

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
NOVEMBER 13TH, 2018**

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	Absent
Michael McGowan	Class II	Absent
Councilman Dan MacDonnell	Class III	Absent
Jeannine Schumacher	Class IV	Present
Ron Sabatini	Class IV	Present
Nick Maccaroni	Class IV	Present
Andrew Simone	Class IV	Present
Dan Pomponio	Class IV	Absent
Thomas Dulin	Class IV	Present
Patricia Cummings	Alternate # 1	Absent
Fran Ballak	Alternate # 2	Present

REGULAR MEETING:

Due to the absence of regular members, Mr. Ballak will be voting.
At this time Planning Board Planner Chris Dochney of CME was sworn in.

MINUTES:

Minutes October 9th, 2018

A motion was made by T. Dulin to approve the minutes from October 9th, 2018 and J. Schumacher seconded the motion. On roll call vote those eligible all voted aye.

RESOLUTIONS:

NONE

ZONING OFFICERS REPORT:

10-1-18 through 10-31-18

OLD BUSINESS:

NONE

NEW BUSINESS:

PB18-003

Steven Hotz Jr. Jasticon LLC

80 Tansboro Road

Block: 1900 Lot: 20.01

Zoned R1

Use D Variance

Appearing before the board on behalf of the applicant is Dave Patterson, Esq. Mr. Patterson summarized the basis of the application, and those providing testimony were sworn in. Brian Peterman of Peterman Maxcy Associates 189 Lakeview Dr., Ste. 101, Gibbsboro, NJ., Tiffany Morrissey of 7 Equestiran Dr., Galloway, NJ. 08205, and the applicant Steven Hotz Jr. of 626 Gravelly Hollow Road, Medford, NJ.

Mr. Hotz testified that he is an owner of Jasticon LLC, a NJ liability company. Mr. Hotz stated he has built 5 homes, 2 on Harmony Lane in Berlin. He and his father own the company. The existing Townhomes that are built each have their own driveway with a K-turn. Each unit has 3 bedrooms. The only trees being cut are those within the building envelope, to keep 20ft. in the rear. The lot next door his cousin Jack Hotz owned. Both homes will be built at the same time. Approval was received for 75 and 77 Tansboro Road, and there are strict policies spelled out in the lease agreement. Mr. Hotz also testified that these are Townhomes, similar to that of Smokey Run. The existing dwelling will be demolished and construct a duplex there. This area has mixed uses with Townhomes, apartments, and single- family homes. For the record, Ms. Walters the board solicitor read into the record the conditions for the previous resolution. Mr. Hotz agreed to comply with the same conditions.

Mr. Peterman testified that the lot area is 26,533 sq. ft. and is similar to the previous application that was approved. The lots could be reconfigured, move the lot line in the rear, then the density per acre are 2.63 dwelling units per acre, to the 3.28 proposed. The same look and feel would be the same, just moving the lot line. The front left side requires more grading, to avoid a more severe side slope, and the applicant is requesting a design waiver for the 20ft. requirement of clearing limits. Exhibit A-1, is sheet 1 of 1, layout of the lot, and Exhibit A-2 is the Plot plan, sheet 2 of 2. These are both part of the application submission. Mr. Peterman provided grading testimony, and where swales would be located in relation to the clearing limits. Mr. Peterman testified that they are in receipt of the NJDEP letter that has been submitted. The letter dated April 22nd, 2014

which has a 5 year window and is still active, exhibit A-3 and it does show an absence of wetlands and wetlands buffer. Mr. Peterman testified that an application has been submitted to the Camden County Planning Board as well and was approved on September 4th. The previous resolution was identified as exhibit A-4. There does not appear to be any further technical testimony needed as per the professional's letters. Mr. Biegen of Maser Consulting stated his concerns have been addressed. He suggested a staggered set-back for the buildings. Mr. Peterman identified the representation of previous plan as exhibit A-5. Mr. Dochney of CME Associates stated his concerns had been addressed, and requested testimony on positive and negative criteria. Mrs. Morrissey stated that she can satisfy the D1 Variance and D5 Variance with positive and negative criteria testimony. The application is to propose a twin duplex in the R1 zone, and she discussed 3 purposes of zoning the site and use that is suited to one another as the development provides sufficient space. The lot is oversized 26,000 sq. ft. smaller units are allowed in 4,000 sq. ft. lots. Smokey Run abuts the adjacent townhouses, and there are various single-family dwellings across the street, and a variety of housing, infill development with older stock area. The R2 conditional use limits housing development over time and promotes a goal of variety of housing. These units will fit the context, the price range is consistent, and it meets the density requirement. The negative criteria consist of the Master Plan update that has several recommended goals to ensure infill development which is logical, and this is a transitional use per the recent report. The Medici standard will satisfy all other requirements. The coverage is less, there is an improved density, and no detriment to the public good. This fits in the neighborhood with no detriment to the Master plan. The positive outweighs the detriments according to chapter 335-78 ordinances.

Mr. Dochney asked if other sites had been considered before choosing this one. Mr. Hotz responded no as there is not much available. This seemed a right fit for the area. Mr. Dochney asked if there was consideration for a single-family home. Mr. Hotz stated it didn't make sense financially, and it would create inconsistency in that area. This is more in context with what is existing. Mr. Hotz stated both units would be market rate and agreed to pay the required impact fee.

Mr. Sabatini asked if there is a proposed duplex for lot 20.02 also? Mr. Peterman stated that was previously approved, and this will meet the requirements of R1 Zone. Mr. Ballak asked if there were objectors on the prior application. Were there objectors that would have been noticed on this application? Ms. Walters stated there was one objector Mr. Buchanan, and he would have been noticed on this application as well. At this time Chairman Simone opened this portion of the meeting up to the public. With no one from the public present to speak on the application, the public portion was closed. Ms. Walters summarized the application, the testimony the request for D1 Variance, and density. Chairman Simone addressed the previous resolution addressing the sidewalk condition. Ms. Walters explained that the condition will be the same with the exception of how much, and that the 2 buildings will be offset 5 ft. from each other. Mr. Ballak asked if there will be sidewalk tied in, and Mr. Peterman stated sidewalk would tie in on one side. Chairman Simone made a motion to approve this application, and Mr. Sabatini seconded the motion. On roll call vote:

Jeannine Schumacher	Yes
Ron Sabatini	Yes
Nick Maccaroni	Yes
Andrew Simone	Yes
Thomas Dulin	Yes
Fran Ballak	Yes

CORRESPONDENCE:

None

PUBLIC PORTION:

None

GOOD OF THE ORDER:

Next meeting is scheduled for Monday December 10th.

ADJOURNMENT OF REGULAR MEETING:

Ms. Schumacher made a motion to adjourn the meeting, and Mr. Ballak seconded the motion, all in favor, meeting adjourned.

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