permitted where 12.85 is requested, and 35 acres lot size there is currently 8.5 acres as an existing condition. The building height conforms, the floor are and unit size are the same. The Units are 284 sq. ft, the ordinance requires 650 sq. ft. There is a front yard setback requested and the applicant is seeking a waiver of an

environmental impact statement as well. This is a fully developed site, there are no changes to the site. Mr. Kesselman works for the management company at Spring Oaks. This facility will be for memory support it will assist elderly that need help with medications, and cannot function in a regular unit. This unit will be a lock down unit, and the residents cannot leave, however everything will be provided for them. Skilled staff will assist these residents. There may be 2 per shift additional staff members added for this section. Family can visit as there will be a separate entrance from the outside. People from the outside will have a code to enter. Due to the condition of these residents, there will be 2 per room if needed, the memory support units are typically smaller so they don't feel lost, and if there is a roommate, they help each other.

Tiffany CuvIELLO listed her experience, and was qualified. Ms. CuvIELLO explained that this facility was built in the R1 zone and received a use variance. Since then, the zoning has been changed to PARC. Ms. CuvIELLO read the definition in the PARK district, and discussed the Assisted Living Facility functionality. Due to the explanations, and descriptions, Ms. CuvIELLO made a point that a Use Variance may not be required. Jennifer Beahm of CME Associates agreed with testimony that all improvements are in the PARC zone, and agrees that the Use Variance may not be needed, as well as the density variance is not needed if considered a health care type facility.

Matthew Baldino of Fralinger Engineering, listed his experience and was qualified. Mr. Baldino qualified Exhibit A site plan showing the location of the proposed addition. Mr. Baldino confirmed there is a separate entrance, and proper parking exists. The plan will be amended to show the handicap parking needed. The existing stormwater basin is proposed to be expanded, as it also needs general maintenance, clearing, and vegetation cleaned up. This is under 1 acre of disturbance, and the depth is approximately 3 to 4ft. This is a detention basin, next to a swale to drain dry. The outside area to the addition shows a hardscape area for walking, and a proposed Gazebo (Exhibit B dated 2-10-14.) There will be no evening activities, no additional lighting will be needed other than the power packs on the building for safety. The entry road needs a variance which is an existing condition.

Ms. CuvIELLO explained the variances. A density variance for the 10 units per acre, with the increase we have 12.9 units per acre with 110 units total. The increase in units are contained, it's not a residential area, and the impact is minor. There is no substantial increase to the density of the site, no additional parking, and no increase in traffic. The units will be 230 sq. ft. where 650sq. ft. is required. The memory care unit is different its separate dining, and it's a specialized type unit. There is no detriment to the public good, the knowledge of the unit will only be visible if you drive back. There is a separate entrance, and the existing parking will be enough. Exhibit C explanation of how the facility operates was submitted.

Referencing the Board Engineer's letter, the Environmental Impact is not required, and with testimony the board engineer agrees, all outside agency approvals will be provided, storm water report the additional information will be provided, regarding the site layout, the applicant agrees to all of the comments, and testimony has been provided regarding

parking and handicap parking. The Right of Way variance was also mentioned in testimony. Mr. Biegen mentioned the proposed basement of the addition. Mr. Kesselman testified the basement would be less than 1/2 of the addition, it would be for storage for the facility accessible for staff only and the basement would be suppressed for fire emergency. Mr. Beigen also mentioned the inadequate trash enclosure. There seems to be trash blown everywhere. Mr. Baron stated that the Borough picks up the trash, and the dumpsters must be outside of the enclosure to be picked up. If enlarging the area will help, and properly size the dumpsters, the applicant is willing to work with the Engineer. An additional pick up is not possible. Councilman Maccaroni suggested to the applicant that the Borough picks up one day a week, and maybe Spring Oaks can have an outside contractor to pick up a second day during the week. Mr. Biegen also mentioned a comment that was on the plan "future right of way" dedication. Has it been dedicated and to whom and for what? Mr. Baron agreed to make that a condition of approval to research that dedication, and research deeds. Mrs. Beahm mentioned the requirement for affordable housing. Mr. Baron added the applicant is governed by the Department of Health and 7 beds are required. The applicant will agree that all the beds required by the Department of Health under medicare, and will be affordable. Mr. Baron agreed to do all of the foundation plantings and will coordinate with Mrs. Beahm. Mrs. Beahm mentioned the plantings or fencing around the basin. Mr. Baron suggested some type of vegetation or bushes around the basin, Mrs. Beahm suggested a split rail fence with a black mesh.

Chairman Gangluff opened this portion of the meeting up to the public for questions. Appearing before the board is Louis Sandro of 398 S. White Horse Pike. Mr. Sandro explained that he has been around for 12 years, his father owned the property before it was a peach orchard. He has owned this property for 5 years. Mr. Sandro mentioned his concern for the trash, is there a grounds keeper, or maintenance person that could keep up with picking up the trash? How long has Spring Oaks been there? (inaudible) Debris blows in his yard from the facility. With no further public questions, Chairman Gangluff closed this public portion.

