

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
REGULAR MEETING
September 14th, 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	Present
Nick Guerere	Present

MINUTES:

Minutes from August 10th, 2015

A motion to approve the minutes from August 10th, 2015 was made by Dan Pomponio, and seconded by Carl Canfield Jr. On roll call vote, all voted affirmative.

RESOLUTIONS:

**Case#15:4-3
Lenape Solutions, LLC**

London Avenue
Block: 1600 Lots: 2 & 3

A motion to approve the resolution for Lenape Solutions LLC was made by Jack Hall, and seconded by Dan Pomponio. All those eligible, voted aye.

Case # 15:5-3
Hohing
150 S. White Horse Pike
Block: 1304 Lot: 5

A motion to approve the resolution for Keith Hohing was made by Jack Hall, and seconded by Mayor Armano. All those eligible, voted aye.

ZONING OFFICER'S REPORT:

Mike Depalma, Zoning officer

COMPLETENESS:

Lambertista Financial, LLC
110 Route 73 South
Block: 1100 Lot: 6
Preliminary Major Site Plan Completeness

Appearing on behalf of the applicant is Lawrence Luongo. Mr. Luongo stated he received the Engineer letter on completeness, and offers the following; the plan will be revised to show the site triangles, the applicant will get the information regarding any underground tank removals, the applicant's engineer will provide a note on the plan regarding the presence or absence of wetlands, plans will be revised to reflect the variance relief or an updated application with appropriate fees will be addressed to reflect the variances. Architectural plans and elevations for the retail building and bank will be submitted, and the applicant asks for a deferral of the requirement of will serve letters. The applicant agrees with providing a 25ft. half width right of way dedication for pedestrian access on Harker Ave, the plan for Harker Ave will be updated, the applicant's engineer will provide storm drainage information, and any comments from NJDOT will be reflected on the plan. The board Planner anticipates having a review letter by the end of the week. Chairman Gangluff announced that the applicant will come back to the board for the formal application on Tuesday October 13th, and will not be required to re notice. Mr. Biegen commented that the variances can also be preliminarily identified. Ms. Stanley from CME stated that she expects to have a review letter by next week.

OLD BUSINESS:

Mark Rinaldi explained to the board that the deed was never filed for the Vanore/Verespy application, it is past the allowable 190 days. The County recorded the deed in July 2015, and Mr. Rinaldi asked the board for an extension of time, so the applicant can move forward with their application. Jack Hall made a motion to approve the extension of time, and Nick Maccaroni seconded the motion. All members voted aye.

Case # 15:6-2

JC3 Construction

Use D Variance

Block: 1100 Lot:6

For the remainder of this application, Councilman Bilella, and Mayor Armano will not be voting on this application. Mr. Patterson continued with the JC3 Construction application. Brian Peterman of Peterman Maxy Associates was sworn in, Tiffany CuvIELLO the applicant's Planner was sworn in, as was Jack Hotz, owner of JC3 Construction. Ms. CuvIELLO placed her credentials on the record, and was accepted as an expert, Mr. Peterman also listed his credentials on the record and was accepted as an expert. Jack Hotz of 5 Harmony Lane was sworn in as a witness as well. Mr. Patterson noted that they have a letter from Wetlands letter was submitted as exhibit #A-1 dated 4/22/14. Mr. Hotz constructed other homes in the Borough including his own. He constructed the twin at 75/77 Tansboro Rd., he still owns them and rents them out, each unit has 3 bedrooms. It is his intention to build the same thing on this lot. An Architects rendering was submitted as Exhibit # A-2, of the existing twin homes on Tansboro Road Mr. Hotz built. Mr. Patterson added that there are the Winding Way apartments across the street, and Smokey Run Townhouses nearby. There is an existing tree line in the rear of the property that will remain, there will be no further clearing. Mr. Hall asked if there is a Landscape plan, he sees 2 trees. Mr. Hotz testified that there is no specific landscape plan, he will seed and sod the properties. Mr. Hall asked about the driveway and parking. Mr. Hotz stated there is a K-turn, parking is available in the K-turn, with a maximum of 2 cars per driveway, there will be no parking on the grass, and this can be added to the lease agreement.

