

**OCTOBER 25<sup>TH</sup>, 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**

**V. CH. MCHENRY OPENED THE MEETING WITH THE OPEN  
PUBLIC MEETINGS STATEMENT OCTOBER 25<sup>TH</sup>, 2011 AT 6:30 PM  
FOLLOWED BY THE SALUTE TO THE FLAG.**

**ROLL CALL**

MR. RIEBEL	P
MR. CARLAMERE	P
KELLEY MCCAULEY	P
MAYOR MAGAZZU	P
CH. SIMONE	A
MR. DEPALMA	P
MR. DEGEORGE	P
V. CH. MCHENRY	P
COUNCIL PRESIDENT	
MORRIS	ARRIVED @ 7:02
MR. PANTANO	P
MR. EPIFANIO	P
MR. BALISKI	P

**HJ PETROLEUM**

**SUNOCO SERVICE STATION  
398 ROUTE 73, BLOCK 820, LOT 2**

**ATTORNEY ROBERT BORBIE CAME FORWARD ALONG WITH HIS  
APPLICANT RAJENDER BAJWA, WHO WAS SWORN IN BY MR. COSTA, A  
CONFLICT ATTORNEY FOR THIS APPLICATION.**

**THE APPLICANT IS PROPOSING TO CONVERT AN EXISTING BELOW  
GROUND FUEL STORAGE TANK FROM THE STORAGE OF GASOLINE TO  
DIESEL FUEL. INSTALL A NEW VENT LINE AND RISER PIPE, NEXT TO  
THE EXISTING RISER PIPE ALONG THE REAR OF THE PROPERTY, FOR  
THE DIESEL STORAGE TANK.**

**INSTALL A BLENDING 4GRADE GASOLINE DISPENSER AND A DIESEL  
FUEL DISPENSER, EACH ON SEPARATE CONCRETE ISLANDS.**

**APPLICANT IS ALSO PROPOSING ELECTRICAL WORK AND PAVEMENT  
RESTORATION FOR ALL PIPES; CONDUIT AND FUEL DISPENSER  
ISLAND.**

**MR. BORBIE STATED HE FEELS THIS APPLICATION IS A CONDITIONAL  
USE, BUT, MR. RIEBEL IS STILL QUESTIONING IF THE APPLICANT MUST  
OBTAIN A USE VARIANCE.**

**MR. COSTA (CONFLICT ATTORNEY) STATED THAT PER THE  
ORDINANCE A GAS STATION IS NOT A PERMITTED USE, THEREFORE IT  
WOULD BE HIS RECOMMENDATION TO THE BOARD THAT THIS**

*APPLICATION SHOULD BE TREATED AS AN EXPANSION OF A NON-CONFORMING USE.*

*MR. BORBIE STATED THAT THE APPLICANT WILL PROVIDE A COPY OF THE REFERENCED SURVEY AND DEED.*

*THE APPLICANT WILL REVISE THE PLAN TO DEPICT THE SITE TRIANGLE EASEMENTS AT THE STREET CORNERS.*

*A VARIANCE IS BEING REQUESTED FOR THE PROPOSED DOUBLE STACKED PARKING SPACES, ALONG THE LEFT SIDE OF THE BUILDING.*

*A TRASH ENCLOSURE AND RESPECTIVE DETAIL HAVE BEEN ADDED TO THE PLAN, THE PLAN MUST BE REVISED TO NOTE A STEEL FRAME, RATHER THAN A WOODEN FRAME FOR THE GATES. THE APPLICANT IS REQUESTING A FRONT YARD SETBACK VARIANCE FOR THE PROPOSED TRASH ENCLOSURE, SINCE IT IS LOCATED WITHIN THE FRONT ALONG BLAINE AVENUE. MR. RIEBEL RECOMMENDS THAT LANDSCAPING BE PLACED AROUND THE ENCLOSURE FOR SCREENING.*

