

MAY 10, 2011
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 MAY 10, 2011 AT 6:30 PM
FOLLOWED BY THE SALUTE TO THE FLAG.**

ROLL CALL

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| MR. RIEBEL | P |
| MR. ROWAN | P |
| KELLEY MCCAULEY | P |
| MAYOR MAGAZZU | P |
| CH. SIMONE | P |
| MR. DEPALMA | P |
| MR. DEGEORGE | P |
| V. CH. MCHENRY | P |
| COUNCIL PRESIDENT | |
| MORRIS | P |
| MR. PANTANO | P |
| MR. EPIFANIO | P |

SHELL GAS STATION

**YASHRAJ SHABD OF THE SHELL GAS STATION LOCATED AT
594 ROUTE 73 SOUTH, WEST BERLIN, BLOCK 1001, LOT 5.01**

**MR. ROBERT BORBIE THE ATTORNEY FOR THIS APPLICATION, ALONG
WITH MR .SHABD OWNER OF THE SHELL STATION AND MR. JOHN
CHARNIK REPRESENTATIVE OF ALLIED PROPANE. ALL CAME
FORWARD AND WERE SWORN IN BY MR. DAVE ROWAN.**

**THE EXISTING GASOLINE SERVICE STATION AND CAR WASH ARE NOT A
SPECIFIC PERMITTED USE WITH THIS ZONE OF C-1. THIS IS A PRE-
EXISTING NON-CONFORMING USE. THE USE IS NOT A PROHIBITED
USE , IT IS AN ANCILLARY USE TO THE GAS STATION.**

**MR. BORBIE BROUGHT MR. CHARNICK FORWARD TO TESTIFY ON
BEHALF OF THIS APPLICATION. MR. CHARNICK EXPLAINED HE
WORKS FOR ALLIED PROPANE, A COMPANY THAT MARKETS PROPANE
AND LIQUEFIED PRODUCTS. HE ALSO EXPLAINED THAT WITH
RESPECT TO THE INSTALLING OF THE PROPANE TANKS, THAT THIS
PROCESS IS REGULATED BY THE STATE OF NEW JERSEY. THE STATE
DOES REQUIRE THAT YOU GET ZONING APPROVAL BY THE TOWNSHIP.
MR. CHARNICK STATED THAT THE STATE HAS ALREADY GIVEN THERE
APPROVAL AS PER THE PLANS THAT WERE GIVEN TO THE BOARD
MEMBERS FOR THERE REVIEW.**

**MR. CHARNICK EXPLAINED THAT THE PROPANE TANKS WILL BE
PLACED IN A 10 X 30 ENCLOSURE WITH FENCING. THE TANK WILL BE
SITTING ON A DIRT FLOOR. THE BOARD MEMBERS QUESTIONS WHY
NOT A CONCRETE SLAB.**

MR. BORBIE WENT THROUGH THE ENGINEERS REPORT DATED MARCH 16, 2011. IN MR. RIEBELS REPORT ITEM 4A HE MENTIONS THAT THE PROPOSED TANK COMPOUND IS LOCATED ON A SLOPE WITH A VERTICAL DIFFERENCE IN ELEVATION. MR. CHARNICK STATED THAT THEY LEVEL THE GROUND WHEN THE COMPOUND IS BEING SET. HE WILL SUBMIT A REVISED PLAN SHOWING HOW THE SLOP WILL BE FILLED IN.

MR. RIEBEL STATED THAT THE PLAN NOTES THAT THE COMPOUND IS SURROUNDED BY A SIX FEET HIGH CHAIN LINK FENCE. MR. RIEBEL RECOMMENDS THAT THE FENCE FABRIC BE BLACK VINYL COATED. THE APPLICANT AGREED TO THIS COMMENT.

MR. RIEBEL COMMENTED THAT THE LOW GROWING LANDSCAPING BE PLANTED AROUND THE OUTSIDE OF THE FENCE TO ENHANCE THE VIEW OF THE ENCLOSURE. THE APPLICANT AGREED TO THIS COMMENT.

MR. RIEBEL RECOMMENDED THAT THE DEAD TREE NEAR THE SITE LIGHT BE REPLACED WITH A WHITE PINE. THE APPLICANT AGREES WITH THIS COMMENT.

MR. RIEBEL HAD COMMENTED THAT THE WOOD PANEL, BLANK FACED SIGN BE REMOVED, AT THE CAR WASH EXIT DRIVE AS IT APPEARS TO BE ABANDONED. THE APPLICANT AGREES WITH THIS COMMENT.

WITH MUCH DISCUSSION REGARDING THE FLOOR OF THE PROPANE BEING DIRT, THE BOARD MEMBERS WOULD PREFER TO SEE A 10 X 30 CONCRETE PAD AND A CONCRETE SERVICE WALK INSTEAD OF STONE. THE APPLICANT HAS AGREED TO THIS COMMENT.

THE APPLICANT STATED THAT THERE WILL NOT BE ANY REFILLS AFTER 6:00 PM. HE ALSO STATED THAT THE FILLING STATIONS ARE INSPECTED ONCE A YEAR.