Mr. Peterman testified that this development is on the West side of Tansboro Road. It is .91 Acres, and all area and bulk requirements are met. The properties will have public utilities, ie water and sewer for each unit. This is a Use Variance only. Mr. Peterman asked that the points of connection be deferred since the applicant will need to meet with Public Works to see where the main is, and where to tie in at. Mr. Peterman also asked for deferral of the site triangle, since this is on a County Road, and application needs to be made to the County Planning board. The applicant is proposing a larger set back, parking in front of the garage which all meets the current RSIS standards. The rear of the property will not be disturbed. The dwellings will have patio's in the rear, there is no intention to divide the properties, but each resident may apply for a fence permit for

privacy, just a few small sections, not for the perimeter of the property. Mr. Hall mentioned the trees that have fallen due to the storm that have not been removed or cleaned up. Mr. Peterman commented on the Engineer letter of 7-1-15, the drainage is to the rear, there are no drywells, and Mr. Biegen has no objection to the relief requested. Mr. Peterman mentioned comments from the Planner's letter dated 7-7-15, some of which has been provided, and the applicant will make an application to the County Planning Board. CME has no objections, and is in agreement. With nothing further from the board, Chairman Gangluff opened this part of the meeting up to the public for questions. With no one wishing to ask any questions, Chairman Gangluff closed this portion of the meeting.

Tiffany CuvIELLO testified on the positive and negative criteria on this application. Ms. CuvIELLO stated there are 3 purposes, the site is suited, it promotes the general welfare, and promotes the population densities. This is an appropriate location, this is an oversized lot, existing 39,616 sq. ft. The lot is extraordinarily deep and is not impacting the R1 zoning. There are less units proposed than what is permitted, and is consistent with the area, consistent with the development trends, and will provide a variety of housing choices, and is a good fit. Ms. CuvIELLO also stated this is an improvement to the property, it's not being over developed, and there is no substantial impairment. The set backs for this will be the same as or greater than a single family dwelling. There are 2, 3bedroom units, no substantial impairment, no detriment, no detriment to the public good, and based on the Architecture, it will look like a single family dwelling. Mr. Hall asked if this developer will be responsible to contribute to the COAH fees. Mr. Rinaldi stated at this point COAH is handled through the courts. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public for questions. With no one from the public wishing to ask any questions, Chairman Gangluff closed this public portion of the meeting. Mr. Patterson added that he has completed his presentation to the board. Mr. Biegen asked who is responsible for maintenance of the property. Mr. Hotz stated the tenants bear that cost. Councilman Bilella commented on the K-turns and how will they work? Ms. CuvIELLO stated that the K-turn has a vegetated hedge row, Mr. Peterman stated we can put a hedgerow or fencing to prevent headlights shining on neighboring properties. Mr. Hotz stated he will put that in, Mr. Peterman asked for clarification from the board as to what is acceptable. Mr. Rinaldi added no arborvitaes, or white pines. With nothing further, Chairman Gangluff opened this portion of the meeting up to the public for comments.

Appearing before the board is Mike Buchannan of 81 Tansboro Road. There is water displacement onto his property since the duplex across the street was built. Mr. Buchannan stated that if the zoning of the property is for Single Family Homes, then that is what should be there. Mr. Buchannan prefers a larger yard. With nothing further from the Public, Chairman Gangluff closed the public portion. Mr. Hall asked what the 3 points were for Positive Criteria, and Ms. CuvIELLO responded. Mr. Hall made a motion to approve the application for Use Variance with conditions stated in testimony, and Mr. Pomponio seconded the motion. On roll call vote:

Chairman Jack Gangluff	Yes
Jack Hall	Yes
Richard Crain	Yes
Nick Maccaroni	Yes
Dan Pomponio	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

At this time, Chairman Gangluff called a 10 minute recess at 8:45pm. 8:55pm, the board is back on the record with everyone present.

