

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
June 12th, 2017**

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 Jim Bilella	Class I	Present
Michael McGowan	Class II	Present
Councilman Dan MacDonnell	Class III	Present
Cynthia Jennings	Class IV	Present
Ron Sabatini	Class IV	Present
Nick Maccaroni	Class IV	Present
Andrew Simone	Class IV	Present
Dan Pomponio	Class IV	Present
Thomas Dulin	Class IV	Present
Jeannine Schumacher	Alternate # 1	Present
Patricia Cummings	Alternate # 2	Present

REGULAR MEETING:

Mr. Jim Clarkin of CME was sworn in by Mr. Platt at this time. Mr. Clarkin put his credentials on the record.

MINUTES:

A motion to approve the minutes from May 8th, 2017 was made by Cynthia Jennings and seconded by Tom Dulin. On roll call vote, those eligible:

Mayor Jim Bilella	Yes
Michael McGowan	Yes
Councilman Dan MacDonnell	Abstain
Cynthia Jennings	Yes
Ron Sabatini	Yes
Nick Maccaroni	Yes
Andrew Simone	Yes

Dan Pomponio	Yes
Thomas Dulin	Yes
Jeanine Schumacher	Abstain
Patricia Cummings	Yes

RESOLUTIONS:

Case# 17:3-1
Schaeffer Land LLC
11 Jackson Road
Block: 1400 Lot: 12
Minor Subdivision

A motion to approve the resolution for Schaeffer Land LLC was made by Dan Pomponio and seconded by Cynthia Jennings. On roll call vote, those eligible voted aye.

Case # 09:6-1
Diocese of Camden
Block: 100 Lots: 1 & 4
Gate of Heaven Cemetery
Amended Final Site Plan

A motion to approve the resolution for Diocese of Camden, Gate of Heaven was made by Mike McGowan, and seconded by Dan Pomponio. On roll call vote, those eligible voted aye.

ZONING OFFICERS REPORT:

5-1-17 through 5-31-17 Michael Depalma, Zoning Officer

NEW BUSINESS:

Case# 17:5-2
Stephanie Richardson
28 Summit Ave.
Block: 2011 Lot: 5
Bulk C Variance

Appearing before the board is the applicant Stephanie Richardson, who was sworn in. Mrs. Richardson requested a variance to park her camper/trailer in front of her home on a stone area next to her driveway. There are no trees there, and her rear yard has sod, and a more convenient location is the front to keep it clean. If the trailer is in the back, her fear is weeds will grow under it, her sod will be ruined, tree leaves will make it dirty, and the rear of her property has a drainage easement. The trailer is 23ft. long, 8ft. high, 8ft. wide.

This is her 2nd camper she purchased it in 2012, and has never received complaints from her neighbors. She is willing to limit the size to what she currently has, and that if granted the variance does not carry over to the property, it is specific to her. Ms. Jennings questioned if the camper was partially on the driveway, and partially on the stone area, and if she is an end unit. Mrs. Richardson responded that she is not an end unit, she has neighbors on both sides, and the camper is on the stone area. Mr. McGowan asked how far from Summit does the camper sit? Mrs. Richardson explained the camper is parked closer to the house than Summit Ave. There is no sidewalk in front of her house. She has a horse shoe driveway, previously had a boat, and the boat has been sold. With nothing further from the board, Chairman Simone opened this portion of the meeting up to the public.

Appearing from the public is Harry Watson of 31 Summit Ave. Mr. Watson lives across the street, and stated Mrs. Richardson keeps her property very nice, and he has no complaints about the camper, nor has he heard any complaints. No one further from the public, Chairman Simone closed the public portion. Mayor Bilella made a motion to approve this application with conditions previously listed, Councilman MacDonnell seconded the motion. On roll call vote:

Mayor Jim Bilella	Yes
Michael McGowan	Yes
Councilman Dan MacDonnell	Yes
Cynthia Jennings	Yes
Ron Sabatini	No
Nick Maccaroni	Yes
Andrew Simone	Yes
Dan Pomponio	Yes
Thomas Dulin	Yes

Case # 17:4-1

PB BB, LLC

70 Cross Keys Rd. & 6 White Horse Pike

Block: 1300 Lots: 2 & 4

Preliminary and Final Major Site Plan

Appearing on behalf of the applicant is Dave Patterson Esq. Mr. Patterson quickly summarized this is for a new Royal Farms with 8 fueling stations. At this time those giving testimony were sworn in. Robert E. Blue Jr. of Robert E. Blue Consulting Engineers, P.C. 1149 Skippack Pike, Blue Bell, PA, Mark Altrogge of Robert E. Blue Consulting Engineers, P.C. 1149 Skippack Pike, Blue Bell, PA, Robert L. Carter Marathon Engineering, for site remediation, 553 Beckett Rd. Swedesboro, NJ. 08085, Matthew John DiGiulio of Royal Farms, 1306 Wilmington Pike, Deanna Drumm, Traffic Engineer, 2 Riverside Dr., Ste. 506 Camden, NJ. Tiffany Cuviallo, 7 Equestrian Drive, Galloway, NJ. 08025, Scott Homel, 491 Old York Road, Jenkintown, PA.

