

NOVEMBER 26, 2013  
REGULAR SCHEDULED MEETING  
OF THE  
PLANNING AND ZONING BOARD

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

CHAIRMAN

*CH. SIMONE OPENED THE MEETING WITH THE OPEN PUBLIC  
MEETINGS STATEMENT NOVEMBER 26, 2013 AT  
6:30 PM, FOLLOWED BY THE SALUTE TO THE FLAG.*

ROLL CALL

<u>MR. RIEBEL</u>	<u>P</u>
<u>MR. ROWAN</u>	<u>A</u>
<u>Mr. CARLAMERE</u>	<u>P</u>
<u>KELLEY MCCAULEY</u>	<u>P</u>
<u>MAYOR MAGAZZU</u>	<u>P</u>
<u>CH. SIMONE</u>	<u>P</u>
<u>MR. DEPALMA</u>	<u>A</u>
<u>MR. DEGEORGE</u>	<u>A</u>
<u>V. CH. MCHENRY</u>	<u>P</u>
<u>COUNCIL PRESIDENT</u>	
<u>MORRIS</u>	<u>P</u>
<u>MR. PANTANO</u>	<u>P</u>
<u>MR. BALISKI</u>	<u>P</u>
<u>MR. SYKES</u>	<u>P</u>

BRSA

*MINOR SITE PLAN APPLICATION WITH VARIANCES  
219-223 HADDON AVENUE.*

*MR. WARD ATTORNEY FOR THE APPLICANT, RONALD FAUL ARCHITECT  
FOR THE APPLICANT AND MR. BRUCE KARPF IS THE  
OWNER/APPLICANT ALL WERE SWORN IN BY DAVE CARLAMERE.*

*MR. CARLAMERE SUGGESTED THAT THE BOARD CLARIFY THE USE  
IF THE BOARD IS GOING TO TREAT THIS APPLICATION AS AN ICE  
CREAM STORE WHICH IS NOT SPECIFICALLY A PERMITTED USE OR IF  
THE BOARD IS GOING TO CONSIDER IT TO BE "RETAIL" WHICH IS  
PERMITTED IN THE CENTRAL BUSINESS DISTRICT ZONE.*

*WITH SOME DISCUSSION ON HOW THIS APPLICATION SHOULD BE  
TREATED. MR. CARLAMERE STATED THAT A MOTION SHOULD BE MADE  
ADDRESSING THIS APPLICATION AS A PERMITTED RETAIL USE.*

MOTION

*A MOTION TO ADDRESS THIS APPLICATION AS A PERMITTED RETAIL  
USE WAS MADE BY MAYOR MAGAZZU AND SECONDED BY CH. SIMONE.  
THIS MOTION WAS CARRIED OUT BY ROLL.*

*THIS SITE IS LOCATED WITHIN THE CENTRAL BUSINESS DISTRICT AND  
IS LOCATED ALONG HADDON AVENUE AND 561 BETWEEN MCCLELLAN  
AND LESTER AVE. THIS BUILDING IS EXISTING AND IS A 1 ½ STORY  
OFFICE BUILDING, WITH TOTAL FLOOR AREA OF 2241 SQUARE FEET,  
AND A GARAGE. THE PARKING AREA CONTAINS 13 PARKING SPACES,  
STOCKADE WOOD FENCE AND TRASH ENCLOSURE.*

*THE APPLICANT INTENDS TO USE THE FIRST FLOOR FOR THE ICE CREAM BUSINESS. SERVICE WILL BE STRICTLY WALK UP TO THE WINDOW.*

*THE APPLICANT STATED THAT THE HOURS OF OPERATION WILL BE SUNDAY THROUGH THURSDAY 12:00 TO 9:00 AND FRIDAY AND SATURDAY 12:00 TO 10:00.*

*THE CUSTOMER SEATING WILL BE LIMITED TO THE PROPOSED 16 SEATS, WHICH WILL BE LOCATED ON THE PROPOSED DECK. THE APPLICANT STATED THAT THERE WILL NOT BE ANY INDOOR SEATING.*

