

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
October 14th, 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.

ROLL CALL:

Mayor John Armano	Present
Councilman Nick Maccaroni	Present
Jack Gangluff	Present
Rick Miller	Present
Ken Clegg	Absent
Richard Crain	Present (late 7:43pm.)
Jack Hall	Present
Dan Pomponio	Present
Ron Katkocin	Present
Carl Canfield Jr.	Present
John McCall	Absent

REGULAR MEETING:

Due to the absence of Ken Clegg, and John McCall, Carl Canfield Jr. will be voting on all matters before the board.

MINUTES:

A motion to approve the minutes from September 8th, 2014 was made by Dan Pomponio and seconded by Mayor John Armano. Those eligible to vote, all voted aye.

RESOLUTIONS:

NONE

ZONING OFFICERS REPORT:

Craig Fallstick

OLD BUSINESS:

NONE

NEW BUSINESS:

Case # 07:5-25

GBK Company, LLC

41 S. White Horse Pike

Block: 307 Lots: 7 & 9

Preliminary Major Site Plan Request for Extension

Mayor John Armano and Councilman Nick Maccaroni recused themselves from this application.

Appearing on behalf of the applicant Gary Knight is Alan Nickerson Esq. Mr. Nickerson explained due to the permit extension act, the applicant is seeking a 2 year extension from today. The original approval is for a preliminary major site plan with variances. Mr. Rinaldi, the board solicitor gave the board information regarding to the permit extension act. Gary Knight of 18 Evergreen Dr. Berlin was sworn in. Mr. Nickerson verified with the applicant Gary Knight that there are no streams on the property, no waterfront development area, no coastal wetlands permit act, no CAFRA approvals, no freshwater wetlands areas either. With nothing further, Chairman Gangluff asked for questions from the board. Mr. Hall asked if the existing application will expire, and by us approving the extension are we in agreement of the existing resolution? Chairman Gangluff explained we are only voting on the extension not agreeing with anything in the existing resolution. The approvals stay with the property, and can be transferred to another owner. Mr. Katkocin asked what standard is used for determination. Mr. Rinaldi stated due to the permit extension act, that is the guideline we follow. With nothing further from the board, Chairman Gangluff opened this portion up to the public. With no one from the public appearing, Chairman Gangluff closed the public portion. At this time Mr. Hall made a motion to approve the request for a 2 year extension from today and Mr. Canfield seconded the motion. On roll call vote:

Jack Gangluff	Yes
Rick Miller	Yes
Jack Hall	Yes
Dan Pomponio	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

Case # 14: 8-1
281 White Horse Pike LLC
281 White Horse Pike
Block: 700 Lot: 19
Use D Variance

Mayor John Armano, and Councilman Nick Maccaroni both recused themselves from this application.

Appearing before the board is Dave Patterson Esq. on behalf of the applicants James Knight, and Jennifer Knight. At this time, those providing testimony were all sworn in. James Knight, and Jennifer Knight as well as Kevin Dixon of 408 Elm, Galloway, NJ. and Eric Hafer of 603 Park Ave. Laurel Springs. At this time Mr. Dixon and Mr. Hafer both listed their qualifications on the record and were deemed qualified. The board secretary has confirmed that the application is complete, and all escrow and application fees have been paid, and all proper notices have been served in a timely manner. The board Engineer has also confirmed that the application is complete.

Mr. Patterson called upon Mr. Knight for testimony. Mr. Knight verified that he is seeking a use variance for a funeral home and a residence on this lot. He is the owner of Knight funeral home on Rich Avenue, and has been for 10 years. The property at Rich Avenue has been there for over 100 years. This property is under an agreement of sale, such agreement was presented as Exhibit # 1. Mr. Knight testified that at the current location parking is difficult, and he is looking to upgrade, and have more of a visual contact. The property currently is abandoned and the house is not livable. Mr. Knight testified that he intends on improving the lot, and a conceptual site plan has been submitted which identifies 75 parking spaces. Mr. Knight stated that currently Knight Funeral Home services 8 to 10 viewings from 7 to 9 pm and funerals 9:30am to 10:30am, gone by 11:45. He would like to keep the same operation times. Mr. Knight stated the only employees are himself and his wife Jennifer. During viewings and funerals there are 2 additional employees that are there. Typically there are 30 to 50 people for a viewing, and they are in and out, at the most 50 cars, and 10 to 18 cars for a funeral procession. There will be no parking on Ellis Avenue. There are 2 locations for ingress and egress, one on the White Horse Pike and the other on Ellis Avenue. The driveway in the rear is for the residence. There will be no other family members other than his wife Jennifer and his son living at the residence.

