

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
April 11th, 2016**

CAUCUS: 7:00PM

REGULAR MEETING: 7:30PM

CALL TO ORDER:

FLAG SALUTE:

SUNSHINE STATEMENT: This meeting is being held in compliance with the “Open Public Meetings Act: and has been duly noticed and published by law.

ROLL CALL:

Mayor Jim Bilella	Present
Andrew Simone	Present
Councilman Ron Rocco	Present
Dan MacDonnell	Present
Ron Sabatini	Present
Nick Maccaroni	Present
Jack Hall	Present
Dan Pomponio	Present
Ron Katkocin	Present
John McCall	Present
Cynthia Jennings	Present

Chairman MacDonnell informed the public that the Blair Case for 211 Cross Keys Road would not be heard. The applicant sent notices prior to being informed his application was incomplete. At this time the application remains incomplete, and the applicant will be required to re-notice.

Mr. Platt addressed the swearing in of Megan Stanley from CME Associates. Ms. Stanley stated her name and address of 147 Route 9 South, Howell Twp. On the record.

REGULAR MEETING:

MINUTES:

A motion to approve the minutes from February 8th, 2016 was made by Jack Hall and seconded by Dan Pomponio. On roll call vote, those eligible:

Mayor Jim Bilella	Yes
Andrew Simone	Yes
Councilman Ron Rocco	Yes
Dan MacDonnell	Yes
Ron Sabatini	Yes
Nick Maccaroni	Yes
Jack Hall	Yes
Dan Pomponio	Yes
Ron Katkocin	Yes

RESOLUTIONS:

NONE

ZONING OFFICERS REPORT:

NONE

OLD BUSINESS:

**Case. # 16:1-1
DeCicco
18 Winding Way
Minor Subdivision/Lot Line Adjustment**

Appearing on behalf of the applicant is Alan Nickerson. Mr. Nickerson explained this is a minor subdivision with a variance, he summarized the application for the board. Mr. DeCicco was sworn in and provided testimony. Mr. DeCicco referenced a survey dated 11/20/15 (exhibit A). His home was built in 1969, it was one of the first homes built, is used to be woods. The house was set incorrectly on the lot. Lot 17 is owned by Mrs. Goldberg, the lot line adjustment will be set so that both lot 17 and lot 18 are conforming. The pool was removed, and the landscaping and hardscaping is being redesigned. The former shed that was encroaching has been moved onto his property. The wall around the pool was rebuilt, and he is doing additional landscaping. There is a 15ft. drainage easement that was put in after the house was built, when homes on Winding Way were built, it created a blockage, and had to be modified. There are no structures in the easement, and there are no issues with lot coverage. Lot 17 has 21% impervious coverage including driveway and sunroom. Mr. Nickerson added there are 47 undersized lots in that area. Ms. Stanley commented that how the lot will be odd shaped vs. having a

non-conforming lot. Mr. DeCicco stated he did not want to take away any frontage from Lot 18. Mr. Platt asked how this will be filed, Mr. Nickerson stated by deed and the easement will remain. There is a natural swale that will remain. Mr. Sabatini asked about the wood fence, Mr. DeCicco stated this will fix that encroachment. Mr. Simone asked if the applicant has any current water problems, and the existing swale will remain. With nothing further from the board, Chairman MacDonnell opened this portion of the meeting to the public. With no one from the public wishing to speak on this application, Chairman MacDonnell closed the public portion. At this time, Mayor Bilella made a motion to approve the application, and Mr. Hall seconded the motion. On roll call vote: all in favor.

Discussion on Redevelopment Review of Redevelopment Study

Mr. Platt addressed the board regarding local redevelopment housing study statute. This allows studies for areas in need of redevelopment, it could entitle some benefits, and allow properties to develop that have not been developed yet. The governing body has to determine if this is a condemnation, or non-condemnation study. This is non-condemnation. Then we determine are these areas in need of redevelopment, do they meet the legal criteria. A resolution will be adopted to go back to the Governing Body to determine if the area is in need of redevelopment. We can create a zoning overlay, however this would be step #2 of the process. CME Associates has prepared a study (Exhibit A).

Ms. Stanley discussed the study done in February. There are 4 study areas, all which include descriptions. Study area #1 consists of Owens Corning, all of that is in the Pinelands. Owens Corning is in the process of ground water remediation. The permitted uses and bulk standards are explained in a regional growth area, and are capable of creating regional growth. Study area #2 is the former K-Mart site zoned C-2. Permitted uses are listed, this is classified as a metropolitan planning area, and will promote growth, mixed uses, and has access to 2 state roads. Study area # 3 is vacant property, in the C2 zone, it's the corner of Cross Keys Road and White Horse pike. Study area #4 is also a metropolitan planning area. The Master Plan is consistent and all sites were visited on 1/15/15. One or more of the following conditions must be present:

- a.) The generality of buildings must be present
- b.) The discontinuance of the use of buildings
- c.) Land that is owned by the Municipality, the county, a local housing authority
- d.) Areas with buildings or improvements that are dilapidated, obsolescence, overcrowded.
- e.) A growing lack or total lack proper utilization of areas
- f.) Areas where buildings have been destroyed
- g.) Areas where there is an urban zones act in place
- h.) Delineated area where there is smart growth planning principles.