*THE APPLICANT MUST OBTAIN VARIANCES, FROM THE FOLLOWING ZONING REQUIREMENTS:*

- TO PERMIT THE PARKING AREA TO BE WITHIN THE FRONT YARD.*
- TO PERMIT THE EXISTING DRIVEWAY, ON HADDON AVENUE, RATHER THAN ONLY ON THE REQUIRED SIDE STREET.*
- TO PERMIT THE PARKING AREA TO BE APPROXIMATELY 2.5 FEET FROM THE RESIDENTIAL PROPERTY, ALONG THE REAR OF THE PROPERTY.*
- TO PERMIT THE PARKING AREA TO BE CLOSER TO THE EXISTING EDGE OF THE STREET.*
- TO PERMIT THE DIMENSIONS OF A FEW OF THE PARKING SPACES TO BE LESS THAN THE REQUIRED 9 X 18 AND THE WIDTH OF THE TWO WAY DRIVEWAYS TO BE LESS THAN THE REQUIRED 25 FEET.*
- TO PERMIT THE MANEUVERING OF VEHICLES WITHIN ANY PORTION OF AN ENTRANCE DRIVE THAT IS WITHIN 20 FEET OF THE STREET RIGHT OF WAY LINE.*
- TO PERMIT THE PARKING SPACES TO BE WITHOUT CURB OR BUMPER BLOCKS.*

*SINCE THE DRIVEWAY AT HADDON AVENUE IS NOT WIDE ENOUGH FOR TWO-WAY TRAFFIC, IT WILL BE RESTRICTED TO A ONE WAY ENTRANCE ONLY AND SIGNED ACCORDINGLY. THE WIDTH OF THE DRIVEWAY, ON LESTER AVENUE MUST BE WIDENED TO ACCOMMODATE TWO- WAY TRAFFIC.*

*CONCRETE WHEEL STOPS MUST BE PROVIDED FOR THOSE SPACES WHICH DO NOT CONTAIN STOPS.*

*IT IS RECOMMENDED THAT THE HANDICAPP PARKING SPACE BE MOVED TO THE FRONT OF THE PARKING AREA, CLOSEST TO THE PROPOSED RAMP FOR THE DECK.*

*THE EXISTING WOOD FENCE ALONG A PORTION OF THE REAR PROPERTY LINE, COMMON WITH LOT 7 IS IN NEED OF REPAIR OR REPLACEMENT.*

*THE APPLICANT DID INFORM THE PLANNING BOARD OF THE TYPES, FREQUENCY, TIMES OF THE DAY AND NUMBER OF DELIVERIES TO THE PROPERTY.*

*THE APPLICANT IS REQUESTING WAIVERS OF:*

- *LOADING ZONES.*
- *CURBING ALONG MCCLELLAN AND LESTER AVENUE.*
- *6D OF THE ENGINEERS REPORT (WIDENING OF THE TOWNSHIP STREET RIGHT OF WAY TO 25 FEET)*
- *IRRIGATION*

*THE APPLICANT WILL INSTALL SIDEWALK ALONG LESTER AVENUE SIDE AND MCCLELLAN AVENUE SIDE AND THE BOARD GRANTED A 3 YEAR PERIOD (12-31-2016).*

*THE APPLICANT IS PUTTING WINDOW SIGNS FOR MENUS.*

*OPEN TO  
THE PUBLIC*

*A MOTION TO OPEN THE MEETING TO THE PUBLIC WAS MADE BY MAYOR MAGAZZU AND SECONDED BY MR. PANTANO.*

*MR. BILL HART OR WEST BERLIN CAME FORWARD AND VOICED HIS CONCERNS AND HIS FEELINGS ARE THAT IT WILL CAUSE:*

*LIGHTING ISSUES*

*TRASH ISSUES*

*PARKING ISSUES*

*IMPACT OF CARS SINCE 561 IS ONLY A 2 LANE ROAD.*

*A MOTION TO CLOSE THE MEETING TO THE PUBLIC WAS MADE BY V. CH. MCHENRY AND SECONDED BY MR. SYKES.*

*MOTION*

*A MOTION TO APPROVE THIS APPLICATION WAS MADE BY MAYOR MAGAZZU AND SECONDED BY CH. SIMONE. THIS MOTION WAS CARRIED OUT BY ROLL CALL.*