*THE APPLICANT WAS PROPOSING TO REMOVE THE AIR PUMP TOWER. THE BOARD STATED WE HAVE AN ORDINANCE IN TOWN THAT ALL GAS STATIONS ARE TO PROVIDE AN OPERATING AIR PUMP TO CUSTOMERS FREE OF CHARGE, SO THE AIR WILL NEED TO REMAIN.*

*MR. RIEBEL QUESTIONED WHAT IS THE STATUS OF THE GROUNDWATER MONITORING AND THE NJDEP CLEARANCE FOR REMEDIATION? MR. BORBIE WILL PROVIDE AN ANSWER.*

*OPEN AND CLOSE TO THE PUBLIC*

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

*THERE WAS NO ONE IN THE PUBLIC TO COME FORWARD, A MOTION TO CLOSE THE MEETING TO THE PUBLIC WAS MADE BY MAYOR MAGAZZU AND SECONDED BY MR. PANTANO.*

*MOTION*

*A MOTION TO APPROVE THE USE VARIANCE WAS MADE BY MR. DEGEORGE AND SECONDED BY MR. EPIFANIO. THIS MOTION WAS CARRIED OUT BY ROLL CALL.*

*A MOTION TO APPROVE THE AMENDED SITE PLAN WAS MADE BY MR. DEGEORGE AND SECONDED BY MR. PANTANO. THE MOTION WAS CARRIED OUT BY ROLL CALL.*

*SAHARA SAMS*

*MINOR SUBDIVISION APPLICATION WITH FUTURE FITNESS LOCATED AT 545-549 ROUTE 73 NORTH, BLOCK 1002, and LOT 1.01.*

*MR. BRIAN GUEST CAME FORWARD ALONG WITH ILYA GIRLYA, PRESIDENT OF SAHARA SAMS OASIS AND MR. ROBERT SCOTT SMITH OF KEY ENGINEERS. BOTH WERE SWORN IN BEFORE MR. DAVE CARLAMERE.*

*THE APPLICANT IS PROPOSING TO SUBDIVIDE THE CURRENT FUTURE FITNESS LOT INTO TWO LOTS. THE SUBDIVIDED LOT, WHICH*

*CONTAINS THE STORM WATER BASIN FOR THE FUTURE FITNESS WILL BE CONSOLIDATED WITH SAHARA SAMS LOT .*

*THE APPLICANT HAS SUBMITTED AN AFFIDAVIT OF OWNERSHIP, WHICH NOTES THAT THE OWNER OF FUTURE FITNESS HAS AUTHORIZED THE SUBMISSION OF THE SUBDIVISION APPLICATION. THE OWNER MR. MORGENSTREN CAME FORWARD AND GAVE HIS CONSENT.*

*THE APPLICANT HAS AGREED TO CLEAN UP THE BASIN WANTS IT IS ACQUIRED AND WILL HAVE IT FUNCTIONING AS IT SHOULD BE.*

*MR. RIEBEL DID STATE IN HIS REPORT THAT THE PLAN SHOULD BE REVISED TO DEPICT THE DISTANCE FROM THE BACK OF THE EXISTING CONCRETE CURBING TO THE PROPOSED SUBDIVISION LINE TO ENSURE THAT THE IMPROVEMENTS WILL BE ON THE PROPOSED FUTURE FITNESS LOT.*

*MR. RIEBEL STATED IN HIS REPORT THAT THERE ARE FALLEN TREES, WITHIN THE WOODED AREA ALONG SAHARA SAMS PROPERTY. MR. RIEBEL RECOMMENDS THAT THE FALLEN TREES NEED TO BE REMOVED AND ALL DEBRIS BE REMOVED.*

*THE APPLICANT NEEDS TO OBTAIN A SUBDIVISION APPROVAL, OR WAIVER/EXEMPTION FROM THE CAMDEN COUNTY PLANNING BOARD AND SUBMIT.*

*THE APPLICANT DOES AGREE TO FILE THE SUBDIVISION WITH THE CAMDEN COUNTY CLERKS OFFICE ALONG WITH THE CONSOLIDATION DEED.*

