BOROUGH OF BERLIN PLANNING BOARD MINUTES SPECIAL MEETING March 23rd, 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 A Councilman J Chairman Jac Jack Hall Richard Crain Nick Maccard Dan Pomponi Ron Katkocin Carl Canfield John McCall Nick Guerere	im Bilella k Gangluff oni o		Present
MINUTES:			
None			
RESOLUTIONS:			
None			
OLD BUSINESS:			
Case # 06:1-18			

Berlin Multi Family LLC The Village at Berlin Preliminary Major Site Plan & Subdivision

Block: 1700, Lots: 1 & 3

Appearing on behalf of the applicant, Berlin Multi Family LLC is Richard Hoff, Esq. Mr. Hoff mentioned for correctness of the application, the subdivision portion of the application is a re-subdivision, he then presented the Engineer Keith Cahill, of Boehler Engineering, Civil Engineer for the project.

Prior to the start of the application, Stuart Platt Esq. COAH Council for the board, Mr. Platt swore in the applicants Engineer, Keith Cahill License # 42004 of Warren, NJ., Next Mr. Platt swore in the Board Professionals, Jennifer Bheam, Licensed Planner of CME Associates, License # 56258 of 1460 Route 9 S. Howell, NJ., John Hess Licensed Engineer of CME Associates, License # 31199, 849 W. Bay Avenue, Barnegat, NJ. Mr. Platt then summarized how this application came to the board. This was part of a builders remedy lawsuit, for affordable housing. The judge ordered 600 units, and finally a settlement was reached with the Borough of Berlin. June 27th of 2013 final settlement agreement was approved, along with other agreements that were subject to the court approval. At this point the applicant is still required to submit an application to the board, and the applicant must meet or exceed the zoning ordinance, and all other approvals. Mr. Platt also explained the process as to how the meeting will run, it is a Quasi-Judicial process, and the board professional's reports are available during normal business hours for inspection by the public. During the course of the proceeding, and after each witness, or expert for the applicant gives testimony, the board will then ask questions, and the public will have an opportunity to ask questions of that professional. All comments will be reserved until the end of the application, not the end of the meeting. Public will have an opportunity to address the applicant twice. Once for questions, second for comment. If necessary the applicant will bring back their professionals. This meeting will end at 10pm. Once this application reaches the late hour, the applicant will request to continue the meeting at another special meeting date. At that time, the applicant will not be required to notice property owners, as the announcement at the end of the meeting will be the notice.

Mr. Hoff addressed the applicants anticipated witnesses. Mr. Cahill will be present at every meeting, at the next meeting the applicant will present Mr. Kevin Blackney, who is the Architect and will address things such as bedroom counts, etc. also Mr. John Rae who is the applicants Traffic Engineer that will testify as well. Mr. Dante Germano was sworn in as the Chief Operating Officer of Nexus Properties, 1333 Brunswick Pike, Lawrenceville, NJ. Mr. Hoff stated since there is a stenographer, he will have transcripts available for the next meeting at no additional cost. At this time Mr. Cahill listed his education and professional background on the record, and was considered a qualified expert.

Mr. Hoff explained that he handed the board secretary copies of an 11x17 diagram depicting what is on the large screen and is entered as exhibit A1, an aerial exhibit taken the spring of 2012. The other exhibit marked A2, is a colored rendering of the site plan.

