

MARCH 13TH 2012
REGULAR SCHEDULED MEETING
OF THE
PLANNING AND ZONING BOARD

LET THE RECORD REFLECT THE MEETING
WAS HELD AT 135 ROUTE 73 SOUTH.

CHAIRMAN CH. SIMONE OPENED THE MEETING WITH THE OPEN
PUBLIC MEETING STATEMENT, MARCH 13TH, 2012 AT 5:00 PM
FOLLOWED BY THE SALUTE TO THE FLAG.

ROLL CALL MAYOR MAGAZZU P
COUNCIL PRESIDENT MORRIS P
CHAIRMAN SIMONE P
VICE CHAIRMAN MCHENRY A
MR. DEGEORGE ARRIVED AT 5:20 PM
MR. DEPALMA P
MR. BALISKI P
MR. PANTANO P
MR. RIEBEL P
MR. ROWAN P
KELLEY MCCAULEY P

CH. SIMONE FIRST WANTED TO APOLOGIZE FOR HIS APPEARANCE
HE STATED HE JUST CAME FROM WORK. HE INFORMED THE
MEMBER OF THE PUBLIC THAT WE ARE WAITING FOR MR.
DEGEORGE.

RESOLUTION THE FOLLOWING RESOLUTION WAS MEMORIALIZED:

RESOLUTION OF THE BERLIN TWP PLANNING/ZONING BOARD
RECOMMENDING REPEALING ORDINANCES 2010-6 AND 2011-12 AND
ADOPTION BY THE TOWNSHIP OF BERLIN OF PROPOSED
CHANGES TO THE PLANNING/ZONING ORDINANCE REGARDING
PINELANDS AREA SET FORTH ON PROPOSED ORDINANCE 2012-1

A MOTION TO ADOPT THIS RESOLUTION WAS MADE BY CH.
SIMONE AND SECONDED BY MR. PANTANO. THE MOTION WAS
CARRIED OUT BY VOICE VOTE WITH NO ABSTENTIONS.

CH. SIMONE STATED THAT THERE WAS A JOINT MEETING WITH
MAYOR AND COUNCIL, PARTIAL PLANNING BOARD MEMBERS
AND SCHOOL BOARD. HE SAID IT HAS BEEN THE FIRST TIME
EVERYONE HAS BEEN TOGETHER IN A COUPLE OF YEARS.
CHAIRMAN STATED HE LET THE SCHOOL BOARD KNOW HOW
WE FELT ABOUT ALL OF THERE IMPROVEMENTS AND THAT
THERE SHOULD BE MORE DISCUSSIONS AND A JOINT EFFORT
BETWEEN BERLIN TOWNSHIP AND THE SCHOOL BOARD.
CHAIRMAN FELT THAT THE MEETING WAS VERY SUCCESSFUL.

SCHOOL BOARD STATED SOME THINGS THAT THEY WILL BE DOING AROUND THE SCHOOL. CHAIRMAN SIMONE STATED THAT WE OFFERED OUR SERVICES THE PLANNING BOARD AND ENGINEER TO HELP THE SCHOOL WITH PARKING AND PLAY GROUND ACTIVITIES.

POLICE HAD ATTENDED THE MEETING AND SPOKE ABOUT TRAFFIC AND PEDISTRIAN TRAFFIC.

MR. RIEBEL STATED WE ARE APPLYING FOR A SAFE ROUTE TO SCHOOL GRANT WITH THE DOT AND WE ARE ALSO APPLYING FOR A TRAIL CONNECTION GRANT WICH WILL CONNECT THE SCHOOL WITH LUKE AVENUE REACREATION PARK.

CH. SIMONE STATED THAT THEY DISCUSSED SHARDED SERVICES WITH REGARDS TO SNOW PLOWING. CROSSING GUARDS, TRASH ETC.

CH. SIMONE STATED THAT BIG JOHNS OPENED AND IT IS LOCATED IN THE PLAZA WITH SUNDAES' S ICE CREAM. THE OLD BUSINESS WAS IN THERE WAS QUIZNOS. CHAIRMAN STATED THAT HE HAS HEARD ALL GOOD THINGS ABOUT BIG JOHN'S CHEESE STEAKS.

*H20
SAHARA SAMS*

*535 NORTH ROUTE 73
BLOCK 1101, LOT 16 AND
BLOCK 1002, LOT 1.01*

LET THE RECORD REFLECT THAT COUNCIL PRESIDENT MORRIS AND MAYOR MAGAZZU HAVE BOTH RECUSED THEMSELVES FOR THIS APPLICATION.

MR. RIEBEL HAS VISITED THE SITE AND COMPLETED A REVIEW DATED MARCH 12, 2012.