*INFORMAL*

*RT YALE HOLDINGS, LLC  
138 & 140 HADDON AVENUE AND  
151 HADDON AVENUE*

*JAMES SAPPPIO OF JTS ENGINEERING AND HECTOR BAEZ PROJECT MANAGER BOTH CAME FORWARD INFORMALLY BEFORE THE BOARD.*

*MR. SAPIO STATED THAT THE PROPERTY OWNER MR. RIAN TOFF IS UNABLE TO ATTEND THIS MEETING FOR TRAFFIC REASONS.*

*MR. BAEZ CAME FORWARD TO SUMMARIZE THE TWO PROPERTIES:*

**138 & 140 HADDON AVENUE**

*THE APPLICANT PROPOSES TO IMPROVE BOTH PARCELS SIMULTANEOUSLY AS ONE PROJECT. THE PRIMARY IMPROVEMENTS CONSISTS OF OVERLAYING THE EXISTING COMPACTED GRAVEL/BROKEN ASPHALT PARKING AREA WITH NEW ASPHALT, CURBING, AND STRIPING. THE STRIPING WILL HELP TO PROVIDE MORE EFFECTIVE TRAFFIC CIRCULATION AND DESIGNATE PROPER*

AREAS TO PARK. IN ADDITION THE APPLICANT PROPOSES TO RELOCATE THE EXISTING TRASH ENCLOSURES. THE EXISTING ENCLOSURES ARE CURRENTLY ENCROACHING WITHIN THE TOWNSHIP RIGHT OF WAY AND THIS APPLICATION PROPOSES TO MOVE THE ENCLOSURES WITHIN THE PROPERTY LINES. ANCILLARY LANDSCAPING AND SCREENING IS ALSO PROPOSED THROUGHOUT.

**151 HADDON AVENUE**

THE APPLICANT PRIMARILY PROPOSES TO IMPROVE THIS PARCEL BY OVERLAYING THE EXISTING COMPACTED GRAVEL/BROKEN ASPHALT PARKING AREA WITH NEW ASPHALT, CURBING, AND STRIPING. THE IMPROVEMENTS WILL ALSO RESTRICT VEHICULAR TRAFFIC FROM EXITING ONTO HADDON AVENUE, WHICH IS CONSISTENT WITH THE ORDINANCE AND WILL IMPROVE VEHICULAR CIRCULATION. IN ADDITION, THE APPLICANT PROPOSES TO PROVIDE A TRASH ENCLOSURE AND AN ADA COMPLIANT RAMP TO THE PROPERTY. ANCILLARY LANDSCAPING AND SCREENING IS ALSO PROPOSED THROUGHOUT.

PHYLLIS  
MAGAZZU

SIDE YARD VARIANCE APPLICATION  
FOR PHYLLIS MAGAZZU PROPERTY ADDRESS  
236 GROVE AVENUE.

LET THE RECORD REFLECT THAT JOE PANTANO HAS RECUSED HIMSELF FROM THIS APPLICATION.

PHYLLIS MAGAZZU CAME FORWARD AND WAS SWORN IN BY DAVE CARLAMERE. MRS. MAGAZZU STATED TO THE BOARD THAT SHE IS REQUESTING AN 8 FOOT SIDE YARD VARIANCE FOR THE SOUTH SIDE OF HER PROPERTY. HER PLANS SHOW HER NEEDING A VARIANCE OF 13.3 FT, BUT THE GARAGE MAY BE BUILT A LITTLE LARGER, SO THE NEWSPAPER ADVERTISEMENT AND THE NOTICE TO THE PROPERTY OWNERS STATES AN 8FT SIDE YARD VARIANCE.

