

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
REGULAR MEETING
October 13th, 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 September 14th, 2015

A motion to approve the minutes from September 14th, 2015 was made by Jack Hall, and seconded by Dan Pomponio. On roll call vote, all voted affirmative.

RESOLUTIONS:

**Case#07:7-13
Vanver LLC
80 Tansboro Road
Block: 1900 Lot: 20
Extension**

A motion to approve the resolution for Vanver LLC was made by Jack Hall, and seconded by Dan Pomponio. On roll call vote, all voted affirmative.

**Case # 15:6-2
JC3 Construction
Use D Variance
Block; 1900 Lot: 20**

A motion to approve the resolution for JC3 Construction was made by Dan Pomponio and seconded by Rich Crain. On roll call vote, all voted affirmative.

**Case# 15:8-4
WaWa
195 W. White Horse Pike
Block: 607 Lot: 17
Amended Final Site Plan**

A motion to approve the resolution for WaWa 195 W. White Horse Pike amended final site plan was made by Carl Canfield Jr., and seconded by Dan Pomponio. On roll call, all voted affirmative.

**Case#01:8-28
409 Route 73
Block: 1200 Lots: 2,3,5,&6
Amended Final Site Plan**

A motion to approve the resolution for WaWa 409 Route 73 amended final site plan was made by Richard Crain, and seconded by Carl Canfield Jr. On roll call, all voted affirmative.

**Case#15:8-1
Schaeffer Land LLC
223 Clementon Road
Block: 800 Lot: 28
Minor Subdivision**

A motion to approve the resolution for Schaeffer Land LLC was made by Dan Pomponio and seconded by Jack Hall. On roll call, all voted affirmative.

Case # 15:8-2
Berlin Realty LLC
151 Cross Keys Rd.
Block: 906 Lot: 39
Minor Subdivision

A motion to approve the resolution for Berlin Realty LLC was made by Rich Crain, and seconded by Mayor John Armano. On roll call vote, all voted affirmative.

ZONING OFFICER'S REPORT:

Mike Depalma, Zoning officer

OLD BUSINESS:

Case # 08: 9-26
John Aducat
Block: 1001 Lot: 6
Amended Site Plan Approval

Mark Rinaldi addressed the board regarding this amendment. In 2008 Mr. Aducat received approval for a billboard with 3 conditions listed in the resolution. The applicant was required to have underground utilities, however Atlantic City Electric put in overhead electric. The applicant was required to install a depressed curb for access, and when NJDOT reconstructed that area, they installed a curb when they removed the circle, and lastly the applicant was required to install plantings, but due to the loss of 170'x 50' of property, there is no room. The applicant is willing to purchase the trees, donate them to the Borough to plant them in other locations throughout the Borough. It will be up to the board to determine if this applicant needs to come back to the board.

On the first vote, Mayor Armano made a motion to proceed administratively, and Councilman Bilella seconded the motion. On roll call vote, all members voted aye.

On the second vote, Carl Canfield Jr. made a motion to approve the amended site plan, Rich Crain seconded the motion. On roll call vote, all members voted aye, Mayor Armano and Councilman Bilella was excluded from this vote.

NEW BUSINESS:

Case# 15:9-1
57th Street Homes LLC
137 Clementon Road
Minor Subdivision/Bulk Variance

Appearing before the board is Richard Hoff of Bisgaier Hoff, and also part owner of 57th Street Homes LLC with his father. At this time Mr. Hoff was sworn in as the applicant, as well as our board professionals, Megan Stanley from CME Associates, and Andrew Banff, from Maser Consulting LLC. The board secretary confirmed that all escrows and application fees have been paid, proper noticing has been completed, and the application is complete. Mr. Hoff presented Mr. Richard Clemson, Engineer JSA surveying and engineering, of 41 S. Route 73, Hammonton, NJ. Mr. Clemson placed his education and credentials on the record and was accepted as a qualified expert. Exhibit A-1 is the aerial view dated 10-13-15. Superimposed the proposed layout, and Exhibit A-2 is the submission as part of the application, as well as elevations.

Mr. Hoff stated the property in question is located at 137 Clementon Road. This is a Multi-Family unit in an R1 zone. Multi-Family units are not permitted in the R1 zone. This property has frontage on Clementon Road, the intent is to demolish the existing structure, and build 2 new single family dwellings. The new proposed dwellings would have frontage on Presidential Drive. Mr. Hoff stated there are 3 Variances on this application, one is for frontage, 65ft. proposed where 100 ft. is required, lot area of 9750 where 14,520 sq. ft is required, as well as side yard set backs of 15ft. and 17.5 ft. Mr. Hoff informed the board that adjoining lots are also undersized, however the architecture to the new structures will be similar to the homes on Presidential. The proposed homes will be 4 bedrooms, with 2 ½ baths. Mr. Hoff testified that this is an oversized lot, creating 2 new lots. Land Use discourages non-conforming uses, single family homes are conforming in the R1 zone. Ingress and egress from Clementon Road is difficult from a single driveway, as it is a higher speed roadway, and by facing the new proposed homes on Presidential, it is safer. There was discussion on a density issue with the board and the Planner. Ms. Stanley agreed that the density issue could be dropped based on testimony.