Mr. Katkocin asked how many parking spaces are there at Constantino Funeral Home. Mr. Knight stated roughly 45 spaces. Mr. Hall mentioned the overflow parking not being on Ellis Ave., how will that be handled? Mr. Knight stated the way the property is situated, he can add parking if needed and permitted. Mr. Knight testified that as many cars as possible will be parked on the lot. Mr. Patterson stated that the law firm has 8 spaces in the rear of the WaWa, and at any given time needed, Mr. Knight can use those spaces as well as some additional spaces at the Law Firm. Mr. Crain asked what the average amount of vehicles for a funeral would be. Mr. Knight stated about 20 cars at the most. Mr. Hall asked if this will be a secondary location. Mr. Knight stated no, this will be the primary location. The property currently on Rich Avenue would that commercial zoning status remain? Chairman Gangluff commented to Mr. Hall that each approval goes with the property not the person. Mr. Biegen from Maser Consulting asked regarding the services, will there be an undertaker, embalming on the premises. Mr. Knight stated you have to in the State of New Jersey, so yes. Funeral Homes only have the onsite embalming, no crematorium. Exhibit #2 is the conceptual site plan. With nothing further, Chairman Gangluff opened this portion of the meeting up to the public for questions on the testimony of Mr. Knight.

Appearing from the public is Kevin McGovern of 11 Ellis Avenue. Mr. McGovern was sworn in. Mr. McGovern stated he has lived on Ellis Ave. for 23 years, he understands the lot is abandoned and the improvement would be nice. He asked about the open space next door, and has anyone from the county been notified? Chairman Gangluff explained that everyone within 200 ft. has been notified. How will Mr. Knight control parking along Ellis Ave? Mr. Knight stated his address will be advertised and directions will be for White Horse Pike. Ellis Ave is a public street, and he can't stop people from using Ellis Ave. Mr. Knight will have people on Ellis to stop them from parking there.

Next to appear is Rob Finnegan and Janet Finnegan of 10 Ellis Ave. Both were sworn in. Mr. Finnegan is concerned with the parking on Ellis Ave. He is happy that the site can be developed as it is an eyesore. Mrs. Finnegan is concerned that this is a cut through for emergencies, and how many cars will be parked on either side. The street is not wide enough for parking on both sides of Ellis Ave. He is concerned if 73 spaces is enough. Mr. Rinaldi explained that the Borough is dealing with another issue in town regarding parking at another establishment. The borough may not be able to do anything about it, and the borough is working on something now for permit parking, for residents only on that particular street. Chairman Gangluff added that this application is simply for the Use Variance. There will be a future application if the board approves this tonight for a full blown site plan application with traffic and engineering on parking, and traffic flow.

Next to appear is Mayor John Armano of Rich Avenue. Mr. Armano was sworn in, and commented that he lives 3 houses down from the current facility. Mr. Knight is pretty accurate with his car count, and there is not an issue with cars parking for a long period of time on the street. The cars do park there, however they don't stay long, and he wishes Mr. Knight well, and feels that this is an asset to the community.

Mr. McGovern commented on the Mayor's comment of revolving cars, and that Mr. Knights business has been on Rich Avenue for some time, however Ellis Ave residents are not used to it, and we don't have anyone parking in front of the homes. Mr. Rinaldi added that the applicant is only here for a use variance, so they only have to show that the proposed use will not have a negative impact on the community, and what the positive criteria is for the proposed use.

Next to appear from the board is Diane McGovern of 11 Ellis Ave. She is concerned with the parking, and feels that it would be a negative impact on our Community due to the overflow of parking.

Mr. Patterson called upon Eric Hafer, Engineer that prepared the concept site plan. Mr. Hafer testified that he feels this concept plan will meet the requirements of the C2 zone. 73 parking spaces are shown, and in his opinion Mr. Hafer testified that 73 spaces are more than adequate. The spaces could possibly be increased to 100-125 spaces, due to lot coverage ratio if at the time of site plan approval the board sees to allow more parking, he can make that adjustment. Mr. Biegen stated that the building is one story with a building of 6,422 sq. ft., the site plan would include the parking layout, and suggested to work with the Fire Marshall on the occupant load and it may assist the applicant on the required number of spaces and the layout. Mr. Hafer added that the rear of the lot is all residential and only the front 2/3 of the lot would be used for the funeral home. With no questions from the board, Chairman Gangluff opened this portion of the meeting up to the public.

Appearing before the board is Kevin McGovern of 11 Ellis Ave. He has a concern of the parking lot, and drainage. Will this change the size of the detention basin? Will the parking lot need to be added on to, and will the basin need to be changed to maintain proper drainage. Mr. Hafer stated that will be presented at a formal site plan hearing. With nothing further, Mr. Patterson called the next witness.

Mr. Dixon, the applicant's Planner testified that he is familiar with the applicant's proposed use, and all positive and negative criteria. This application is for 2 use variances, D Variances are for uses that is not permitted in this district. A funeral home combined with a residence, which makes 2 principal uses. The site is well suited for this use. This site is on the White Horse Pike across from the C2 district that permits this use. The site is larger than what the C2 zone requires. The current condition is blighted and an undesirable location for residential. This fronts the White Horse Pike, the funeral home will face the White Horse Pike, with access from the White Horse Pike, as well as Ellis. The White Horse Pike will be right turn in, and right turn out. The site is currently underutilized, and situated between 2 cemeteries. The funeral procession when it leaves the site will utilize the White Horse Pike. The advancement for the purposes of zoning, it is implied that it has meet the burden of proof for the positive criteria. This site meets the coverage for residential, there is adequate light, air, and open space. This site meets the number of cars required by the Borough Ordinance, and there are 20 more spaces than Constantino's as well as the design of parking is for an average peak. There is no detriment to the public good, and provides a more appropriate use. This use will not add