Mr. Cahill stated to the North side of the property is the Virtua Health facility, to the East is the Spring Oaks of Berlin Health facility, and the Solid Rock Baptist Church. To the South side of the development is Winslow Township with 15 homes along Riggs Avenue, and 1 home on Tansboro Rd. On Tansboro Rd to the West is Coleman Road, the Tansgate Development with single family homes. This is a farm field, vacant property with 2 lots. Lot 3 with 2.45 acres with a single family home, and balance of the site 30.6 acres an irregular shaped lot. 1200 ft. in frontage, and 1400 ft. in depth. This property is known as 183-530 Tansboro Road in the R5 zone. There are no physical controls, the high point of the site is east to west, and flows towards Tansboro Road. Frontage is cut in half by Coleman Rd. which is also a highpoint however there are existing inlets. The Southeast corner small triangular corner that is in the Pinelands preservation area. The applicant has a letter of no interest from the Pinelands. There is no true curbing along Tansboro Road. Mr. Cahill addressed Exhibit A2, the colored rendering of the site plan. This exhibit revision date is 1/30/2015. The overall site plan prepared by Mr. Cahill, he stated the applicant is proposing 472 units, 2 are for maintenance, there will be 71 affordable units, and 399 market units, 24 residential buildings all 3 story with the exception of the center of the site labeled building # 16 between the 2 main access roads. The complex will have 12 or 24 unit buildings. Building # 16 will have 16 units. There is a clubhouse in front of the site, there is a tennis court area, a pool area with deck around, as well as 2 storm water management retention basins in front. There are 2 main drives, one is opposite Coleman Rd., and one adjacent the clubhouse. Tansboro is a County Road, and the applicant has met with their professionals regarding what the best design options for driveways are. The main access drive is a wider frontage drive, 2 full turn lanes, and 10 ft wide grass island, and an entrance isle. The second access 24 ft wide entrance, 12 ft. in and 12 ft. out. This shows a loop road that circulates the site, there is no parking on that loop road. Fully compliant with the ordinance of Berlin Borough. Sidewalks do circulate and interconnect with cross walks.

Parking stalls are 9 x 18, so there will remain ample sidewalks. Looped around the entire property, there is a concrete walking trail that is 8ft. it circulates behind the buildings, and another loop around the roadway. There are 10 workout stations along the path. There is a requirement to provide 150 sq. ft. of active recreation, and with the active path, the clubhouse, parking, tennis court and pool there is 71,000 sq. ft. of active recreation. There is a tot lot proposed in the rear portion of the site. There is a trash enclosed area located near the center northern property line. There is an extensive amount of landscaping, double row of Evergreens along the Riggs Avenue side. The Zoning criteria is in compliance for this property.

There is a 24ft. wide cart way, and meets the RSIS standards. RSIS standards govern roadways, speed limits, parking etc. This is a design standard for residential properties. There are 1009 parking stalls throughout the site, and 943 are required based on the bedroom count, and clubhouse parking there is a maximum of 32, there are 62 stalls provided and ADA compliant stalls are provided throughout the site. The requirement is 2% and the site has 4%. Every 12 units has an ADA compliant stall. All the walkways, etc. have ADA compliance.

Currently there is an existing 8 inch water main that runs through the site that heads out towards Route 30. The site was designed not to modify that. There is an 8inch sanitary sewer line and both of those lines will be utilized for this project. Fire suppression will

be supplied to each building. There is a network of pipes that collect from each building. Regarding Electric and Gas, the utility companies have verified they can service this project. All electric will be underground.

Water runs off this site, and the water will be reduced by the network of pipes that surround the property and into each of the basins. There are inlets and pipes along the perimeter. The rear yards of the properties on Riggs Ave, have water run off issues, and the water will be taken on by this project into inlets and pipes. The worst case scenario was taken into consideration, the design shows that we can take on 100 year storm event, that water will increase in quality, there will be a reduction of rates of run off as well, which is a waiver of a design ordinance.

There is lighting throughout the site 114 poles to provide proper illumination. LED fixtures will be provided from dusk till dawn. There is zero foot candles to residences as the fixtures have house side shields. There is a 50 ft. buffer to each building from residential property line, and a landscape buffer of a double row of Evergreens. Mr. Cahill explained what a foot candle is. The ordinance requires no more than 2 foot candles, however we are at 1.6 where the ordinance is at 2. The sidewalks are all internally illuminated, there are no 20ft. high lights proposed along the walkway. The path is open from dawn till dusk, and will be part of the rental agreement. The only rear lights are on the decks/patios. There is a small area of overspill onto the main road. 1.5 to 2 foot candles for property safety in vehicle movements onto Tansboro Road. Truck turning templates were provided, and a secondary access was provided, an additional means of egress to Spring Oaks. There will be a chain, not for public use, it is emergency only. There are existing easements for utilities.

