

**BOROUGH OF BERLIN  
PLANNING BOARD MINUTES  
January 13th, 2025. Re-org and Regular meeting**

**CALL TO ORDER:**

Donna Plute called the meeting to order at 7:00 PM

**FLAG SALUTE:**

Donna Plute called for everyone to rise and recite the pledge of allegiance to the flag.

**SUNSHINE STATEMENT:** Donna Plute announced that this meeting is being held in compliance with the open Public Meetings Act and has been duly notified and published by law.

Attorney Stuart Platt did the swearing in of New Planning Board members and recognized the Re-appointed Board members.

**Appointment of Officers:**

A motion to appoint Michael McGowan as Chairman was made by Mayor Miller, and Seconded by J. Schumacher.

**Roll Call:**

Mayor R. Miller-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-ABSTAIN  
D. Pomponio-AYE  
W. Hans-AYE  
J. Schumacher-AYE  
H. Earl-AYE  
E. Hahn-AYE  
J.Cole-AYE

M. McGowan took the chairman seat and continued with the voting on the Reorganization meeting.

**APPOINTMENT OF VICE CHAIRMAN:**

A motion to appoint D. Pomponio as Vice Chairman was made by Mayor R. Miller and seconded by J. Schumacher.

**Roll Call:**

Mayor R. Miller-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-AYE  
D. Pomponio-ABSTAIN  
W. Hans-AYE

J. Schumacher-AYE  
H. Earl-AYE  
E. Hahn-AYE  
J.Cole-AYE

**APPOINTMENT OF SOLICITOR:**

A motion to appoint Stuart Platt as solicitor was made by Mayor R. Miller and seconded by H. Earl.

**Roll Call:**

Mayor R. Miller-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-AYE  
D. Pomponio-AYE  
W. Hans-AYE  
J. Schumacher-AYE  
H. Earl-AYE  
E. Hahn-AYE  
J.Cole-AYE

**APPOINTMENT OF SECRETARY:**

A motion to appoint Donna Plute as Secretary was made by W. Hans and seconded by D. Pomponio

**Roll Call:**

Mayor R. Miller-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-AYE  
D. Pomponio-AYE  
W. Hans-AYE  
J. Schumacher-AYE  
H. Earl-AYE  
E. Hahn-AYE

**APPOINTMENT OF ENGINEER:**

A motion to appoint Colliers Engineering & Design, Inc., as Planning Board Engineer, was made by Mayor R. Miller and seconded by J. Schumacher.

**Roll Call:**

Mayor R. Miller-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-AYE  
D. Pomponio-AYE  
W. Hans-AYE  
J.Cole-AYE

J. Schumacher-AYE  
H. Earl-AYE  
E. Hahn-AYE

**APPOINTMENT OF PLANNER:**

A motion to appoint ERI was made by Mayor R. Miller and seconded by W. Hans.

**Roll Call:**

Mayor R. Miller-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-AYE  
D. Pomponio-AYE  
W. Hans-AYE  
J. Cole-AYE  
J. Schumacher-AYE  
H. Earl-AYE  
E. Hahn-AYE

Attorney Stuart Platt swore in Anthony LaRosa from Colliers Engineering & Design, Inc. as Planning Board Engineer, and David Benedetti from Environmental Resolutions Inc. as Planner

**RE-ADOPTION OF RULES AND REGULATIONS:**

A motion to re-adopt rules and regulations was made by D. Pomponio and seconded by H. Earl.

**Roll Call:**

D Pomponio-AYE  
Mayor R. Miller-AYE  
J. Schumacher-AYE  
J. Cole-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-AYE  
E. Hahn-AYE  
W. Hans-AYE

**FEE FOR NOTICE OF MEETING:**

A motion to approve the fee of \$25.00 for notice of meetings was made by Mayor R. Miller and seconded by D. Pomponio.

**Roll Call:**

D Pomponio-AYE  
Mayor R. Miller-AYE  
J. Schumacher-AYE

J. Cole-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-AYE  
E. Hahn-AYE  
W. Hans-AYE  
H. Earl-AYE

**MEETING DATES:**

The Second Monday of every month is reserved for Planning Board Meetings, and the Fourth Monday of each month is reserved for Special Meetings should it be necessary due to large agendas, or special schedules as needed.

A motion to approve the meeting dates as arranged was made by Mayor R. Miller and seconded by W. Hans.

**Roll Call:**

D Pomponio-AYE  
Mayor R. Miller-AYE  
J. Schumacher-AYE  
J. Cole-AYE  
Councilman M. Wilkinson-AYE  
Chairman M. McGowan-AYE  
E. Hahn-AYE  
W. Hans-AYE  
H. Earl-AYE

**PUBLIC PORTION:**

Chairman M. McGowan opened up to the public, none heard or seen.

**ADJOURNMENT OF RE-ORGANIZATION: Motion made at 7:11pm**

A motion to adjourn re-organization was made by Mayor R. Miller and seconded by J. Schumacher.

**Regular Meeting:**

**MINUTES:**

Minutes November 12<sup>th</sup>, 2024

A motion to approve the minutes for November 12<sup>th</sup>, 2024, was made by Mayor R. Miller and seconded by D. Pomponio.