CH. SIMONE STATED THAT WITH THIS TYPE APPLICATION THE TWO MOST IMPORTANTS THINGS AND THEY ARE HIS OPINION ONLY ARE ONE TO MAKE SURE THAT THERE IS NO WATER RUNOFF TO THE ADJACENT NEIGHBOR. CH SIMONE STATED THAT AFTER VISITING THIS PROPERTY MRS. MAGAZZU'S PROPERTY DOES SIT 2 – 3 FEET LOWER THEN THE NEIGHBORS PROPERTY AND THE SECOND THING IS EMERGENCY ACCESS AND THE NEIGHBORS PROPERTY SEEMS SET BACK 25FT.

OPEN TO  
THE PUBLIC

A MOTION TO OPEN THE MEETING TO THE PUBLIC WAS MADE BY V. CH. MCHENRY AND SECONDED BY MR. SYKES.

JOE PANTANO  
240 GROVE AVENUE

MR. PANTANO CAME FORWARD AND STATED HE LIVES TWO DOORS DOWN AND IS IN FAVOR OF THIS APPLICATION AND FEELS THAT THIS SIDE YARD VARIANCE SHOULD BE GRANTED AND THAT HE DOES NOT SEE IT IS A DETRIMENT TO THE SURROUNDING NEIGHBORS.

CLOSE TO  
THE PUBLIC

A MOTION TO CLOSE THE MEETING TO THE PUBLIC WAS MADE BY V. CH. MCHENRY AND SECONDED BY CH. SIMONE.

MOTION

A MOTION TO APPROVE THIS APPLICATION WAS MADE BY V. CH. MCHENRY AND SECONDED BY MR. SYKES. THIS MOTION WAS CARRIED OUT BY ROLL CALL, THERE WERE NO ABSTENTIONS.

**ZONING OFFICER**

ROB MARTIN CAME FORWARD AND HAD A QUESTION REGARDING THE ISSUING OF CONTINUED CERTIFICATE OF OCCUPANCY THROUGH THE MERCANTILE PACKETS.

**PUBLIC PORTION**

A MOTION TO OPEN THE MEETING TO THE PUBLIC WAS MADE V. CH. MCHENRY AND SECONDED BY MR. SYKES.

THERE WAS NO ONE IN THE PUBLIC TO COME FORWARD. A MOTION TO CLOSE THE MEETING TO THE PUBLIC WAS MADE BY V. CH. MCHENRY AND SECONDED BY CH. SIMONE.

**RESOLUTIONS:**

**2013-11      *Diggerland Adventure Park  
Cooper Road, Pinedge Drive and  
Pinedge Court.  
Block 2601, Lot 1 & 5***

***Resolution of the Berlin Township Planning/Zoning Board  
Granting Preliminary Final Major Site Plan with Variances.  
The resolution was carried out by roll call and there were abstentions  
Made by Council President Morris, V.Ch. McHenry and Mr. Sykes.***

**2013-12      *Noonan Industries, LLC  
444 Commerce Lane  
Block 2301, Lot 27***

***Resolution of the Berlin Township Planning/Zoning Board  
Granting Preliminary Final Site Plan. The resolution was carried out  
By roll call with an abstention made by Mr. Sykes.***

VACATION

A MOTION CONCERNING AND RECOMMENDING TO MAYOR AND COUNCIL THE VACATION OF PINEDGE COURT WAS MADE BY CH. SIMONE AND SECONDED BY V. CH. MCHENRY AND LET THE RECORD REFLECT THAT AN ABSTENTION WAS MADE BY COUNCIL PRESIDENT MORRIS.

**ADJOURNMENT**

A MOTION TO ADJOURN THE MEETING WAS MADE BY MR. PANTANO AND SECONDED BY MR. SYKES THE MEETING ADJOURNED AT 9:30 PM.