THIS PROPERTY IS LOCATED WITHIN THE C2-I, COMMERCIAL-INDUSTRIAL ZONING DISTRICT AND DOES NOT BORDER ANY RESIDENTIALLY ZONED PROPERTIES. THE EXISTING AND PROPOSED USES HAVE BEEN DETERMINED TO BE PERMITTED UNDER SECTION 129-47.E, AMUSEMENTS. PLEASE NOTE THAT OUTDOOR STORAGE OF ANY KIND IS NOT PERMITTED, WITHIN THE C2-I ZONING DISTRICT.

ATTORNEY BRIAN GUEST CAME FORWARD AND STATED THAT AS FAR AS THE BERLIN PF APPLICATION HE WOULD LIKE TO WITHDRAW AT THIS TIME AND WILL PRESENT AT A LATER DATE.

ATTORNEY BRIAN GUEST WOULD LIKE TO HAVE THE FOLLOWING SWORN IN: ILYA GIRLYA PRINCIPAL OF H2O, GREGORY FUSCO OF KEY ENGINEERS AND SAM GIRLYA CHAIRMAN OF H2O ENTERTAINMENT. ALL WERE SWORN IN BY ATTORNEY DAVID ROWAN.

MR. GUEST BROUGHT ILYA GIRLYA FORWARD TO EXPLAIN THE TUBE SLIDES. MR. GIRLYA EXPLAINED HE WILL BE ADDING ONE BODY SLIDE WITH THE SAME ELEVATIONS AS THE TWO SLIDES THAT CURRENTLY ARE THERE. MR. GIRLYA STATED THAT HE WILL BE ADDING ANOTHER SINGLE SLIDE FOR MORE ATTRACTIONS TO THE FACILITY. THE SLIDE WILL BE A ONE PERSON SLIDE.

THE APPLICANT IS PROPOSING TO ELIMINATE THE THROUGH DRIVE AND A PORTION OF THE PARKING ALONG THE LEFT SIDE OF THE BUILDING AND CONSTRUCT AN ADDITION ALONG THE LEFT SIDE OF THE BUILDING. THE BUILDING ADDITION WILL CONTAIN AN OUTDOOR ENTRY VESTIBULE AND FOOD AND BEVERAGE CONCESSION/RESTROOMS/LOCKERS AND MECHANICAL BUILDING.

THE PROPOSED WATERPARK AREA WILL CONTAIN A GROUP AREA, SPECIAL EVENTS ENTRY, DINING DECK, LOUNGE DECK, CABANAS, WAVE POOL AND SLIDES.

THE APPLICANT WOULD LIKE TO PHASE THE IMPROVEMENTS TO THE SITE. YEAR 2012 - CONSTRUCT BUILDING ADDITION AND RELATED IMPROVEMENTS TO THE PARKING AREA, AND THE ADDITIONAL BODY SLIDES. PART OF YEAR 2012-2013 CONSTRUCT THE WAVE POOL ONLY. 2014 CONSTRUCT THE OUTDOOR SLIDES, TUBES AND RELATED IMPROVEMENTS.

THE APPLICANT IS PROPOSING TO WIDEN THE DRIVE, WHICH IS ALONG THE RIGHT SIDE OF THE BUILDING AND CURRENTLY SERVES AS THE FIRE AND DELIVERY SERVICES LANE.

THE APPLICANT IS PROPOSING TO INCREASE THE EXISTING PATIO AREA, BY ADDING ANOTHER 83 FT BY 20 FT PATIO AREA, WHICH IS ALONG THE RIGHT SIDE OF THE BUILDING. THE SAME FENCE WILL BE INSTALLED AROUND THE EXPANDED PATIO AREA.

THE APPLICANT IS PROPOSING TO ELIMINATE THE EXISTING STORMWATER MANAGEMENT BASIN, WHICH SERVES THE FUTURE FITNESS AND ADJACENT OFFICE/WAREHOUSE CONDOMINIUMS, AND MODIFY THE EXISTING, ON SITE STORM DRAINAGE AND STORMWATER MANAGEMENT FACILITY. THE PLAN DEPICTS A SLOT IN THE WALL OF THE STORM INLET TO RECEIVE THE DISCHARGE FROM THE DRAIN PIPES ON OFFICE/WAREHOUSE CONDO PROPERTY.