**Roll Call:**

D Pomponio-AYE  
Mayor R. Miller-AYE  
J. Schumacher-AYE  
J. Cole-ABSTAINED  
Councilman M. Wilkinson-AYE

Chairman M. McGowan-ABSTAINED  
E. Hahn-ABSTAINED  
W. Hans-AYE  
H Earl-AYE

**RESOLUTIONS:**

The following Resolutions were forwarded by the Council:

**Resolution R12-184:2024**

**Resolution Authorizing and Directing the Borough of Berlin Planning Board to Undertake a Preliminary Investigation to Determine Whether the proposed study area which includes Block 1100, Lots 4,6,7,8,9 and Redevelopment Pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 ET SEQ.)**

**Resolution R12-185:2024**

**Resolution Authorizing and Directing the Borough of Berlin Planning Board to Undertake a Preliminary Investigation to Determine Whether the proposed study area which includes Block 1800, Lots 5, 6, and 9 are to be delineated as an area in need of condemnation redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A.) 40A:12A-1 ET SEQ.)**

Attorney Stuart Platt stated, these were two resolutions in the packets, R12-184-2024 and R12-185-2024, authorizing the planning board to undertake preliminary investigations to determine if certain properties should be designated as areas in need of redevelopment. Resolution R12-184-2024 pertains to a property on Route 73 known as the Land Batista project, which was previously declared an area in need of non-condemnation redevelopment but has not moved forward. Resolution R12-185-2024 is for the old Kmart site, which was part of the borough's affordable housing obligations, but the owner has not taken any action in years. The resolutions were prepared and adopted by the mayor and council in December, with the intent of giving the property owners notice before proceeding with the redevelopment studies. Mr. Platt suggests that the owners receive the resolutions and understand the borough's intentions before authorizing the new planner to undertake the studies and hold public hearings. The deadline for the owners to take action, would be the planning board's February meeting, after which the board would proceed with the studies if no progress is made.

There was previously a big plan for a mixed-use development on the Kmart site by the former owner Armstrong Capital, which went through litigation and a settlement agreement. However, Armstrong Capital never implemented the plan, and the property was later sold, potentially due to bankruptcy or foreclosure. The current private owner needs to be made aware of the situation before the borough proceeds with the redevelopment study.

There was some discussion around clarifying exactly which properties and tax lots were included in the resolutions for the Kmart site area. It seems the resolutions cover the former Kmart building as well as some adjacent parcels like the former Pasta Vino restaurant. The board wanted to ensure the resolutions accurately reflected the intended study area boundaries.

Councilman M. Wilkinson asked if they were given a deadline on how long they have to respond.

Attorney Stuart Platt stated that there is no specific statutory deadline, it is being done as a courtesy. We want to do a little bit more due diligence to make sure they understand what's going on and if they don't get back to us then the planning board is going to move ahead of their February meeting so that would be the deadline. Councilman M. Wilkinson questioned about the old Kmart's plan that was presented in the past? Mr. Platt answered that they had a big commercial and mix-use development plan, and nothing has been heard in years. Mayor R. Miller then stated that it was Armstrong that presented the plan, the new owners haven't officially presented anything.

Mr. Platt stated that Armstrong cap went to court. We had a settlement of the case. They had basically an approved concept plan with mixed use with residential and commercial, and they were going to also take the site and rehabilitate it.

Councilman M. Wilkinson asked if they sold the property or lost it.

Mr. Platt stated that they either lost it, went bankrupt or foreclosure. Mayor R. Miller stated that the bank took it over and sold it to the current owners.

Mr. Platt stated that there's a private owner now, but the private owner needs to understand what's at stake. Before the borough goes and spends a whole lot of money on doing these studies and doing public notice, we want to make sure the owners are aware of the action that we intend to take and give them an opportunity to take some action. They have at least 30 days at this point to go forward. If we get back a report at the February meeting, Mr. Platt suggested that this still be kept on the agenda. If they're not moving in any direction that the mayor and council see appropriate, then we'll move ahead with the study.

Councilman M. Wilkinson then asked if Pasta Vino building is a separate address? Mr. Platt stated that he would have to look at the tax map because he wasn't sure if it is included or not since the block and lots are the same.

Mayor R. Miller stated that the other side has different lots, but he wasn't sure what lots belong to each unit.

Mr. Platt then stated that a address was given as a guidance but the lots and blocks were controlled legally.

Chairman M. McGowan asked if the resolution for 2024 will need to be changed since there is now a new planner?

Mayor R. Miller stated since they were the planner at the time, the resolution shouldn't have to be changed. Attorney Stuart Platt agreed.

Chairman M. McGowan asked if there were any other questions for discussion otherwise table this discussion for next month and hope things move forward.

**ZONING OFFICERS REPORT:**

October, November & December 2024

Chairman M. McGowan then asked if there are any questions or discussions on the zoning reports for October, November & December 2024. No questions asked.

Chairman M. McGowan asked if there were any questions concerning the summary of the land use law for Berlin Borough unified planning and zoning board for 2025. No questions asked.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**CORRESPONDENCE:**

None

**PUBLIC PORTION:**

None

**GOOD OF THE ORDER:**

Mayor R. Miller thanked everyone for serving another year, volunteering and giving back to the community. Mayor R. Miller stated he appreciates it and then he congratulated the professionals.

Mayor R. Miller stated that he saw that the 4th round acceptance was filed with the courts, the 4th round acceptance for the COAH.

Mr. Platt stated yes, and we also filed the legal action to get us into the program. They require legal action from every town in addition to the resolution of the governing body that was filed within 48 hours. We are one of the first towns to file, so we are on our way to the 4<sup>th</sup> round.

**ADJOURNMENT OF REGULAR MEETING: at 7:22pm**

A motion to adjourn the meeting was made by J. Schumacher and seconded by Mayor R. Miller. All in Favor-AYE

Cc: Bill Behnke, Fire Marshall  
Stacey DiVello, Escrow Financial Department  
Al Hallworth, Construction Official  
Michael Bernardins, CTA Tax Assessor