Mayor Armano mentioned concern for the detention basin and fencing around it. Mrs. Beahm stated it is her recommendation to have a split rail fence, with a black mesh. It would provide a barrier, and you could still see in. Vegetation planted around the perimeter would be helpful. Mr. Baron agreed. Mr. Hall asked about the removal of the sidewalk? Mr. Baldino stated it will be replaced, and existing handicap spaces will remain. There is no proposed change of signage, or any additional signage. Mr. Crain mentioned the evacuation route to Solid Rock being on the side. Would the applicant consider putting a sidewalk on that side to the property line, as there is a footpath that exists. The applicant agreed. Mr. Hall asked if the intention is to have 2 beds or 1 in each unit. Mr. Baron explained 2 beds, 1 patient unless needed to have 2 based on occupancy. Mr. Crain asked if the alarm system be tied into the main panel. Mr. Kesselman stated it will be tied in. Mr. Pomponio asked if the rendering provided is accurate. There is no demolition, strictly new construction addition. Mayor Armano address some confusion based on the size of the rooms shown on the submitted floor plan of 180 sq. ft. Mr. Kesselman stated that the Dept. of Health informed the applicant they

needed the additional beds, and the new plan will show 230sq. ft. Mr. Baron stated a new floor plan will be submitted to show the 2 beds. The overall outside footprint is correct. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public for comments. Appearing before the board is Louis Sandro of 398 S. White Horse Pike. Mr. Sandro commented that he is concerned with the visitors to the site and their state of mind while driving. The speed limit is 50 mph, and cars go down that area of the White Horse Pike much faster. It takes him 20 minutes to get out of his driveway, there is a speed issue. Mayor Armano explained that is a State Highway, and he has requested to the NJDOT to reduce the speed in town, and received a letter from the state that there is no need. Mayor Armano explained once the residents start sending letters to the state, which will capture their attention and make some changes. Mr. Sandro mentioned that his yard is always getting trash blown on his yard and thrown on his yard. There is no groundskeeper and that may help minimize the problem. Employees get off the bus to go to work, and they throw their trash in his yard on their walk up the drive so he has trash and debris all along his fence line. The existing fence along the driveway is in disrepair and is falling. Mr. Sandros asked if there are any plans to develop the berm in front of the facility. Will the fence be replaced? There is a sign out front, the people from Spring Oaks cut down all the trees in front of his house on his property, and they were 20 year old fully grown trees, just to see the sign. The trees were on his property not in a right of way. Mr. Sandros asked if the applicant would consider putting additional fencing along the rear of his property. Mr. Baron stated the applicant is not proposing one, and a fence would make it difficult for pruning and trimming of trees. With nothing further Chairman Gangluff closed the public portion.

Mr. Rinaldi summarized the application, this is a preliminary and final site plan, there are no use variances, there is a D5 variance for maximum lot size, floor area, unit size, and set back from the entry drive. The conditions would be repair of the existing fence as needed, a trash barrel placed at the bus stop, no additional cutting or trimming of trees on Mr. Sandos property, staff will do a weekly clean up of the property, finalization of the dedication or Right of Way, submission of a new floor plan, and fence with plantings around the basin. Mr. Crain made a motion to approve this application, Mayor Armano 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	Dan Pomponio	No
Carl Canfield, Jr.	Yes	John McCall	No

With majority of an affirmative vote, this application was approved.

The board took a brief break, and returned at 9:45pm.

Case # 14:1-2
Timothy and Sandra Hooper
111 W. White Horse Pike

**Block: 205 Lot: 1
Bulk Variance**

Mr. Hooper addressed the board, informed them that he is the owner of Mary Janes Florist. The application is for a shed due to the necessity of needing more storage. This is an irregular lot, and he is requesting an 8 x 15 shed. The shed will be no closer than 5 ft. to the property line on the Egg Harbor Road side of the property. There is an accurate rendering of the shed provided, there are no windows, just faux looking windows. There is no proposed electric or plumbing, the shed will be placed on concrete block, with a double lock on the door. The shed will have a ¾ inch plywood floor, metal re-inforced, it will be brown in color to match the existing building. There will be no customer access. Mr. Rinaldi summarized this is in the C2 zone, it is a commercial property with a proposed accessory structure the ordinance requires 25 ft. the applicant is requesting 5ft. from the property line. With nothing further from the applicant or the board, Chairman Gangluff opened this portion of the meeting to the public for questions. With no one from the public approaching the board the public question portion was then closed. Chairman Gangluff then opened this portion of the meeting up to the public for any comments. With no one approaching the board, the public comment portion of the meeting was then closed. Mayor Armano mentioned that the Borough Code is to place the shed on crushed stone, Mr. Hooper agreed to use crushed stone. Mr. Hall asked about high winds, Mr. Hooper stated he will have the shed anchored with hurricane straps. Mayor John Armano made a motion to approve this application, and Mr. Clegg 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	Dan Pomponio	Yes
Carl Canfield, Jr.	Yes	John McCall	Yes

GOOD OF THE ORDER:

NONE

CORRESPONDENCE:

**Case# 12:8-1
New Jersey Mentor
87 Cross Keys Road
Block: 307 Lot: 20
Paved Driveway**

Mr. Rinaldi discussed with the board that the driveway has been paved, which is something that the board wanted. The size did not increase, it is smaller as Mr. Biegen performed an inspection. Also Mr. Biegen required additional clearing, and that was done recently. Mr. Rinaldi will address with the applicant regarding obtaining the

necessary permits. Mayor Armano commented that he feels the applicant should come back to the board for approval. This was brought to our attention due to the Zoning Officer witnessed the work being done with no permit. The board agreed to have Mr. Biegen contact National Mentor.

Letter of Interpretation

80 Tansboro Road

Block: 1900 Lot: 20

Philip Verespy

For informational purposes, no comment or action needed.

Berlin Township Planning Board Agenda

PUBLIC PORTION:

None

ADJOURNMENT OF REGULAR MEETING:

Carl Canfield Jr. 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