*OPEN AND CLOSE
TO THE PUBLIC*

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

MR. JOE CORNFORTH CAME FORWARD AND STATED THAT YES HE HAD MADE AND INITIAL INSPECTION OF THE SITE. THE TRASH HAS BEEN CLEANED UP AT THE PROPERTY. HE STATED THAT HE WILL BE MONITORING IF THE TANKS ARE LEFT INSIDE THE CAGE, HE DOESN'T WANT TO SEE ANY OF THAT OR ANY LYING DOWN ON THE GROUND. HE ALSO HAD A CONCERN WITH THE GROUND BEING LEVEL BUT THE CONCERN WAS ADDRESS BY THE BOARD AND A CONCRETE SLAB IS BEING INSTALLED.

*CLOSE TO THE
PUBLIC*

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

MOTION

A MOTION TO APPROVE THIS EXPANSION OF A NON-CONFORMING USE AND MINOR SITE PLAN APPLICATION ALONG WITH THE COMMENTS AND RECOMMENDATIONS MADE IN THE ENGINEERS REPORT DATED MARCH 16, 2011, ALONG WITH A 10 X 30 CONCRETE SLAB AND SERVICE WALK. THE MOTION WAS MADE BY MR. DEGEORGE AND SECONDED BY MR. PANTANO. THE MOTION WAS CARRIED OUT BY ROLL CALL.

*GARDEN STATE
AIKIDO*

*COOPER RUN EXECUTIVE PARK – 575 ROUTE 73 NORTH
UNIT A2, BLOCK 1002, LOT 6.*

MR. ANDY WRIGHT ALONG WITH HIS ATTORNEY HELEN LEONE CAME FORWARD TO PRESENT THIS APPLICATION BEFORE THE BOARD.

THE APPLICANT IS PROPOSING A MARTIAL ARTS STUDIO WITHIN UNIT # 2 IN BUILDING A OF COPPER RUN EXECUTIVE PARK.

THERE IS APPROXIMATELY 2450 SQUARE FEET OVERALL FLOOR AREA FOR THE UNIT. THE UNIT IS DIRECTLY BEHIND BEST FRIENDS PET FACILITY.

THIS PROPERTY IS LOCATED IN THE C-2 COMMERCIAL ZONE. THE PROPOSED USE IS NOT SPECIFICALLY PERMITTED WITHIN THE ZONING DISTRICT. THEREFORE, THE APPLICANT MUST OBTAIN A USE VARIANCE TO PERMIT THE PROPOSED MARTIAL ARTS STUDIO.

THE BOARD DID DISCUSS THE ENGINEERS REPORT DATED MAY 3, 2011 WITH THE APPLICANT. THE BOARD DISCUSSED THAT THERE IS NO HANDICAP PARKING SPACES FOR THIS BUILDING, THERE IS NO TRASH ENCLOSURE, DISCUSSED IF THE SITE LIGHTING WAS ADEQUATE ENOUGH.

THE APPLICANT STATED THAT THE HOURS OF OPERATION DURING THE WEEK WILL BE 7:00 AM UNTIL 9:30 PM, THE WEEKEND 9:00 AM UNTIL NOON. STATED THAT HE WILL HAVE 10 TO 15 STUDENTS AT THE MAXIMUM WITH ONE INSTRUCTOR. HE STATED HE HAS 18 SPACES IN THE FRONT OF HIS BUILDING AND 11 SPACES ON THE SIDE OF HIS BUILDING.

*OPEN AND CLOSE
TO THE PUBLIC*

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

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

MOTION

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

INFORMAL

ANTHONY PINTO

IN FORMAL HEARING FOR ANTHONY PINTO REGARDING THE PROPERTY FOR LOCATED AT 330 RT 73 NORTH.

MR. PINTO CAME FORWARD ALONG WITH HIS ENGINEER BRIAN PETERMANN OF PERTMANN AND MAXI.

MR. PINTO STATED THAT HE OWNS AN AT & T WIRELESS STORE AND HE WILL BE MOVING HIS BUSINESS TO THIS SITE AND WILL LEASE OUT TO ONE PROFESSIONAL RETAIL BUSINESS IN THE SECOND UNIT AND HE WILL USE THE THIRD UNIT FOR WAREHOUSE AND STORAGE.

HE EXPLAINED TO THE BOARD THAT HE WILL BE CREATING A NEW FAÇADE, NEW SITE LIGHTING AND FAÇADE LIGHTING. THE LOOK WILL BE EARTH TONES WITH A SOFTER LOOK . THE PARKING IN THE FRONT WILL BE APPROXIMATELY 9 PARKING SPACES AND EMPLOYESS PARKING WILL BE IN THE REAR.

APPLICANT STATED THAT THEY WILL BACK BEFORE THE BOARD ON THE MAY 24TH AGENDA FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL.

PUBLIC PORTION

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

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

ZONING OFFICER

NOTHING TO REPORT

RESOLUTION

THE FOLLOWING RESOLUTIONS WERE MEMORIALIZED:

2011-17

Applicant-John Longo

311 Harrison Avenue
West Berlin, NJ 08091
Block 811, Lot 1.05

Planning and Zoning Board granted a variance for rear yard setback.

2011-18

Applicant- Magima

157 Cooper Road
West Berlin, NJ 08091
Block 2502, Lot 7.02

Planning and Zoning Board granted amended site plan with waivers.

ADJOURNMENT

A MOTION TO ADJOURN THE MEETING WAS MADE BY V. CH. MCHENRY AND SECONDED BY MR. DEGEORGE. THE MEETING ADJOURNED AT 8:00 PM.