Mr. Hoff stated there are no issues with the comments in the Maser engineer letter, Mr. Hoff added that they do not have County approval however if the County determines to take the access out, he will do that. Regarding the Planner's letter, Mr. Clemson testified that there is existing water and sewer off Clementon Road, services can be salvaged from the current home, and extend to the new lot easterly off of Presidential, this will have no impact on the Westerly lot. Mr. Clemson testified the driveway will be in compliance with RSIS standards. Mr. Hoff stated that the front yard set back is proposed to be in compliance of 45 ft. and we can maintain that by shifting the building forward. Timing of site improvements will depend on County approvals. The applicant agreed to seeking all outside agency approvals, this will be filed by deed, and the applicant agreed to concrete monuments. There are some encroachments from adjoining properties that will be rectified to have clean title. Ms. Stanley added that the additional 25ft. in the rear, she would like to see more of a comparison, and Mr. Hoff proposed 45 ft. but if the house could be more towards Presidential to make a 30ft. front yard set back, and additional information will be provided to the board professionals for approval. Mr. Hoff agreed to any necessary repairs to the sidewalk.

Mayor Armano addressed the proposed side yard set backs. Mr. Clemson stated the applicant is asking for a 15 ft. side yard variance due to giving the opportunity for room,

however the new dwellings should be 17.2, but no more than 15 ft, with a 30 ft. wide building. This gives some leeway. Mayor Armano stated the width of the home will be no more than 30ft. Mr. Hoff agreed. Mayor Armano asked if a fence will be proposed on the Clementon Road side. Mr. Hoff stated none is proposed. Mayor Armano is concerned with 4 bedrooms, children would be living there, and he is concerned with their safety. Mayor Armano also questioned a proposed COAH requirements, and Mr. Hoff stated if they are required, they will comply. Mr. Katkocin asked what makes this a multi-family dwelling. Mr. Hoff responded that he has older paperwork, showing approvals. There are 2 separate entrances, one up and one down. Mr. Hall asked for a recap of the reasoning supporting the approval for the variance from the applicant in requesting approvals. Mr. Hoff summarized that this will remove a non-conforming use, and replace with 2 permitted uses, also orienting the property from Presidential Drive is more appealing as a Planning perspective, and the proposed architectural renderings show they are more esthetically in conformance to the existing properties on Presidential drive. Mr. Hall commented there is an existing home on the corner, this lot, and then another property that faces Clementon road. The lot widths on Presidential Drive are they all conforming? Mr. Rinaldi reminded Mr. Hall that Mr. Hoff testified that there are other lots that are non-conforming in lot widths that are non-components of the Presidential drive subdivision. Mr. Canfield asked for consideration to one house vs. two. With nothing further from the board, Chairman Gangluff opened this portion of the meeting to the public.

Appearing before the board is Deborah Reggio of 16 Presidential Drive. Ms. Reggio asked if this property will be sold to investors, and they could rent it out? Mr. Rinaldi stated that there is nothing that the board can do as to restricting who the property gets sold to. Ms. Reggio asked about what COAH is, and is it low income housing? Mr. Rinaldi stated that COAH is an extensive amount of information, and explained briefly however in this case, neither of these homes will be low income, it's a matter of how much money the developer will need to pay towards the COAH requirement.

Next to appear is Randy Vondertann of 8 Presidential Drive. Mr. Vondertann stated he supports this plan. The property is not maintained, the sidewalk is overgrown, the current tenants keep broken down vehicles, and it's an eyesore.

Next to appear is Kevin McHugh of 3 Presidential Drive. Mr. McHugh stated he also supports the project, he lives on this row, and all the new properties look at the rear of this property and the current tenants do not take care of the property. This will be an improvement, and the intersection of Franklin Ave and Clementon Rd is a very high accident area, and for safety this will be an improvement.

Next to appear is Samuel McCulley of 12 Malan Avenue. Mr. McCulley stated his family owned this home, he has no objection to the application. He just wanted to share that he was the original owner. With nothing further from the public, Chairman Gangluff closed the public portion. Mr. Pomponio made a motion to approve the application, and Mayor Armano seconded the motion. On roll call vote:

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

With the majority affirmative votes, the application is approved.

At this time the board took a 10 minute recess.

At 8:40pm. the meeting reconvened.