Mr. Homel stated the PB BB, LLC is a limited liability company that he is a managing member of. He has been in commercial real estate investments for 30 years. Royal Farms is under an agreement of sale, Mr. Patterson showed the first and last page of the agreement, (exhibit A-1). Mr. Homel agreed that the Fascciolo family are the owners, with a fully executed lease with Royal Farms. Mr. Pomponio asked if this was the first Royal Farms for Mr. Homel, and he stated yes.

Mr. DiGiulio stated he is a licensed real estate professional, the proposed operation would be a local convenience store with gas. The food is prepared onsite. Proposed 45-50 employees per store, 8 to 10 per shift and promotions are done within, and they encourage local hires. Hours of operation are 24 hours a day, 7 days a week. Headquarters are in Baltimore. The store sells household products, there is a deli, coffee, etc. similar to WaWa. Deliveries are during off peak hours, in box trucks, with front end loading through the front doors. As for seating, it is considered "fast casual" seating with 4 tables, and a bench row of seating by the coffee bar, also externally there are 6 tables with 4 seats per table. The disposal of trash and recycles is 3 to 4 times per week during off peak times, and will comply with the NJ recycle law. There is a minimum of 2 entrances, large open drive aisles minimum of 30ft, parking around the building, and room for a WB53 Fueling truck with no issues, and there is a truck turning template. 2 underground Fuel tanks meet or exceed the NJDEP requirements. We propose 8 stations, with 16 fueling stations. (exhibit A2) is a rendering showing a brick veneer building, a welcome to Berlin wall, and a brick walkway. Mr. Maccaroni asked if the board could have a copy of the Company Statement. Mr. Clarkin asked if this site would be LEED certified. Mr. DiGiulio stated he is not sure if this particular site is built to the LEED certification. Exhibit A-3 is a 3 page document is a narrative of the Company Statement. Mr. Maccaroni asked about the size of the fuel tanks, and underground tanks, along with how many deliveries? Mr. DiGiulio stated based on demand it could be once per day. The deliveries for the store are by box truck, and during off peak times. Mr. Maccaroni asked why come to Berlin Borough? Mr. DiGiulio stated Berlin Borough offers a good opportunity for Royal Farms for the demographics and this location services major corridors throughout South Jersey. They are aware of the 2 WaWa's and competition is good. The other Royal Farms that are currently under construction, and Royal Farms offers a different product than WaWa.

Next to testify is Robert Blue, Engineer. Mr. Blue stated his firm prepared the plan based on the Redevelopment Plan for the Borough of Berlin. Mr. Patterson identified the Plan and in the definitions of a redevelopment zone, and what is permitted. The plan is consistent with the Redevelopment Plan. Exhibit A-4 Site Plan Royal Farms dated 6/12/17 colored rendered plan. Mr. Blue gave a general description of the property based on the site plan. The site is 2.06 acres more or less, and the site is clear currently, there were buildings at one time. Across the street are other commercial uses, CVS, King of Pizza, RV sales, Car Mart. Mr. Blue identified the gas canopy area, the Royal Farms building itself about 5.371 sq. ft. parking surrounding the building, parking on the easterly side, rear, and frontage. The gas tanks are located off of Cross Keys rd. There is a landscape buffer along the residential portion. The trash enclosure is 8ft. high, and enclosed in a brick wall structure with a gate. Water and gas is on the site from White

Horse Pike. We are providing underground stormwater management, providing more green space as well. Mr. Blue testified there are 2 underground facilities that are a detention basin, that will perk and flow into the ground, and discharge by gravity. Mr. Blue addressed lighting, LED lighting there is a slight spillover on the entrance, with 1 footcandle to provide a lighted sidewalk. Mr. Pomponio asked if there was a fuel spill will that also go into that basin. Mr. DiGuilio testified in regards to spillage, it would be cleaned up immediately, there would be filters in place as well. Between building and the gas there is an underground leech detention, and in the rear there is a discharge overflow in the street stormwater system. The system is underground due to the size of the lot. Mr. Maccaroni asked if the applicant is aware there is a stream to the park in the back portion of the building. Mr. Blue stated they did their soil borings and infiltration testing, and found nothing.