Case # 01:8-28

WaWa

409 Route 73

Block: 1200 Lots: 2, 3, 5 & 6

Amended Final Site Plan

Appearing on behalf of the applicant is Duncan Prime, Esq. This application is for an external enclosure for trash, and he address the comments from the board Planner's review. This is a convenience store not a service station, so it may not be necessary to request the variance for 335-77 P1 of the borough ordinance and it is fully enclosed area. There are no pits, lifts and the variance may not apply. Ms. Staley of CME agrees with that clarification, and the variance is not applicable. The board secretary confirmed the application is complete, and all escrows and application fees have been paid. The enclosure is proposed at 14 x 25 at the rear of the building, and is more efficient. This will provide less noise, less disruption, with a PVC fence, there will be a compactor, which is more advanced, quieter, water tight. Doug Grysko of Dynamic Engineering 8 Robbins Street, Toms River was sworn in. Mr. Grysko put his credentials on the record, and was approved as an expert. Mr. Grysko provided a color rendering of the site and the proposed enclosure. (Exhibit A-1). Next is Exhibit A-2, site plan dated 9/14/15, identifying the building and the location of the parking areas, ingress and egress areas. The right rear corner of the building in the yellow striped area is the area Mr. Gysko focused on. The site plan sheet added color to the sheet to identify the building, and area where the new enclosure will be placed. There is a small enclosed area 8x18 that will be removed. WaWa will maintain the same lighting. The applicant is proposing an 8ft. white vinyl fence with 2 main access gates, and a 4ft. wide man gate. There is a compactor for trash only, and the center is a 7 x 7 shed for grounds maintenance tools. Access to the units can enter from east or west end, truck would load, dump, leave. Mr. Grysko commented on the Planner and Engineer review letters. Mr. Grysko commented on the existing non-conformities. This is a fully enclosed area and does not encroach in the drive aisle. Pick up is typically 3 days per week for trash, and 1 to 2 times per week for recycling. The gate is hinged and can be reversed to open either way. Berlin Township is in the rear of the property, however all improvements proposed are in the Borough. The applicant will submit a letter to the Township. WaWa is also not proposing any changes to Route 73. The enclosure is state of the art, and water tight.

The noise level is measured at 63 decibels at 3ft, it is quiet, and does not impact the loading zone, as this will be on the opposite end of the lot. The engineer letter dated 8/13/15, the items left outstanding were minor in nature and revisions were made. The original survey did not have a boundary marked, the new survey does. The bollards and striping will be addressed as a condition of approval. The applicant will make permit applications to the permit department as needed. At this time, Chairman Gangluff opened this portion of the meeting up to the public. With no one from the public wishing to comment on this application, the public portion was closed.

Mayor Armano commented on the material for the fence and gates, what will the gates be? Mr. Grysko stated it is pvc, the gates are reinforced pvc coated iron behind vinyl coating. Mr. Biegen asked what the height of the shed is, Mr. Grysko stated 8 ft. With nothing further from the board, Chairman Gangluff asked for a motion, Mayor Armano made a motion to approve this application, and Councilman Bilella seconded the motion. On roll call vote:

Mayor John Armano	Yes
Councilman Jim Bilella	Yes
Chairman Jack Gangluff	Yes
Jack Hall	Yes
Richard Crain	Yes
Nick Maccaroni	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