The existing house will be demolished. New plant material 2520 new plants, 571 trees, 1622 shrubs, 38 different species that will be spread out. The heavy evergreen is along the southern property, residential side. The trash compactor is adjacent to building # 3, as opposed to having multiple dumpsters throughout the site. This will minimize vandalism, and illegal dumping. This can take up to 100 cubic yards of disposal and crushes it to 39 cubic yards. With that we anticipate every 2 days there will be a pick up. It's in a central location, and you will need a key swipe to access main gate to the compactor area. This will also be ADA compliant, cameras and lights for safety, with 2 identification signs. There will be 2 identification signs identifying the facility 50 sq. feet and in compliance with the ordinance.

Mr. Hoff addressed storm water design criteria, and it requires discharge off the site. Mr. Cahill stated in the event the recharge fails, and is not maintained, it is a failure mode so it is maintained. The curbing along the frontage will be provided, and widening for the turn lanes on Tansboro Road slightly. NJDEP requirements are followed and in we are in compliance with NJDEP and RSIS standards, and best practices. The properties that boarder in Winslow Township will drain onto our site, and with the inlets the water will be directed into our basins as opposed to offsite. The back side of the hospital facility also spills through our property and will filter through our system. The responsibility will be on the owner of the property, there will be an owner manual provided for maintaining the basin, the sand, cleaning of the pipes, etc. These documents will be attached the deed.

With regards to parking, there was a concern with the distribution in relation to the buildings. The parking was re-shuffled based on board professional comments, they are

larger units and spread out more. We are not proposing designated parking, RSIS builds in for visitor parking, and the parking is distributed evenly. 2 parking stalls are required for 2 bedroom units, 1 bedroom units required 1.8 parking stalls. We are in excess of 66 stalls for RSIS standards. Mr. Cahill commented that we do not deviate from any standards in the R5 zoning. Mr. Hoff addressed the review letters that the applicant has received, and will address the letters at a future meeting. At this time the board took a 10 minute break.

8:45 back on the record. Mr. Hoff mentioned that we can review the Board Planner's letter, Ms. Bheam of CME Associates. Ms. Bheam asked if the proposed development is going to be completed in phases. Mr. Cahill commented they will build the site improvements and the loop road, however phasing is not intended, the buildings will go up as rentals come in. Ms. Bheam asked about the clubhouse. Mr. Cahill responded it will go up in early construction as there will be a model unit. Ms. Bheam stated the comments for the clubhouse will be deferred to the Architect. Will there be a 4 way intersection that needs a waiver from the Borough Ordinance? Mr. Cahill responded a local road not being part of a 4 way intersection. This is the entrance across from Coleman Rd, Mr. Cahill commented it's safe and efficient location for turns and it does require a deviation from the ordinance, if it is considered a road vs. driveway. Ms. Bheam asked if accessory structures will be permitted such as fences, sheds, etc. Mr. Cahill mentioned that there is a 50ft. buffer that will be maintained, there will be decks off the building, but no sheds, or fences. Ms. Bheam also asked if once the approvals are received, will the tenants be permitted to have generators? There are significant issues with generators there is a list on page 7 under #6 of the review letter. Mr. Hess asked about the operation of the trash compactor, typically a person would have to activate the compactor to have it emptied for the next person, who would manage that? Mr. Cahill responded the owner will have a full time maintenance operations staff to handle that. Mr. Hess also asked what the status of the LSRP is concerning the land being a former farm has clean up taken place. Mr. Cahill responded the cleanup has not taken place yet, it will be part of the construction. Mr. Hess asked if there will be title 30 traffic enforcement, Mr. Cahill stated the applicant is in agreement with that. Mr. Hess asked about snow removal, without impacting parking. Mr. Cahill stated there are green areas that can be stockpiled, and the applicant will still maintain clear sidewalks and walkways. The owner will have an obligation if we have a large storm to remove the snow from one point to another, possibly in the basin area. Mr. Hess questioned the number of bedrooms in the 2 bedrooms superintendents units. Mr. Cahill confirmed the superintendents will have 2 bedroom units. Mr. Hess then mentioned the 8 inch water main and that would be able to provide water for fire sprinklers and potable water for the units. Has anyone met with the utility department to confirm that an 8 inch main will suffice, or would a 12 inch be better for proper pressure? Mr. Cahill commented they have met with the utility company, there may be a potential of upgrading an offsite main to 12 inch. Mr. Platt asked about covered parking, and enforcement with recycling and trash removal. Mr. Cahill responded each renter will be provided with an agreement that spells out the requirements for trash and recycling, and there will be no covered parking. Chairman Gangluff opened the meeting up for the board members to ask questions at this time. Mayor Armano questioned the water run-off from east to west, and the statement that no water will run off onto Tansboro Road. Mr. Cahill confirmed that only in an event that

