

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
REGULAR MEETING
August 10th, 2015**

REGULAR MEETING: 7:00PM

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 Jim Bilella | Present |
| Chairman Jack Gangluff | Present |
| Jack Hall | Present |
| Richard Crain | Present |
| Nick Maccaroni | Present |
| Dan Pomponio | Present |
| Ron Katkocin | Present |
| Carl Canfield Jr. | Present |
| John McCall | Absent |
| Nick Guerere | Absent |

MINUTES:

Minutes from June 15th, 2015

A motion to approve the minutes from June 15th was made by Jack Hall, and seconded by Carl Canfield Jr. On roll call vote, all voted affirmative.

RESOLUTIONS:

None

OLD BUSINESS:

Chairman Gangluff made an announcement that if anyone was present for the JC3 Construction application that was continued from the July 13th meeting, Case # 15: 6-2, we have received correspondence requesting the September 14th date. Mr. Rinaldi added that he has spoken with Dave Patterson, attorney for the applicant, and believes that all matters have been resolved.

Case # 06:1-18
Berlin Multi Family LLC
The Village at Berlin
Preliminary Major Site Plan
& Subdivision
Block: 1700, Lots: 1 & 3

Richard Hoff Esq., of Bisgaier Hoff representing the applicant Berlin Multi Family LLC. Mr. Hoff summarized the testimony such as civil engineer, traffic, and architect that has been presented thus far and concluded. The last person to provide testimony is Pat Nocera the site remediation expert. Mr. Hoff also addressed that previously he had agreed to a suggestion to remove the doors from the study and create an archway, however, he misspoke as the applicant had not been consulted on that decision, and has determined that for marketing, that will not work. They do agree to a restriction on occupancy and the study only.

Providing testimony is Pat Nocera, of 90 US Highway 130, Bordentown, NJ. who was sworn in at this time. Mr. Nocera placed his credentials on the record and was deemed an expert. Mr. Nocera stated he was hired by the applicant to oversee the investigation on the site remediation. He is bound by his license to remediate to the standards of remediation requirements, he must follow DEP requirements. NJDEP developed a remediation plan which is the basis for the current plan. It is determined that there are surface pesticides, such as dieldrin that resides in the upper surface soils that was spread by farmers. This is a preliminary assessment dealing with certain areas of concern. Mr. Nocera added that pesticide use is common in New Jersey, specific to orchards, and blending soils is similar to farming. You totally mix the soil there is a concentration panning device that turns 18 inches of soil that leads to a level of acceptable standards. If needed the area can be re-blended make a deeper cut, and areas that are a problem can be dug up and removed, or cover and deed restrict that area. The blending process is safe. There will be monitoring of dust levels, watering as necessary, as there will be a health and safety tech on site. A post remediation study is done, and samples are sent out for testing. Chairman Gangluff asked if there is a clean up plan. Mr. Nocera stated yes there is one in place, and Chairman Gangluff asked if the board could see that plan, and Mr. Nocera stated yes he will provide that. Mayor Armano asked if there is a chemical applied to the soil, as it has not been farmed in years, dieldrin is not mobile if the top soil is turned down 10 to 16 inches, that doesn't change the fact that the pesticide is there. Mr. Pomponio asked if the remediation and testing is done prior to construction. Mr. Nocera stated yes. Mr. Crain asked if the entire lot is cleared? Mr. Nocera stated yes,

however parts of the property are clean. Councilman Bilella asked what the concentration is. Mr. Nocera stated .04 per million, 1.5 is the highest, some areas are below the lowest. Councilman Bilella asked where will compliance be, and Mr. Nocera responded at the lowest. Mr. Canfield asked if any soil will be brought in, and Mr. Nocera stated no, soil would be removed. Mr. Hess asked what the clean up process will be and the time frame, Mr. Nocera stated 3 months or so. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public for questions for Mr. Nocera.

Appearing before the board and previously sworn in is James Osborne of 536 Riggs Ave in Winslow. Mr. Osborne asked Mr. Nocera if he is familiar with the Camden County Soil Conservation District? Mr. Nocera stated yes, they will be overseeing the progress and blending. Next to appear before the board is Greg Sorce of 528 Riggs Avenue Winslow. Mr. Sorce asked if this will create additional flooding in his yard, he already has an issue. Chairman Gangluff stated that is a question for the Engineer that can be asked at a later time, this is for questions for this witness. With no further questions for this witness, Chairman Gangluff closed the question portion of the meeting.