Case# 15:9-2

Leon Kubis

301 S. Route 73

Use Variance/Site Plan Waiver

Appearing before the board is Leon Kubis. The board secretary confirmed that all application fees, and escrow fees have been paid, and proper noticing has been served. Mr. Rinaldi informed the applicant that with a use variance, he will need to prove both positive and negative criteria, and convince the board that the application is in conformance. Mr. Kubis is representing himself, with no professionals, and Mr. Kubis asked to move forward. Ms. Stanely from CME Associates has enough information, but needs additional testimony from the applicant. Mr. Banff from Maser Consulting stated he needs additional information, and has questions for the applicant. Mr. Kubis summarized his application, he anticipates opening an ice cream parlor, a golf course, as well as having sheds for sale, during the slow season, by displaying only 1 shed close to the sign pointing south. The hours of operation would be 10am. to 10 pm. Sunday through Thursday, and 10am. to 11pm. on Friday to Saturday for the miniature golf, and the ice cream parlor. There will be 2 employees for the golf, and 4 employees for the ice cream parlor. The ice cream parlor portion of the building is 1500 sq. ft., and will hold 100 seats. At present there are 27 parking spots, and a 25ft. curb cut on Route 73. Mr. Kubis testified he will put handicap parking when he restripes the lot. There currently is an ADA compliant ramp, and the golf will be ADA compliant as well. Mr. Rinaldi stated that he has found correspondence from 2006 from a former Zoning Officer classifying the property as C3, permitting the residential use as a non-conformity, and that a dual use has previously been permitted. There is no real historical record as to any approvals for a dual use. Chairman Gangluff mentioned this is a multi-use property on Route 73, there is a survey was provided which is quite different from a site plan as there is no delineation of parking spaces, or uses. Ms. Stanley added that there has been no formal Planning testimony, there has been no testimony of positive and negative criteria, how will the 2 uses co-exist, questions on trash pick up, vehicle maneuvering, there is not enough information. Mr. Banff emphasized on parking layout questions, parking for 100 seats, is there seating outdoors? ADA compliance has not been shown, and the application is not

complete. Mr. Rinaldi added that now the board cannot move forward, and asked that Mr. Kubis call him next week. At this time, the application cannot move forward, and will be continued. Chairman Gangluff announced that the application will be continued until November 9th.

Case # 15:9-3
Jeffrey Greenberg
27 Coleman Rd.
Bulk Variance

Appearing on behalf of the board is Jeffrey Greenberg. The board secretary confirmed that all application fees and escrow fees have been paid, and that proper noticing has been served. Mr. Greenberg summarized his application, he is proposing a metal carport over his existing driveway. Exhibit A-1 are letters from neighbors. Mr. Greenberg stated the structure would not be attached to the house, and the structure would consist of 12 gauge steel, with metal roof that would be white to match the house. There is 30 or 50 PSI for snow load. Coleman road curves, and Mr. Greenberg testified that he cannot meet the conforming set backs due to the unusual shape of his lot. There is no coverage for his vehicles, the existing garage has been converted. The structure would be 32 ft. to the closest point. Exhibit A-2 is 5 photos of the structure and the property, and Exhibit A-3 is the aerial photo of the property. Mr. Greenberg testified that the structure will not be any closer than the front of the house, it will be 3 to 4 ft. less. It will be 12ft. wide and 6ft. high with an 8 ½ ft. pitch. The structure will be open with no utilities, and will stay within the driveway width. Mr. Crain asked how it will be attached to the driveway. Mr. Greenberg stated he will drill holes 3ft. deep and anchor the structure, and it will not be connected to the house. Mayor Armano asked how far off the house is the chimney. Mr. Greenberg stated about 1 ½ to 2 ft. With nothing further from the board, Chairman Gangluff opened this portion of the meeting to the public.

Appearing before the board is Mr. Theurer of 21 Coleman Road. Mr. Theurer stated he has no objections to this project. With nothing further from the board, Chairman Gangluff closed the public portion. Councilman Bilella made a motion to approve this application based on stipulations and testimony given, and Carl Canfield Jr. seconded the motion. On roll call vote all members voted affirmative.

Chairman Gangluff mentioned a previous application for Lambertista Financial LLC. The engineer has had issues obtaining information, the application remains incomplete.

Mark Rinaldi sent a follow up letter on September 18th regarding some additional code issues to be re discussed, to Mr. Long the Borough solicitor, and we have not heard anything yet.

CORRESPONDENCE:

None

PUBLIC PORTION:

None

GOOD OF THE ORDER:

Mr. Pomponio asked with regards to the Kubis application of a use has been on a property previously why does it have to come back to the board? Chairman Gangluff explained that due to the fact that previously it may have met the land use standards then. Over time, the building has been vacant, the requirements have changed, and the purpose of the board is to bring continuity to the Borough based on the ordinances.

Mr. Hall voiced his opinion on the importance of the board members to visit the sites prior to the meeting to get a feel for the layout, and what is being proposed. Mr. Hall also addressed a previous application on 34 E. Taunton Avenue. There was a fence that was required to be in front of the shed, the driveway on the right of the home had curbing done, and a new curb cut in front of the stone area in front of the shed. Chairman Gangluff commented that the new homeowner most likely addressed the contractors that were doing the road work to do this. Mr. Rinaldi stated he feels that the board and zoning department have done their due diligence, and it is out of our hands. Mr. Hall asked was a policy updated regarding emails and social media policy? Mr. Rinaldi and Chairman Gangluff agreed that the board members should all have a copy of the policy. Mr. Rinaldi added that no board member should discuss anything on facebook, no board business should be on facebook. Councilman Bilella stated that we are looking into having Borough email accounts for each board member.

ADJOURNMENT OF REGULAR MEETING:

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