THE APPLICANT IS REQUESTING THE FOLLOWING VARIANCES:

- 1. TO ALLOW THE PROPOSED, OUTDOOR WATERSLIDE TO BE 4FT FROM THE NORTH PROPERTY LINE AND 5 FT FROM THE NORTHEAST PROPERTY LINE WHERE A MINIMUM SIDE YARD SETBACK OF 15 FEET IS REQUIRED.*
- 2. TO ALLOW THE HEIGHT OF THE PROPOSED WATER SLIDE TO BE 54.9FT, WHERE A MAXIMUM HEIGHT OF 50 FT IS PERMITTED BY THE ZONING REGULATIONS.*
- 3. TO PERMIT THE CONSTRUCTION OF A TEMPORARY CABANA STRUCTURE TO BE 2 FT FROM THE PROPERTY LINE WHERE A MINIMUM SIDE YARD SETBACK OF 15 FT IS REQUIRED.*
- 4. TO PERMIT AN 8FT HIGH FENCE, WHERE A MAXIMUM HEIGHT OF 6 FT IS PERMITTED BY ZONING REGULATION. THE APPLICANT IS PUTTING A CHAINLINK FENCE WITH GREEN SLATES.*

THE APPLICANT HAS RECEIVED MINOR SUBDIVISION APPROVAL FROM THE PLANNING/ZONING BOARD. IT IS OF THE UNDERSTANDING THAT THE APPLICANT HAS SUBMITTED SURVEY INFORMATION WITH THERE RECENT SUBDIVISION APPLICATION WHICH DEPICTS THE OUTBOUNDS OF THE PROPERTY. THEREFORE, IT IS THE RECOMMENDATION OF MR. RIEBEL THAT THE BOARD CONSIDER WAIVING THE REQUIREMENT FOR THE SUBMISSION OF A CURRENT SURVEY WITH THIS APPLICATION.

THE PLAN HAS BEEN REVISED TO INCLUDE AN ENLARGED GRADING PLAN. THE PLAN MUST BE REVISED TO NOTE THE ELEVATIONS OF THE TOP AND BOTTOM OF THE WALLS FOR THE WAVE POOL AND SLIDE POOL.

THE PLAN DEPICTS THE EXPANSION OF THE REAR PARKING AREA AND THE RECONFIGURATION OF THE PARKING AREA ALONG THE NORTH SIDE OF THE BUILDING. A TOTAL OF 410 PARKING SPACES ARE BEING PROPOSED AS A RESULT OF THE EXPANSION AND RECONFIGURATION.

THE OVERALL MAXIMUM OCCUPANCY OF THE INDOOR AND OUTDOOR FACILIT IS 2400 PATRONS.

CHAIRMAN SIMONE DOES NOT ACCEPT THE WITHDRAW OF THE APPLICATION FOR BERLINPF LLP (FUTURE FITNESS); IT IS HIS

OPINION THAT THE INTERCONNECTING DRIVE IS NEEDED AND FEELS THE BOARD SHOULD WORK WITH APPLICANT.

THE APPLICANT IS WILLING TO KEEP THE INTERCONNECTING DRIVE AS LONG AS HE IS NOT RESPONSIBLE FOR THE REPAIR OR PROPERTY MAINTENANCE ISSUE ON THE ENGINEERS REPORT.

THE APPLICANT EXPLAINED TO THE BOARD WHEN GROUPS ARE BROUGHT TO THE FACILITY BY BUS TRANSPORTATION, IT WAS EXPLAINED THE DROP OFF OF PATRONS AND THE PARKING OF WAITING BUSES. IT WAS STATED THAT WHEN A GROUP IS SCHEDULED THAT AT THE TIME OF CONFIRMATION IT WILL BE STATED TO USE THE COOPER ROAD ENTRANCE.

*OPEN TO
THE PUBLIC*

A MOTION TO OPEN THE MEETING TO THE PUBLIC WAS MADE BY MR. PANTANO AND SECONDED BY MR. DEGEORGE.

*MR. ROBERT ROSENBERG
154 COOPER ROAD
UNIT 1001*

MR. ROSENBERG CAME FORWARD AND STATED THAT HE FEELS SALESS WILL BE AFFECTED OF HIS UNITS IF THIS APPLICATION IS APPROVED. HE QUESTIONED IF THE MANHOLES BACK UP WHO WILL HANDLE THAT? HE FEELS THE WAVE POOL WILL BRING A LOT OF PEOPLE AND PARKING WILL BE AN ISSUE AND NOISE WILL BE AN ISSUE. FEELS THAT THERE IS NO REASON TO GRANT 13 FOOT RELIEF FOR THE POOL.

*STEVEN FRANKEL
154 COOPER ROAD
UNIT 1601, 1602, & 1603*

MR. FRANKEL STATED THAT NOISE IS A BIG CONCERN FOR HIM WITH HAVING AN OUTDOOR POOL. THE PARKING SPACES FOR H2O ARE VERY CLOSE TO HIS FACILITY, SO HE WOULD RATHER SEE A WALL NOT A FENCE.