Case # 15:8-4

WaWa

195 W. White Horse Pike

Block: 607 Lot: 17

Amended Final Site Plan

The board secretary confirmed completeness of the application, and that all appropriate fees have been paid. Appearing on behalf of the applicant is Duncan Prime, Esq. Mr. Prime stated this application is to add diesel to the existing site. In 2012 this was approved at the WaWa site on Route 73. The applicant is proposing 2 dedicated pumps to dispense diesel only. (a 3 plus 1 upgrade) this option will be at 4 of the 5 pumps. There will be no diesel offered to tractor trailers, the attendants will be advised to turn tractor trailers away. Typically WaWa has a single nozzle, 10 gallons per minute, where a truck stop has a dual nozzle at 80 gallons per minute. The new diesel prices will be displayed there are no other changes to the signage, the building or the canopy. Robert Hunter 305 Fellowship Road, Mt. Laurel put his credentials on the record. He is an engineer for this project and was considered qualified. The plan dated Aug. 4th, 2015 Mr. Hunter prepared that plan (Exhibit A-1). There are no revisions, the site remains as it is, asphalt will be removed, install the new tanks in the NE corner of the site. The vent stack will be off to the side, and the 4 closest pumps will be changed. Exhibit A-2, same date,

is general notes details, there is no change in the type of vehicles or how it operates. There will be 1 to 2 diesel deliveries per week, and will follow the same route as the regular gasoline. There will be no additional impervious coverage. Regarding the professional's letters, starting with Mr. Biegen. The installation of pumps will be applied for through the Construction Office. There will be phase installation of the pumps, it's a 2 to 3 week process. The CME letter, the applicant will not sell to tractor trailers, there are no safety issues. A circulation plan can be submitted, however no changes have been made. A concrete pad will be installed over the tank, there are no changes in grading. Mr. Hunter stated that the construction area will be fenced in. Ms. Staley asked for testimony on the traffic build up. Mr. Hunter stated there will be some of a wait, but no traffic build up. Mr. Hall asked if proper notice was given to property owners. Mr. Rinaldi verified that no notice was required. Mr. Katkocin asked how long this project will take. Mr. Hunter stated about 2 to 3 weeks, and they anticipate starting in 2 months. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public. With no one from the public wishing to speak on this application, the public portion was closed. Councilman Bilella made a motion to approve this application, and Jack Hall seconded the motion. On roll call vote:

Mayor John Armano	Yes
Councilman Jim Bilella	Yes
Chairman Jack Gangluff	Yes
Jack Hall	Yes
Richard Crain	Yes
Nick Maccaroni	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

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

Appearing on behalf of the applicant is Richard Hoff Esq. of Bisgaier Hoff. Mr. Hoff stated this is a minor subdivision with no variances, providing testimony is Jim Sassano, surveyor of 41 S. Route 73 Hammonton, Rick Clemson, Engineer of 41 S. Route 73 Hammonton, and the applicant Jason Schaeffer 61 Kings Highway West, authorized member of Schaeffer Land LLC. All were sworn in. Mr. Clemson and Mr. Sassano placed their credentials on the record, and both were considered qualified. The board secretary confirmed that the application is complete, and all application and escrow fees have been paid. Notices were sent to property owners, however this application was not required to. Mr. Rinaldi disclosed that he was noticed as he is on the list of property owners. He does not vote, and has no financial interest in the application. Mr. Schaeffer confirmed he is comfortable to move forward with the application, with Mr. Rinaldi as the solicitor. Both board professionals submitted letters on this application, and both

have agreed on the completeness of the application. Exhibit A-1 dated 7/31/15 subdivision plan was shown. There are 2 lots with frontage on Clementon Road, and one has frontage on Monmouth. The potential building envelopes are depicted, however the lots are not sold, and may change. All bulk standards are complied with, and this will be filed by plat, not deed.