Mr. Hoff stated he would like to bring up Mr. Cahill to discuss storm water management impact. Mr. Cahill stated this design will have no negative impact, the drainage pattern is maintained, and there will be a reduced run off. There are low spots on the adjoining properties, and this site will handle the water through and infiltration system. Councilman Bilella asked if the adjacent buildings will be higher. Mr. Cahill responded they will be slightly higher to shed water away, and there is a storm pipe along the perimeter with inlets. The pipe is about 10 ft. away. Chairman Gangluff opened this portion for additional public question of this witness. With no public question Mr. Hoff stated he has concluded with testimony. Mr. Platt board solicitor then explained the process thus far, and prepared the public for comments on the application.

First to appear before the board is Jeff Greenberg of 27 Coleman Road. Mr. Greenberg was sworn in. Mr. Greenberg commented that the traffic from Coleman/Galena rd is bad, has a study been done for that area. Cars travel at twice the speed limit.

Next to appear before the board is James Osborne of 536 Riggs Avenue Winslow. Mr. Osborne stated he viewed the Nexus Properties website, read their mission, it mentions good partnership, but nothing about communities and being community friendly. Also the traffic report stated that you cannot make a left off of Riggs Avenue, but you can, there is no obstruction as was testified to. Next there is a concern when the architect for the project did not even know the height of the building he is designing. Camden County Soils is familiar with the site, and will oversee blending, and they know what to do if there are dust clouds. Mr. Osborne added that he visited the road maintenance committee for the County, 2 people on the committee are aware of this project, however they knew nothing of a category F at the light. Mr. Osborne recommends a visit to Lindenwold at a high density area. He also commented that he feels the public was driven away by not knowing the process.

Next to appear before the board is Joe Theurer of 21 Coleman Road, who was sworn in. Mr. Theurer stated he was the person that sent in the article to the Inquirer, "Devastation of Berlin". He feels this development is terrible and does not want it in Berlin. He feels all of this is orchestrated, assisted living was turned down, this will be similar to Arborwood, we already have so many pawn shops, and thrift stores, this will increase our taxes.

Next to appear before the board is Rachel Pearce of 21 Joans Lane. Ms. Pearce stated she is concerned for her children, on Joans Lane there is a lot of traffic, cars that travel at high speeds, this will have a negative impact on the community. Will she be re-zoned to Winslow? Will there be a traffic light at Coleman Road, or a traffic light at Route 73, and will this make her taxes go up. Chairman Gangluff responded that she will not be re-zoned to Winslow, there is no plans to move the Township line. Chairman Gangluff stated he knows nothing about a traffic light on Route 73 or Coleman Road, and this property is not tax exempt.

Next to appear before the board is Greg Sorce of 528 Riggs Avenue, Winslow. Mr. Sorce asked about the fence along Riggs Ave, and will there be some type of buffer? Chairman Gangluff informed Mr. Sorce that the applicant has agreed to a 6ft. board on board fence. Mr. Sorce asked how long this project will take, and Mr. Hoff stated approximately 5 years. How many parking spots are there? Mr. Cahill stated 1009, Mr. Sorce asked does each unit have designated parking? Mr. Cahill stated no. Mr. Sorce asked about non-working vehicles, the removal of those vehicles, Chairman Gangluff stated all of that is covered under the lease agreements, and the applicant has requested title 39 rights which is the motor vehicle laws. Mr. Sorce asked about construction traffic. If there is an emergency is there egress? Chairman Gangluff informed him that there is an agreement with the Assisted Living facility Spring Oaks as an emergency access route. Mr. Sorce commented that the buildings are 3 story, can our fire department handle 3 story buildings? Mr. Platt commented that the applicant is meeting the zoning and construction standards. Mr. Sorce asked about grass cutting, Mr. Platt responded there are on site property maintenance staff, and it would benefit the applicant to keep the property nice, and clean to attract renters. Mr. Sorce asked who enforces the occupancy, Mr. Platt stated the Borough has ordinances for that, Mr. Sorce asked about waste management, Mr. Platt commented there is a trash compactor system, Mr. Sorce asked about the burden on the school system. Mr. Platt commented that has been addressed as well. Mr. Sorce stated this project will go downhill after the first year. At this time it is 8:30pm, Chairman Gangluff announced the board will take a 10 minute break. At 8:45pm. the meeting reconvened. Mr. Sorce asked where will construction begin, and will the balconies be facing Riggs, protruding from the building.

Next to appear before the board is Greg Renville of 534 Riggs Avenue. Is there a set end date for the project, and the buildings were 2 story and now they are 3 story, why the change? Mr. Renville asked about irrigation will it be the entire area, or just plantings.