Next to testify is Deanna Drumm. Ms. Drumm testified that on March 15th, 2017 a traffic report was submitted. Ms. Drumm stated that the purpose of a traffic report is to look at existing development and existing conditions. Ms. Drumm met with NJDOT and Camden County. Most traffic is generated in the AM and on Saturdays for convenience stores, and most people are already on that road. It is a concentrated intersection, this was a smaller intersection, and removal of the circle put more capacity at this intersection, and it is signalized. Any type of development will have an impact on traffic. This can be mitigated through timing of lights. We are proposing 2 lanes, so right turns are not delayed. NJDOT has asked to restripe Route 30 to create a dedicated left turn lane. Cross Keys rd. access is more limited, proposing access further south than the CVS drive. Left turns into the site on Cross Keys will be restricted. County has asked for don't block the box at that entrance of the site. Mr. Platt asked for information what the Peak hours are. Ms. Drumm stated the actual peak hours are AM 7:15 to 8:15, and PM 4:30-5:30, and on Saturdays 12pm. -1pm. 60-65% is pass by traffic. Mr. Pomponio asked for clarification, that there will be 3 entrances/exit. There is one in the eastbound lane of the White Horse Pike, 2 is a two way in and out, and one is right turn in only, left hand turns will be restricted on Cross Keys Road, but left and right out of the site. Ms. Drumm stated that is correct. Mr. Pomponio asked for consideration to work coordination with the lights along the White Horse Pike? Ms. Drumm testified that there is some coordination per the NJDOT. Mr. Maccaroni asked how many customers are expected? Ms. Drumm stated she is unaware, that is a marketing question. Mr. DiGiulio stated about 25,000 vehicles per day is needed, and no store has that data released. It is not the same turnover as WaWa, and our traffic report has shown that the trip generation is safe. WaWa typically attracts the coffee/breakfast sandwich traffic, Royal Farms does not. Mr. Maccaroni asked if Royal Farms is building in Magnolia? Mr. DiGiulio stated yes, it is a 3 acre tract, and utilizing less than 2 acres. Mr. Maccaroni questioned the flow of traffic, and merging the way the White Horse Pike is designed with merging and where the entrances will be. He also mentioned the residential developments, and that the traffic will impact streets like Thackara Ave. Ms. Drumm stated local people may do that, not people that don't know the area. Mr. Platt asked about the onsite circulation, and will there be conflicts with people using the convenience store, and those using the fueling stations, is the site safe? Ms. Drumm stated it is designed safe and appropriate. There are larger aisles between the fueling area, and the store. Mr. Platt addressed the

parking spaces between the fueling stations and the convenience store. Ms. Drumm stated she believes there is a safe aisle width, 50ft. is more than an efficient space. On the other side of the fueling station would presumably may be for employees. There is 30 ft. between the space and fueling area.

Next to testify is Mr. Carter from Marathon Engineering. Mr. Carter confirmed that environmental studies Phase I and Phase II study was done, and an LOI was applied for. Phase I identified a bus depot, previous buildings, and Phase II consisted of a geophysical study. From that a ground water and sampling plan was done in accordance with DEP regulations, and a site investigation. There is a presence of benzene along the White Horse Pike area. LSRP's were contacted to check on the status of 2 that are contributing to the LSRP. Groundwater from Car Mart is traveling onto our property with the benzene. Mr. Carter stated that he is about 30 to 60 days from release of the LOI. It is the owners of Car Mart that may be responsible, and not a lot has been done with determining responsibility. When DEP issued the LOI, specifically states there are no wetlands on site. The applicant is applying for a transition averaging area waiver. Mr. Pomponio asked to the side, Cross Keys Rd., why is that side undeveloped, or not being used. Mr. Clarkin stated in previous testimony that area is a green area for natural percolation. Mr. Blue stated it is deed restricted. Mr. Pomponio commented about the upkeep of that property. Mr. Blue stated yes. Mr. McGowan questioned for the LSRP, is there a D Notice? Mr. Carter stated it is not a soil contaminated D Notice.