Mr. Hoff responded to the Maser Engineer letter. The existing well is an irrigation well and will be marked on the plan. The encroaching shed will be addressed, notices will be sent to those adjoining property owners. The tax assessor has reviewed the plan, and the lot and block numbers are appropriate. The right of way dedication will be dealt with the County. The applicant did not seek a letter of interpretation, or absence letter from DEP for wetlands, the applicant had a professional walk the property and there are no visible signs of wetlands. The comment regarding this being considered a major development as defined by NJDEP for storm water control, Mr. Clemson stated this development does not meet that threshold, this project is less than 1 acre, they are under the impervious coverage, and there is no impact to the surrounding properties. The proposed plan does reflect the maximum amount of impervious coverage. A grading plan will be provided for each house. All RSIS standards will be met. The monument sign located on this property can remain, we are willing to grant an easement to the H.O.A. Mr. Hoff addressed the shed on proposed lot 28, a variance would occur only at the time of building permit, however it will be noted that the shed will be moved, or removed. No H.O.A will be formed. Any existing easements will be documented. Affordable Housing will be complied with. Water and Sewer can be extended to all the lots.

Mr. Hoff addressed the letter from Ms. Beahm of CME Associates. With regards to the Renzi house the fence will need to be relocated and the applicant agrees. There is a gap but it has nothing to do with this application. The site improvements are dealt with when Construction begins. There are no sidewalks proposed, on Clementon Rd, the County will determine that. As for sidewalks on Monmouth, it would be a sidewalk to nowhere, and the applicant will not be installing sidewalk there. Storm water management will be dealt with each building permit. The applicant agrees to file by map and follow the map filing law. Mr. Biegen and Ms. Stanley have no further questions or comments.

Mr. Hall asked if the wooded area will be preserved, Mr. Hoff stated yes, as much as possible. We would like to supplement additional landscaping on the inside drive aisles. Mr. Katkocin asked how long have the sheds been encroaching? Mr. Hoff stated he does not know. Councilman Bilella asked about the 30 inch wide ingress and egress driveway, how will the ownership be handled. Mr. Hoff stated that will be shared with cross access easements on Clementon Road. This will be recorded in each deed that both are responsible. Mayor Armano mentioned he would like to see sidewalks along the Clementon Road properties. Mr. Hoff stated it is in the County jurisdiction. The applicant is not required or prepared to offer. Mayor Armano stated he is trying to get sidewalks all along Clementon Road. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public.

Appearing before the board is Jennifer Sirdashney of 11 Laurelwoods Drive. Mrs. Sirdashney commented that she would like to see sidewalks, she lives in an adjacent community where there are 18 homes. There are no sidewalks, and 9 homes are owned by seniors. There is no safe way to walk without crossing Clementon Road.

Next to appear is Susan Mauri of 19 Monmouth in the Enclave development. Mrs. Mauri questioned the driveway that comes into Monmouth will that be widened, or changed? Mr. Clemson stated that is public right of way, and the existing driveway will be relocated a little to the south with standard driveway depression. There is a deep line of trees, will that remain? Mr. Clemson stated no disturbance and no fence will be installed. With nothing further from the public Chairman Gangluff closed the public portion.

Mr. Katkocin asked Mr. Rinaldi if there is a legal way the board can enforce sidewalks. Mr. Rinaldi stated no, the law is very clear on that. Mr. McCall asked under public safety, can we come to an agreement for the sidewalks? Mr. Schaeffer stated he would consider a trail, but he is not prepared to answer about sidewalks. Mr. Hoff stated the applicant may consider giving an easement along the frontage for future County improvements. At this time, Mr. Hall made a motion to approve this application, and Mr. Pomponio seconded the motion. On roll call vote:

Mayor John Armano	Yes
Councilman Jim Bilella	Yes
Chairman Jack Gangluff	Yes
Jack Hall	Yes
Richard Crain	Yes
Nick Maccaroni	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

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

Appearing before the board is David Patterson Esq. representing the applicant. Providing testimony is Scott Smith of Key Engineers, 80 S. White Horse Pike, Berlin and Stanley Giberson of Berlin Realty LLC, 206 Rich Avenue, Berlin. The board secretary confirmed that all escrow and filing fees were paid, and all proper notices have been served. The board professionals are both satisfied that the application is thereby complete. Mr. Smith stated his credentials on the record and was considered qualified.