LRHL permits the inclusion of parcels that do not meet the criteria to be designated in need of redevelopment, but are necessary. For instance the Kmart site is vacant, quiet,

major source of impervious coverage, there is a detriment of land as it is losing ratables. Study area # 3 is a classification exception area, it was a service station. We received a letter from the property owner, they are not familiar with the non-condemnation (exhibit A-2) the letter is dated 4/5/16 from Winchester Land Management. Study area #4 was an old gas station, remediation is being done, and lot 7 letter B&D criteria has been met, and criteria H promotes smart growth. All properties listed meet the criteria in need of redevelopment.

Mr. Hall asked about the Kmart lot. He questioned the current zoning being effective. Ms. Stanley explained the current zoning would stay, we could do an overlay. Mr. Hall asked if that would allow multi-family housing. Mr. Platt added that any overlay zoning can allow multi-family housing, we have to look at our Master Plan, and redevelopment allows spot zoning. We can put criteria in a redevelopment zone vs having a remedy suit. There are 2 lots that are part of an old study, criteria is used in many different directions. The Former Texaco site and the Old Stone's Camping World are the 2 old sites. Mr. Hall questioned who determines what lots are in the study areas. Mr. Platt stated the Governing Body determines areas to look at. Mr. Maccaroni commented that 3 areas were named before, as the plan moves forward a developer needs to deal with the owner. This process gives a potential buyer more incentives. Mr. Katkocin commented on the Kmart property, rather than multi-family housing, can we envision something else similar to the old Lions Head Plaza where Walmart, and the Movie Theatre is. Mr. Platt commented that there are financial techniques, redevelopment is a kick start, this is the most obvious, but we are facing former problems with this site. Ms. Jennings commented on Study Area #4 that contamination was found as well as study area # 3. Ms. Stanley stated it was not as serious, it was more policy specific as an isolated area. With no further questions from the board, Chairman MacDonnell opened this portion of the meeting up to the public.

Appearing before the board is Joanna Nixon of 136 Jackson Road. She asked if the board is looking for more residential or commercial. The EPA is a concern, she lives next to Owens Corning, and the fibers are still there. 3 or 4 years ago testing was done. She would like to see more commercial, more businesses on Route 73. With nothing further from the public, Chairman MacDonnell closed the public portion. Mayor Bilella thanked Megan and CME, he looked at the previous redevelopment plans, and the old Chevy 73 lot was fully approved for development. The property behind Rte. 30 and Cross Keys has wetlands that is why it was not included. We are committed to move expeditious, to develop the town, we are desperately seeking commercial developers. This is step one and we will work hard to move forward. Mayor Bilella thanked the board for doing its part to redevelop these properties, we want Commercial development. Condemnation is a harsh technique, this route is the preferred way to go, and we can apply condemnation at a later time if we need to. Chairman MacDonnell stated if we go eminent domain, would the initial try benefit us? Mr. Platt stated yes. Chairman MacDonnell made a motion to recommend to the Governing Body that these areas are in need of redevelopment, Mayor Bilella seconded the motion, on roll call vote, all in favor.

NEW BUSINESS:

NONE

CORRESPONDENCE:

Chairman MacDonnell reminded all board members to complete their financial disclosures, and sign the form provided and return to the board secretary.

PUBLIC PORTION:

Appearing before the board is Keith Giberson of 25 Constitution Blvd. Mr. Giberson received the letter noticing about the meeting, he wanted to be clear that this is in error of the applicant not the board. Chairman MacDonnell stated yes, and the applicant will be required to re-notice. Mr. Giberson commented that he is not against businesses, he is against the change in use, the encroachment, and traffic.

Next to appear before the board is Joe McGuckin of 18 London Avenue. Mr. McGuckin asked how long the re-development process is, and how long will it take to affect him. Owens Corning had a 20 year contract to do their clean up. Mr. McGuckin added if we reach out to more commercial developers, it gives the Borough more control.

Next to appear before the board is John Schivo of 431 S. White Horse Pike. Mr. Schivo asked if the board is prepared to cut a deal before advertising to commercial developers. Will the board be in a position to work with them, have a partnership? The value of land as a developer, and have the town work as a partner, alleviate cost from tax payers. Mr. Platt added there would be an RFP process, and the Governing body would solicit developers. With nothing further from the public, this portion of the meeting was closed.

GOOD OF THE ORDER:

ADJOURNMENT OF REGULAR MEETING:

Jack Hall made a motion to adjourn the meeting, and Mr. Pomponio seconded the motion, all in favor, meeting adjourned.

Cc: Bill Behnke, Fire Marshall, Fire Chief
Stacey DiVello, Escrow Financial Department
Michael DePalma, Construction Official
Terry Stagliano, Tax Assessor
Lou DeMarco, Captain, EMS