Mr. Patterson stated we are requesting several design waivers. Mr. Keating of CME commented that he has no problem with any of the design waivers they are requesting. Mr. Keating asked if there is a Loading zone? This is a waiver they are requesting. Mr. Clarkin asked for more testimony on the lighting. Mr. Blue stated the ordinance has a maximum of 2 footcandles, however with circulation and pedestrians the 4 footcandles is safer. Mr. Maccaroni asked about waiver 335-55G regarding paving. Mr. Patterson stated the applicant will comply, it was a mistake on the plan. Mayor Bilella questioned the sidewalks to extend to Cross Keys road. Mr. Patterson stated the applicant is seeking relief from that. Mr. Blue added they would go nowhere. Mayor Bilella commented that we are trying to get more sidewalks in place, and at some time in the future sidewalks will continue. Mr. Keating asked about the driveway entrances, and if depressed curb will be provided. Mr. Blue stated yes. Ms. Jennings asked about bike racks? Mr. Patterson stated bike racks will be installed and the applicant will work with the Planner.

Next to provide testimony is Tiffany CuvIELLO. Ms. CuvIELLO stated there are no variances, and waivers to the site design. The design waivers are related to public safety. The positive and negative criteria, there is a redevelopment plan that created the zoning for this property. This use is permitted, and the plan meets or exceeds the design criteria, and is consistent with the Master Plan. The existing site is underutilized, and unsafe which effects the public health, safety, and welfare. There are some asphalt and overgrown vegetation on the site, the development will enhance the downtown area, and meet and improve the stormwater management, adding landscaping, exceeding parking, adding bike racks, benching, and outdoor seating. Both positive and negative criteria

have been met, and this creates to impairment, and is no detriment to the public good. At this time, the board will take a 5 minute recess.

9:15 pm. All members returned. There is no further applicant testimony. Mr. Clarkin stated the variance was removed, he is agreeable to the design waivers, and the applicant has satisfied the positive and negative criteria through testimony. Ms. Jennings asked about the left hand turn onto the White Horse Pike, and if a “don’t block the box” can be put on the White Horse Pike, due to the back up there. Ms. Drumm stated they can petition the NJDOT, as they will make that determination. Mr. Pomponio asked if on the eastbound side making a left to go west, is that area the single lane section? Ms. Drumm stated that is the merging area. Mayor Bilella will write a letter of support, and recommendation to make that turn easier. Mr. Keating asked the applicant to agree to the plat changes, and make a condition of approval to consolidate the lots. The applicant agreed. With nothing further from the board, Chairman Simone opened this portion of the meeting up to the public.

First to appear before the board is John McCall of 11 Moss Ave. He is concerned regarding traffic and Thackara becoming a throughway, as there are children and animals in the residential neighborhoods. There has been no answer regarding the traffic except to rely on the State. This may not be the right spot for this development, maybe explore other avenues. He is concerned with traffic flow. The zoning was changed, and Mr. McCall was on the Planning Board, and was not aware of this. He does not think this is right for us. Mr. Platt explained the process, the redevelopment process, and mentioned the multiple public hearings that were noticed and held regarding the process. We are looking at site plan criteria at the board level, to say we don’t want this in town, it is a permitted use. Mr. McCall mentioned 55 parking spots, open 24 hours, and we will be listening to cars all night long. Would a one way street be an option, Mayor Bilella added that none of this was done subversley, the Borough would be willing to explore a one way street, his concern would be the challenge of others that do not want a one way street. The Borough will look at the best interest of all residents.

Next to appear before the board is John Armano of 112 Rich Ave. Mr. Armano commented that the value of the property was the reason for not developing in the past. The owner asked for too much, and developers walked away. Mr. Armano mentioned previous board applications that were denied, some of which dealt with commercial development and traffic issues. Traffic is a big concern, and he would appreciate the Borough taking the time to investigate one way streets. Mayor Bilella commented that the Walmart developer is not doing right by the town, there is an increase in traffic. The Blair application showed a commercial property 15ft. from a residential house.

Next to appear before the board is Joe Adolf of 8 Laurel Hill Court. Mr. Adolf stated the Magnolia property is much larger than what was stated. Traffic is a big concern, as well as the local small businesses. This development will hurt the downtown area.

Next to appear before the board is Jessica Milner of 201 Rich Ave. Ms. Milner voiced concern of traffic. She is concerned that vehicles will use her development as a cut

through, and even creating one way streets is a concern. She does not feel this is a good fit for a small downtown area.

Next to appear before the board is Colin Windebank. Mr. Windebank stated it seems the decision has already been made. He is concerned with traffic impact, and there is a safety concern with the existing light at Park Dr. Mayor Billella commented that he will have a conversation with the Police Chief regarding putting more effort into monitoring the cut throughs. Mr. Windebank asked if there will be a fence? Mr. Blue stated no fences are proposed.