exceeded a 100 year storm would that occur. Mayor Armano asked about the water from the homes on the Winslow Twp. Side, Mr. Cahill again confirmed that this proposed site would take on the water from those properties into the inlets, and into the basins. Mayor Armano asked what the depth of the 2 front basins are, Mr. Cahill responded about 11 ft. deep below grade. The applicant will provide a fence around the perimeters of the basins, as per the Borough Ordinance that would be a split rail fence with wire mesh. Mayor Armano commented that in the R5 zone no sheds are permitted, and he questioned if the traffic engineer has looked at or did a study for the traffic on Tansboro Road. Mr. Cahill has done a study, and that study will be provided prior to his appearance at the next meeting. A formal application has not been submitted to the County Board yet. A left turn into the site from the center lane is proposed. Mayor Armano commented that the County is in the process of repaying Tansboro road. Mayor Armano also commented that the traffic coming from this site will be large and when it gets up to the light it backs up. Mr. Cahill stated the traffic engineer will respond to those questions. Mr. McCall questioned the bedroom count, there are 472 units, with 1009 parking spaces, that's 2.13 parking spots per unit, how are the studies being addressed that the 2 bedrooms would end up as 3 bedrooms and the 1 bedrooms ending up as 2 bedrooms. Mr. Cahill addressed the agreement and the fact that where there was a study that would count as half of a bedroom, and the maximum allowable bedroom count is 710, and add in the superintendent's bedrooms that brings it to 714. Mr. McCall asked about overflow parking for visitors. Mr. Cahill stated the plan provides for a surplus of parking. Mr. McCall mentioned testimony on snow removal, putting it in the green areas, there are trees there. Mr. Cahill stated there is an obligation with the owner to make sure the snow is removed, and all paths and sidewalks must be cleared. Mr. McCall asked about fencing, is there any proposed? Mr. Cahill commented that some of the properties in Winslow Twp. Have fences, but this development is not proposing any fencing. There is a double row of evergreen trees being provided. Mr. McCall also asked where other projects that Mr. Cahill has put together are. Mr. Cahill stated Mt. Laurel, 260 Units, Rogers Walk.

Councilman Bilella asked if snow removal equipment will be stored onsite. Mr. Cahill commented that it would not be cost effective to store the equipment, it will be rented or leased and stored elsewhere. There is a maintenance shed for more routine equipment like lawn mowers would be stored. Mr. Bilella also asked that if the maintenance personnel that will reside there will they have any equipment other than a typical pick up truck? Mr. Cahill responded the maintenance shed area has a significant parking lot that can be utilitzed. Mr. Bilella questioned the main loop road, and no parking on that road, and referenced the need for signage. Mr. Cahill stated they will make that change and add no parking signs. Councilman Bilella addressed the buildings in the center and parking for people that would potentially park on the main loop road to access the front. Mr. Cahill responded there is a walkway and a breezeway to go through from the back to access the front without parking on the loop road. Mr. Platt mentioned any maintenance obligation that are discuss and agreed upon will need to go into the rental/lease agreements.

Mr. Maccaroni asked about trash removal for large items like a sofa or a mattress? Mr. Cahill stated that could be added into the agreements that type of disposal is not permitted. Mr. Maccaroni mentioned Christmas trees and where would they be disposed

of? Mr. Cahill added that will be addressed in the agreements as well. Mr. Maccaroni mentioned the ordinance regarding commercial vehicles in a residential area not being permitted, and minivan type businesses like a Comcast van or a Gas company van. Mr. Cahill testified that commercial oversized vehicles will not be permitted. Mr. Maccaroni asked if the board could see the rental/lease agreements. Mr. Platt stated a list will be compiled and the board should compile a list and agree on what the list will be based on discussion.