Next to appear before the board is Jennifer Adair Lafontaine of 265 S. White Horse Pike, Berlin. Ms. Lafontaine asked how much the borough paid for the litigation on this project. Chairman Gangluff stated she may need to ask Borough Council, or the Clerk.

Next to appear before the board is Ron Rocco of 25 Carriage Stop Drive, Berlin. Mr. Rocco asked how many units there are, and how many are affordable. Chairman Gangluff responded 472 Units, 71 are affordable.

Again to appear is Joe Theurer of 21 Coleman Road. Mr. Theurer asked why build so many, why not reduce the number of units. On Tansboro Rd. you can see 6 homes for sale, this will bring the need for extra police, bigger school and there are no taxes on each unit.

Next to appear before the board is Brenda Rowand of 39 Joans Lane. Ms. Rowand commented when the homes on Riggs were built, Joans Lane backs up to the farm. Now more of a water problem after those homes were built. With these apartments, how will this affect the water table, there is less area for the water to go. Chairman Gangluff stated the applicant presented that there will be less water, and all of the water will remain on site. Ms. Rowand also asked who would be responsible for the clean out.

Again to appear before the board is James Osborne 536 Riggs Avenue. Is there a tax abatement consideration for this project? Chairman Gangluff responded no. Mr. Osborne asked about the perimeter berm and rather than remove dirt, to use it as a berm.

Again to appear before the board is Greg Sorce of 528 Riggs Avenue. Mr. Sorce asked for the definition of low income. Ms. Beahm of CME Associates, board planner responded. This is a product of per capita in the region where 60% is median income, and low is 30%. The region is made up of 3 counties, how many people per household and the rents calculated. There is no free rent, this is not subsidized and the government does not pay. There is a screening process, the low income, is below market rate.

Next to appear before the board is Mary Mazakas of 19 Rondon Avenue. Ms. Mazakas was sworn in, she asked if low income includes section 8 housing? Ms. Beahm stated no it does not. With nothing further from the public, Mr. Hoff addressed the questions asked. Mr. Hoff stated as for the traffic and speed limits, improvements are proposed, there are accel and decel lanes, Tansboro Rd is within the County jurisdictions, and there is no traffic light proposed. As for the cut throughs and left turns, this use is permitted in this zone, there are local avoidance measures that exist. To clarify on the record a level of service F at Washington Avenue was a level of service F 20 years ago and has not changed. There are operations on the White Horse Pike that are not any better. This application has proceeded with the Municipal Land Use Laws and followed the guidelines. Access to Coleman Rod, is the 1st point of ingress and egress. Fencing will be provided along the Riggs Avenue side up to the end of the Solid Rock Church property line adjoining Spring Oaks property line. The build out expected is 4 to 5 years, and there is a duration on approvals that can be extended, however there is no provision on construction deadlines. As for the phasing, the loop road will need to be constructed

first, and the phasing plan will be presented at Final approval, this is preliminary approval. Mr. Hoff continued there are balconies, they are recessed there are 4 per building. The change in engineering design of the roads changed the layout of the structures, and we adjusted the buildings to 3 story vs. 2 story. Irrigation will be in all green areas, and this will be noted on the revised plans. As for the litigation costs, an OPRA request can be submitted and the Borough has 7 days to respond to that request. With regards to the water table, Mr. Cahill did testing, it's below 17 ft. and we will do a hydro analysis which will be reviewed by the board professionals. The water will be collected onsite with inlets and basins in accordance with state regulations. The discharge out of the basin will be far less than present conditions. A storm water report was submitted for review. We agree to the outfall basin, we can place a small berm with excess soil and it is our intention to fully balance the site, so there is potential for some berming. The rent for a 2 bedroom market rate would be about \$1300 a month.

Mr. Hoff addressed the water distribution letter from Mr. Hess of CME Associates, board engineer. The engineers are scheduled to meet tomorrow, this is an offsite issue of conveyance. Mr. Hess stated the meeting is at 2pm. with the applicant's engineer, and Supervisor of Public Works from the Borough of Berlin. As for the impact of traffic at Washington Avenue, Tansboro Road, and Route 30 there will be additional vehicles maybe 144 or 145, maybe the County can determine a solution. Can this wait until final approval? We do need to address this issue. Mr. Platt commented that Mr. Hess has spoken with NJDOT and the County the applicant is not responsible for an existing condition. There is a meeting next Monday to determine what offsite improvements will need to be contributed to, what the County and NJDOT will request. The Borough has limited control over this. The applicant has agreed to work with the Engineer, NJDOT, and the County. The source of impact is not on a State Highway, but on a County road. Mr. Hess stated the impact is significant and may need a timing change. Mr. Platt stated that will need to be addressed with the County Engineer and County Planning Director, it may be a condition of any County approval. Mr. Hoff mentioned school buses. The site can handle school buses entering the site, however the applicant will need to meet with the school board to determine bus stops, loading and unloading of children internally or on Tansboro Road. A product of the census will determine buses, and bus stops and the applicant will inform the board of any improvements needed for outside agency approvals. Mr. Platt commented that may generate signage, or striping, or pick up and drop off of students on or off Tansboro Road.