Next to appear is Dr. John Mitchard who asked if the applicant has been given tax incentives. Mayor Billella assured him that none have been given, and none have been asked for. This would require approval from Borough Council.

Next to appear is Gurvinder Singh, owner of the Coastal Gas station. Mr. Singh stated he witnesses 7 to 10 accidents on the corner of White Horse Pike and Harker Ave, averaging 1 to 5 per month. Traveling from the Farmers Market to the White Horse Pike at that corner there are several accidents. On Cross Keys Rd. there is bumper to bumper traffic. There is a bus stop at the corner, where will the people stand once this is developed?

Next to appear before the board is Bill Bansch of 170 New Freedom Road. Mr. Bansch stated he is in favor of the development, he welcomes new business, and as one comment if Royal Farms would consider electric charging stations for the hybrid cars, and the grass area to make pet friendly. This may help draw other new business in the downtown area.

Next to appear is John Hall of 102 Central Ave. Mr. Hall thanked the board for all their work. Mr. Hall stated his concern for traffic, making a left turn out of the site. He stated when he was on the Planning Board there were several discussions in regards to making the downtown area a walkable community, there is a bus stop right where the cars merge, and one way streets are not going to be a solution. Mr. Hall commented that there needs to be more conversation regarding the future and bringing a high-quality business to Berlin and keep safety in mind.

Next to appear is Gary Knight of 18 Evergreen Dr. Mr. Knight thanked the board, and mentioned that this site has been vacant for some time. We need taxable income for the Borough. Mr. Knight mentioned from White Horse Pike and Cross Keys Road, to New Freedom Road is 1.1 miles. The location is good, and he feels this will create growth, and other ratables. He welcomes Royal Farms, competition is good.

Next to appear is Susan Sinelnik of 70 Gardens Ave. Mrs. Sinelnik commented on her concerns with traffic, and the lights shining 24 hours. They need to be shielded she doesn't want the brightness shining all night in her yard. She is concerned with cut through traffic, maybe the Borough could put speed bumps. She is questioning if 55 spaces is enough for this use. With a 24 hour a day operation, there will be loitering, and noise all night. Mr. Keating, the board engineer commented that the applicant has met the standards for parking and for lighting, shields can be used. The applicant agrees to

work with the Engineer. Mayor Bilella asked if the applicant is willing to post title 39 traffic statute, the applicant stated the store manager will enforce, and make sure there is no loitering.

Next to appear is Suzanne Brodzik of 3 Thackara Ave. Her bedroom will face the lot, she is concerned with traffic issues, and lighting. She asked what the height of the light poles are. Mr. Blue stated 19ft. high. Ms. Brodzik stated Thackara Ave is not wide enough for the residential parking, and throughway traffic. With nothing further from the public, Chairman Simone closed the public portion.

Mr. Platt summarized the application being before the board for Preliminary and Final Major Site Plan approval. There are no variances, there are design waivers that are technical in nature, Mr. Platt listed the conditions, install standard sidewalk on Cross Keys Road to the end of the property line with handicap ramps, engineer will review bike racks, the applicant will pay the nonresidential affordable housing fee, the applicant will apply to NJDOT for a do not block the box on White Horse Pike, lighting will have the proper shields, the applicant agrees to title 39, application is subject to all outside agency approvals, there will be a lot consolidation, and a loading zone waiver. Councilman Dan MacDonnell made a motion to approve this application with the listed conditions, Dan Pomponio seconded the motion. On roll call vote:

Mayor Jim Bilella	Yes
Michael McGowan	Yes
Councilman Dan MacDonnell	Yes
Cynthia Jennings	Yes
Ron Sabatini	Yes
Nick Maccaroni	No
Andrew Simone	Yes
Dan Pomponio	Yes
Thomas Dulin	Yes

OLD BUSINESS:

None

CORRESPONDENCE:

Mr. Clarkin handed out a Draft of the Land Use Element of the Master Plan for the board members to look at and review. Mayor Bilella asked that all members review this document, and any comments please forward to the board secretary or Mr. Clarkin.

PUBLIC PORTION:

None

GOOD OF THE ORDER:

Mr. Sabatini asked about the trailer ordinance, and confirmed where they are permitted to be parked. Mayor Bilella responded, there have been challenges, and complaints, he has asked the Planner to evaluate the issue.

ADJOURNMENT OF REGULAR MEETING:

Mr. MacDonnell made a motion to adjourn the meeting, and Ms. Schumacher 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