Mr. Hall asked about landscaping. Will there be irrigation systems? Mr. Cahill responded there will be an obligation and a bond to maintain what is approved on the site. He has not designed an irrigation system for this site. Mr. Platt added that it is likely that the board will request that the site have an irrigation system. Mr. Hall continued to ask if the units will be permitted to have sheds or storage facilities. Chairman Gangluff interjected and mentioned that private storage buildings will not be permitted at this site. Mr. Guerere asked if a demographic has been done as to how many students this project will add to the school system. Mr. Hoff responded that a demographic was done when the project was submitted to Council when they considered the ordinance. Mr. Guerere asked what the price of the units will be. Mr. Hoff stated no pricing has been set yet. Mayor Armano mentioned that information was passed on to the superintendent about a year ago and what the impact to the school will be.

Mr. Katkocin stated his math shows there may be about 800 bedrooms or more. Mr. Cahill stated 710. Mr. Katkocin stated 710 plus the affordable units. Mr. Hoff stated yes. Mr. Katkocin stated the parking count was based on the bedroom count, and the possible number of children, what kind of activities is available for them? Mr. Cahill responded that it is a requirement to have a specified amount of recreation available and we have exceeded that. The Clubhouse has a gym, there is a walking path, and there is a pool area, no basketball court. Mr. Platt commented that the amount of recreation was determined by the court master, and the quantity has exceeded that. Mr. Hoff added that the details on the clubhouse will be part of the Architectural package.

Ms. Bheam asked if there will be 3 bedroom units, Mr. Hoff responded yes. The chart is on page 4 of the plans. The Architect will clarify that there is confusion of a 2 bedroom with a den that becomes 3 bedroom. Mr. Hess asked about the irrigation system, and how water will be provided to that. Mr. Cahill stated most likely a well.

Mr. Crain commented that between buildings # 17 and 18, and #23 and #24 is there a way to open that parking area up to a throughway like the rest to provide a 360 degrees around the building for emergency. Mr. Cahill stated they could do that. Mr. Crain also asked what the ground material is for the tot lot? Mr. Cahill stated there is a detail on the plan it will be rubberized material. Mr. Crain also asked when the affordable units would be completed. Mr. Hoff stated based on how many market rate units are completed, there is a percentage of COAH units that need to be provided. Mr. Maccaroni added that based on the demographics that were provided to council as to the possible number of students that was also based on 300 townhomes vs. 470 apartments being presented now. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public.

Appearing from the public is Jim Osbourne, of 563 Riggs Avenue, Winslow Township. Mr. Osborne was sworn in. On Site plan A1there is no fencing on the boundary, is a fence possible, as not all the properties have fences. Mr. Osborne voiced a concern

regarding drainage, and he asked if the developer can ensure there will be no additional drainage onto his property. Mr. Cahill commented that the design presented does not have any water leaving the site going onto any property in Winslow Township. Mr. Osborne then asked if there will be a berm along the Riggs Ave. properties. Mr. Cahill commented the plan does not show a berm, but additional topsoil that will be in that area, not to create any drainage onto Riggs Avenue properties. Mr. Osborne asked what the height of the foliage will be that is being planted. Mr. Cahill responded typical evergreens are 9 to 10ft in 3 years. Mr. Osborne asked about pets. Will the tenants be permitted to have pets? Mr. Hoff stated he doesn't know that answer, but will get it.

Next to appear is Dawn Jennings of 1 Tansgate Blvd. Ms. Jennings was then sworn in. Ms. Jennings asked how long this project may take to complete. Mr. Cahill stated based on the number of units, 3 to 4 years. Ms. Jennings asked about the remediation of the pesticides and herbicides, and is the plan available for public viewing. Mr. Hoff responded that information has been provided to the board professionals, there is an LSRP, Pat Nocera and Mr. Hoff will ask for additional information to be brought to the next meeting to address those concerns. Mr. Hoff added that is a State issue not a Borough issue. Ms. Jennings asked what the hours of construction are proposed, Mr. Hoff responded there are Ordinances in the Borough that govern that.