Mayor Armano stated he has a concern with the dens and having doors on the dens. There was discussion regarding the number of bedrooms, and no closets in the dens. The applicant not wanting to remove the doors creates a concern. Mr. Hoff stated the units will be marketed as a den. Mr. Maccaroni commented if the applicant for marketing wants doors, would bi-fold doors be an option. Mr. Maccaroni stated he too was under the impression of a den with no closet. Councilman Bilella commented on the site drainage. This site is over 30 acres, and rain water, with a 50% impervious site, the water gravitates to the basins. The grading will effect surcharging to one spot, how will this affect the development across the street? Mr. Cahill responded there would be no negative impact, no concern for offsite DEP testing for basins, and the basins have to be

maintained. There is a build-up of water, the report shows existing and the impact from the basin, there are areas of poor soil that are a concern. Mr. Katkocin commented on the recreational aspects. Is there a study or guidelines that are followed when proposing the type of recreation? Mr. Cahill stated no. Mr. Katkocin added under the ordinance there has to be an objective standard, what methods are used to meet that standard? Mr. Cahill stated there is no recreation study. Mr. Hoff added they have met the requirements with the fitness trail, the tot lot, the walking trail, the pool, the tennis courts and the fitness center, there is no study, but the applicant has followed the ordinance. Chairman Gangluff consulted with the board professionals verifying any of their outstanding items. Ms. Bheam stated not at this time, Mr. Hess would defer his comments until final review. Mr. Hoff summarized the application and testimony there are no variances, and no waivers requested.

Mr. Platt summarized the application process this is Preliminary Major Site Plan 470 apartments, with 71 affordable units, a rental office, and 2 superintendent units. The primary goas is vested right in the general layout, there are agreements, and roads. The board will weigh in all that was heard, there were no variances requested and no waivers. Should the board vote in the affirmative, the applicant can proceed with making an application for final approval, and the preliminary approval is based on the following conditions:

Compliance with final settlement agreement, compliance with final sewer agreement, compliance with the Engineer review letter, compliance with the Planners review letter, compliance with any other Borough official's review, compliance with the Borough's rental ordinance, deed of consolidation, trash compactor operations, trash enclosure masonry enclosure, recycling, title 39 onsite, snow removal to green areas and basins, water distribution having sufficient water supply for fire suppression, quality of life, lease agreements no sheds, trash removal, parking, work vehicles, recreational vehicles, occupancy 1 & 2 bedroom units, dens counted as ½ bedrooms, pet policy, pet areas within the complex, lawn furniture, BBQ grills, open fires, tenants moving and having bulk trash, mail delivery, fencing around the basins, perimeter fencing along Riggs Avenue side, and Solid Rock Church, technique for site remediation LSRP approval, remedial action work plan, chart bedrooms provided, signage has not been submitted yet, manufacturers information on the tot lot, building mounted fixtures, clubhouse and pool rules, colors will be earth tones, school bus pick up and drop off locations, proposed buildings 4 & 5 utility easement, offsite intersections of Washington Avenue, Route 30 meeting scheduled, raised or textures crosswalks, 2 basins manual is needed and recorded deeds. At this time Chairman Gangluff asked for a motion. Mr. Hall voted to approve the application with the listed conditions, and Mr. Pomponio seconded the motion. On roll call vote:

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| Mayor John Armano | Yes |
| Councilman Bilella | Yes |
| Chairman Gangluff | Yes |
| Jack Hall | Yes |
| Richard Crain | Yes |
| Nick Maccaroni | No |

| | |
|-------------------|-----|
| Dan Pomponio | Yes |
| Ron Katkocin | No |
| Carl Canfield Jr. | Yes |

NEW BUSINESS:

None

CORRESPONDENCE:

None

PUBLIC PORTION:

None

GOOD OF THE ORDER:

None

ADJOURNMENT OF REGULAR MEETING:

With no one from the public with any comments, Mr.Hall made a motion to adjourn the meeting, and Mr. Katkocin seconded the motion.

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 Craig DeGeorge, West Berlin Planning Board