*NICK NOONAN
154 COOPER ROAD
UNIT 502 & 503*

MR. NOONAN HAD QUESTIONED ABOUT THE NOISE OF THE PUMP FOR THE POOL. QUESTIONED ABOUT THE "PHANTOM PARKING" SPOTS, HE HAS ISSUE CURRENTLY WITH PEOPLE PARKING IN HIS FACILITY. HE FEELS THAT FOOD/DRINKS WILL CAUSE RATS.

*KEVIN RODGERS
154 COOPER ROAD
UNIT 1501, 1502, & 1503*

MR. RODGERS QUESTIONED WHAT WILL THIS LOOK LIKE FROM HIS FACILITY? THE NOISE LEVEL? WHAT ELEVATION WILL THE FENCE SIT AT? HAD QUESTIONED ABOUT THE ADDITIONAL TUBE SLIDES.

*KEN STEILGA
154 COOPER ROAD
UNIT 201,202 & 203*

MR. STEILGA WALKS THIS AREA FREQUENTLY AND FEELS THIS WILL BE AN ADVANTAGE, THIS SITE IS VERY WELL MAINTAINED. DID QUESTION WHO IS THE OWNER OF THE BASIN, FEELS BUFFER AROUND THE BASIN IS A SOUND BARRIER. FEELS THAT THERE SHOULD BE SOME CONSIDERATION TO TREE PLANTINGS TO HELP WITH THE SOUND ISSUE. FEELS THAT THE CUT THROUGH ISSUE BETWEEN H20 AND 154 COOPER RD SHOULD BE ADDRESSED. MR. STEILGA WANTS TO SEE THE FACILITY BUILT BUT DOESN'T WANT THE OWNERS OF 154 COOPER IMPACTED.

*ELIE - LOGIC GROUP
154 COOPER ROAD
UNIT 602 & 603 & 401*

HAS CONCERNS WITH THE NOISE THAT WILL BE GENERATED FROM THE WAVEPOOL. FEELS THAT THE MUSIC THAT WILL BE PLAYING WILL BE AN EMBARRASSMENT, HE IS A MEDICAL DISTRIBUTOR AND HAS PHYSICIANS THAT VISIT HIS FACILITY. HE IS NOT HERE TO CREATE A HARDSHIP BUT IN THE SAME DOES NOT WANT TO SEE ONE CREATED FOR HIM-SELF EITHER. HE WOULD LIKE SOME ASSURANCES THAT THERE WILL BE ADEQUATE BUFFERING AND THE PARKING CUT THROUGH CONTROLLED. QUESTIONED IF THE FENCE WILL HINDER THE REMOVAL OF SNOW.

*JEFF MILLER
154 COOPER ROAD
UNIT 1002 & 1003*

MR. MILLER HAS CONCERNS WITH THE BUFFER BETWEEN HIS PROPERTY AND THE WAVE POOL AND THE NOISE THAT WILL BE GENERATED FROM THE POOL. HE WOULD LIKE TO SEE PLANTINGS AND/OR A WALL. WOULD LIKE TO SEE A FENCE TO STOP THE CARS THAT CUT THROUGH AND PARK AT 154 COOPER AND THEN WALK TO H20.

*HERB SCHRIEBER
154 COOPER ROAD
UNIT 701, 702 & 703*

MR. SCHRIEBER STATED THAT THIS IS A QUIET INDUSTRIAL PARK. ALL THE BUSINESS OWNERS ARE PROFESSIONALS. WATER PARK IS GOING TO BE VERY NOISEY AND WHEN YOU ARE ON THE PHONE THAT NOISE WILL CARRY. WORRIED ABOUT THE PROPERTY VALUES.

*CLOSE TO
THE PUBLIC*

A MOTION TO CLOSE THE MEETING TO THE PUBLIC WAS MADE BY MR. PANTANO AND SECONDED BY MR. DEGEORGE.

MOTION

A MOTION TO APPROVE THIS APPLICATION WAS MADE BY CH. SIMONE AND SECONDED BY MR. DEGEORGE. THIS MOTION WAS CARRIED OUT BY ROLL CALL.

PUBLIC PORTION

A MOTION TO OPEN THE MEETING TO THE PUBLIC WAS MADE BY MR. DEGEORGE AND SECONDED BY MR. PANTANO.

NO ONE IN THE PUBLIC CAME FORWARD, A MOTION TO CLOSE THE MEETING TO THE PUBLIC WAS MADE BY MR. DEGEORGE AND SECONDED BY MR. PANTANO.

ADJOURN

A MOTION TO ADJOURN THE MEETING WAS MADE BY CH. SIMONE AND SECONDED BY MR. DEPALMA. MEETING ADJOURNED AT 8:15 PM.