Next to appear is Paul Werner of 516 Riggs Avenue. Mr. Riggs was sworn in. Mr. Werner asked if there was consideration of any other material for the walking path other than concrete. Mr. Cahill responded asphalt was considered, due to maintenance, concrete was chosen. Mr. Werner then asked about on site storage. Will there be storage basements to the building. Mr. Cahill responded there are no basements, and no external storage has been proposed. Mr. Werner also asked what the capacity of the pool is. Mr. Cahill will refer that question to the Architect that will be at another meeting and will address everything with the clubhouse. He is concerned with the pool being a gimmick to attract a specific type of resident. Mr. Werner asked about the center loop road and what the purpose is. Mr. Cahill commented in the Borough's ordinance a main road cannot have parking so cars are not driving through where pedestrians are. Mr. Werner asked if there was consideration to remove Sunrise rd. to add to recreational areas. Mr. Cahill responded Sunrise rd. is there to comply with Borough ordinances. Mr. Cahill added this development is significantly under the impervious coverage. Mr. Werner also mentioned pets and if they are permitted.

Next to appear is Frank Ballak, of 13 Tansgate Blvd. Mr. Ballak was sworn in. Mr. Ballak asked Mr. Cahill if he is both a civil engineer, and a professional planner. Mr. Cahill responded only a civil engineer, not a professional planner. Mr. Ballak asked if when giving testimony in court, has ne been barred or limited to testimony in court. Mr. Cahill stated no. Mr. Ballak also asked with regards to students where will the children be picked up? Mr. Cahill answered it is the intention to not have buses enter the site. Mr. Ballak asked if the children will be picked up on Tansboro road. Mr. Hoff responded the Mr. Cahill does not know the answer to this question, and that they will speak with the schools to see where they prefer the bus stops to be. Mr. Ballak asked if a school bus can drive through the site, and Mr. Cahill stated yes it can. Mr. Ballak asked if Mr. Cahill has

designed a major development like this in the town he lives in, Mr. Cahill stated no. Mr. Ballak asked if Mr. Cahill has ever objected to any multi-family building, and Mr. Cahill stated no. Mr. Ballak asked if the clubhouse is available for outside rentals for parties, Mr. Cahill stated that the Architect will address that. Mr. Ballak then asked if Mr. Cahill has witnessed puddles at the corner of Riggs and Tansboro rd. Mr. Cahill stated he has witnessed other areas of the site, but that area is not part of this application. The run off from the farm field is not going to come off the farm field any longer. Mr. Cahill stated the detention basins will take on the water.

Next to appear is Anita Rivera of 523 Riggs Avenue. Ms. Rivera was sworn in. Ms. Rivera asked how the applicant will ensure no water goes onto her property. Mr. Cahill addressed a high point near her corner yard, and that the water will be captured in the inlets, and discharged into the basins.

Mr. Hoff stated that the next special meeting will be on Monday April 27th, and he requested on the record that this meeting continue to that date, and Chairman Gangluff confirmed that is the next special meeting. Chairman Gangluff also announced that no further noticing to the public will take place, this serves as your notice. With no further comments from the board, Chairman Gangluff opened up this portion for comments from the public.

Appearing is Jim Osborne of 563 Riggs Avenue, Winslow. Mr. Riggs commented about the notice he received. Chairman Gangluff asked if this is in relation to the application that was just discussed. After discussion Chairman Gangluff guided Mr. Osborne to speak with Mr. Hoff if he has questions regarding his notice for the meeting. Mr. Osborne stated he understands progress but is asking for patience with the residents from the board.

Next is Charles Clark, 102 Raven Court, Berlin. Mr. Clark has written a letter he would like to read. Mr. Platt asked if it is about the application, Mr. Clark stated its about getting a fence on the property. Chairman Gangluff stated that would have to be addressed at another time. With no one else from the public wishing to comment, the public portion was closed. Mr. Crain made a motion to adjourn the meeting, and Mr. Guerere seconded the motion. On roll call vote, all in favor.

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NEW BUSINESS:
None
CORRESPONDENCE:
None
PUBLIC PORTION:
None

GOOD OF THE ORDER:

None

ADJOURNMENT OF REGULAR MEETING:

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