Mr. Smith explained the application, it is a re-subdivision of lots. One lot contains a Single Family Dwelling, Exhibit A-1 dated 9/2/15 was shown. There is a lot area of 6.67 acres of the newly created lot. There is a Right of Way easement granted to the County.

There is a billboard that is owned by the Market on lot 38, there is an agreement for a 2nd billboard, and it's in the roadway easement. No changes will be made to the sites, just a lot line adjustment. The remainder of the lots will be consolidated, so the 2nd lot will be 21.59 acres. Lots 38 and 39 is the flea market area, not an accessory use. As for the letter of interpretation, as Mr. Biegen commented, the letter is not a requirement. We are moving a lot line, there is no construction, and there are wetlands on the property that have been noted. Mr. Biegen stated he has no objection to that, if there is proposed development on proposed lot 38 then we would require the letter of interpretation. Mr. Giberson added that there will be no construction or development on that lot. Mr. Hall mentioned some down trees, and is there an intention to clear them? Mr. Giberson stated that is County area, and they have been out there working. With nothing further from the board, Chairman Gangluff opened this portion of the meeting up to the public. No one from the public wishing to ask a question or make a comment, the public portion was then closed. Nick Maccaroni made a motion to approve this Minor Subdivision, and Mayor Armano seconded the motion. On roll call vote:

Mayor John Armano	Yes
Councilman Jim Bilella	Yes
Chairman Jack Gangluff	Yes
Jack Hall	Yes
Richard Crain	Yes
Nick Maccaroni	Yes
Ron Katkocin	Yes
Carl Canfield Jr.	Yes

Mr. Rinaldi mentioned the Rocky Nova LLC application, for the sign. Mr. Bowen is working on the building and has raised the peak of the roof, so Mr. Rinaldi sent him a letter that is still in compliance with his resolution. The resolution stated the sign can be no higher than the building, and that is still the case.

Chairman Gangluff received an email from Mark Mauger of DPW. The Borough is having issues with Arborvites and White Pines. These tend to require a lot of water, and DPW doesn't have enough man power to keep up with them. Mr. Rinaldi will make a recommendation to the Borough Solicitor to prohibit these 2 species. Megan from CME stated that Western Arborvites VS. Eastern Arborvites are a better choice. Chairman Gangluff explained the intent is not for the average homeowner to be restricted on what trees they want to plant and where. This is for new developments coming in.

Mr. Rinaldi addressed the Lutheran Church on Route 73. Mr. Batten came in and applied for a shed permit. Mr. DePalma explained that the Church based on the zoning, is not permitted to have a shed on their property and directed Mr. Batten to the board. Mr. Rinaldi reviewed an older site plan that showed the shed existing, and advised Mr. DePalma that since the shed was previously existing on the approved site plan, that the church can replace it.

Mr. Rinaldi mentioned an inquiry on Billboards that would like to be illuminated. Billboards are found in the definition section in the Borough Code, however it is not listed anywhere else in the code. NJDOT under title 16 permits LED, animated, billboards that the Borough can permit them as well. We can apply the animated signage ordinance to that. NJDOT regulations are stricter than our local ordinances. In most cases, this type of change will not need to come to our local board.

Mark Rinaldi addressed the board members to have caution with regards to meeting or speaking to any applicant unless they are appearing before the board and on the record.

Councilman Bilella addressed sidewalks on county roads. Is the County approval necessary? Mr. Rinaldi stated even if there are no county road improvements, it is required to have county approval, or a letter will be sent of no concern. Would it help for the Borough to reach out to the county regarding the concern of sidewalks? Mr. Rinaldi stated it may help. Chairman Gangluff added that the master plan can address pedestrian circulation. The time frame for a Master Plan is to revisit every 10 years, and we are at 8 years. In 2016 we should look at funding for review of our Master Plan.

CORRESPONDENCE:

None

PUBLIC PORTION:

None

GOOD OF THE ORDER:

ADJOURNMENT OF REGULAR MEETING:

With no one from the public with any comments, Mayor Armano 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