to the peak hour of parking, it's a low intensity, and the success will be an asset. 18 to 20 cars is very little impact, and the hours of operation will remain the same. The site is blighted, provides a unique transition with the White Horse Pike and the residential district. During a Master Plan update, it is uncommon to take a single property and change the zoning. The proposed use for this site, is not a substantial impairment, and will not impair the intent of zoning, and provides a more appropriate use. A funeral is a highly managed event during off peak hours. Parking is ample, a large funeral would be 50 cars, where this site provides 73. Upon Site plan application, directional traffic, and testimony on the amount of cars, stacking of vehicles, will be addressed. With nothing further, Chairman Gangluff opened this portion of the meeting up to the public.

Appearing before the board is Kevin McGovern of 11 Ellis Avenue. Mr. McGovern asked if the property can be bought and not approved for the site plan. He is concerned regarding the drainage on Ellis Ave, when a project is built up on the White Horse Pike, there is a problem with storm water management. Mr. Rinaldi explained that another notice will go out to the property owners, and in the newspaper, and all of the agenda's will be online ahead of time. With nothing further from the public, Chairman Gangluff closed the public portion.

Mr. Biegen of Maser Consulting's comments are directed more towards the site plan. Mr. Pomponio asked on the concept site plan, are the numbers shown accurate on the road width of Ellis Ave being 50ft., and the White Horse Pike at 60ft. Mr. Hafer stated it is not the actual width. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public.

Appearing before the board is Kevin McGovern of 11 Ellis Ave. Mr. McGovern stated that in the 50ft. of Ellis Ave, there is a manhole in front of his house for drainage. With nothing further from the public, Chairman Gangluff closed the public portion. Mr. Rinaldi summarized the application as a Use D Variance, and that the applicant's professionals presented the negative and positive criteria. The only condition would be that at site plan application, the residence will only be used by the owner/operator of the funeral home. Richard Crain made a motion to approve the Use Variance application, and Jack Hall seconded the motion. On roll call vote:

Chairman Jack Gangluff	Yes
Rick Miller	Yes
Richard Crain	Yes
Jack Hall	Yes
Dan Pomponio	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

Case # 14:10-1
Sharon Kane
6 Joans Lane
Block: 2105 Lot: 21
Appeal of Administrative Officer's Decision

Appearing before the board is Sharon Kane of 6 Joans Lane. The board secretary confirmed that all fees have been paid, the adjoining property owners have been noticed, and proper notifications have been served.

Mr. Rinaldi informed Ms. Kane that the board has received a letter with no name, and no address. The person who wrote the letter is not present, and will be placed in the file for the application. Mr. Rinaldi summarized the appeal, and the request for a variance pursuant to the Borough Code and the Zoning Officer's denial letter. Ms. Kane presented her information, she replaced her driveway, it was in bad shape. The neighbor has poison ivy, and Ms. Kane is allergic, and the ivy was growing under the fence. The first contractor ran into soft spots, and grass and everything had to be dug up to get rid of the moisture, however that contractor walked away from the job. Another contractor came, had to pull up the whole driveway, and her basement was flooding as she had to replace her heater twice. The driveway due to the soft spots needed to be more of a solid foundation. There are other driveways that have the same situation, and neighbors have complimented her on how nice the driveway looks.

Mr. Katkocin questioned the survey, what the lot frontage is. Ms. Kane thought it was 50ft. is the back of the property 33.6ft. Ms. Kane stated her front door is on the side. Mr. Katkocin stated part of this lot is less than 50ft. Mayor Armano commented that he visited the site, and the property looks attractive by what she has done. Mr. Hall asked if the driveway has been completed. Chairman Gangluff stated yes it is completed. Mr. Katkocin added that reading the ordinance he is not clear that a variance is needed due to chapter 335-40 H (1) d. there is a part of this lot that is narrower than 50ft. has a 0ft. set back. Councilman Maccaroni asked if the driveway impacts the neighbor. Ms. Kane stated the neighbor is not here, and she hasn't seen any puddles in the driveway. Mr. Pomponio commented on the photo of a real estate listing and that is prior to driveway renovations, the grass area remains on the other side of the fence, and Ms. Kane stated yes. Chairman Gangluff opened this portion of the meeting up to the public. With no one from the public wishing to speak, Chairman Gangluff closed the public portion. Mayor Armano made a motion to approve this application/appeal, and Dan Pomponio seconded the motion. On roll call vote:

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

Dan Pomponio	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

Mr. Hall explained he voted no due to not being comfortable with a 0 setback to a property line.

GOOD OF THE ORDER:

NONE

CORRESPONDENCE:

Berlin Township Planning Board Agenda

PUBLIC PORTION:

NONE

ADJOURNMENT OF REGULAR MEETING:

Mayor John Armano made a motion to adjourn the meeting, Carl Canfield Jr. seconded the motion. All in favor, Meeting Adjourned.

Respectfully Submitted,

Deborah Simone, Planning Board Secretary

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