*THE BOARD AND THE APPLICANT HAVE DISCUSSED THE EASEMENTS REGARDING THIS PROPERTY. ONE IS FOR THE UTILITY EASEMENT AND THERE ARE 2 DRAINAGE EASEMENTS.*

*OPEN AND CLOSE  
TO THE PUBLIC*

*A MOTION TO OPEN THE MEETING TO THE PUBLIC WAS MADE BY MR. DEGEORGE AND SECONDED BY COUNCIL PRESIDENT MORRIS.*

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

*MOTION*

*A MOTION TO APPROVE THIS SUBDIVISION APPLICATION WAS MADE BY MR. PANTANO AND SECONDED BY MR. EPIFANIO. THE MOTION WAS CARRIED OUT BY ROLL CALL WITH AN ABSTENTION MADE BY COUNCIL PRESIDENT MORRIS.*

*SAHARA SAMS*

*SITE PLAN APPLICATION AND USE VARIANCE  
535 ROUTE 73 NORTH  
BLOCK 1101, LOT 16*

*MR. BRIAN GUEST THE ATTORNEY FOR THIS APPLICATION, ALONG WITH ILYA GIRLYA THE PRESIDENT OF SAHARA SAMS OASIS, YAN*

*GIRLYA SAMBI CONSTRUCTION, STEVEN TAYLOR OF GREEN ENERGY AND MIKE AVALA WHO IS THE SITE ENGINEER ALL WERE SWORN IN.*

*MR. ANDY COHEN CAME FORWARD ON BEHALF OF RESINTECH REGARDING THE COMPLETENESS OF THIS APPLICATION. BRIAN PETERMAN CAME FORWARD ON BEHALF OF RESINTECH OBJECTING THAT THE PLANS ARE NOT SUFFICIENT ENOUGH. MR. COHEN WOULD LIKE TO STATE THAT HE DOES NOT HAVE AN OBJECTION WITH THE USE.*

*MR. RIEBEL COMMENTED THAT HE HAD SOME QUESTIONS WITH THE APPLICATION AND HAD MEET WITH THE APPLICANT AND FEELS THAT THE THEY ARE FULLY PREPARED TO PRESENT THIS APPLICATION.*

*MR. CARLAMERE ASKED THE MEMBERS OF THE BOARD IF THEY FEEL THAT THE PLANS THEY HAVE BEEN SUBMITTED, CAN THEY COMPETENTLY RENDER A DECISION AT THE END OF THIS APPLICATION. WITH NO OPPOSITION FROM ANY BOARD MEMBER THE APPLICATION WILL CONTINUE. MR. COHEN WILL WAIT UNTIL THE PUBLIC PORTION TO STATE HIS ARGUMENT.*

*THE APPLICANT IS REQUESTING AMENDED SITE PLAN APPROVAL FOR INSTALLATION OF RAISED SOLAR PANEL CANOPIES OF THE EXISTING AND PROPOSED PARKING AREAS.*

*THIS LOT IS LOCATED WITHIN THE C2 ZONE. THE SOLAR FIELD IS NOT A PERMITTED USE WITHIN THIS ZONING DISTRICT. MR. GUEST WOULD LIKE TO ADDRESS THE USE VARIANCE ISSUE FIRST. MR. CARLAMERE DID STATE THAT PUBLIC LAW 2009 HAS DEFINED SOLAR FACILITIES AS AN INHERENTLY BENEFICIAL USE.*

*MR. RIEBEL DOES RECOMMEND THAT THE APPLICANT PROVIDE THE BOARD WITH THE EXACT DIMENSIONS AND CONSTRUCTION DETAILS FOR THE SOLAR PANELS.*

*THE APPLICANT IS REQUESTING A SIDE YARD SETBACK VARIANCE TO PERMIT A SIDE YARD SETBACK VARIANCE TO PERMIT A SIDE YARD SETBACK OF 1.09 TO 1.78 FEET RATHER THEN THE REQUIRED 15 FOOT SETBACK. THE APPLICANT IS ALSO REQUESTING SIDE YARD SETBACK VARIANCE OF 11.28 AND 12.33. I RECOMMEND THAT THE TREES BE DEPICTED ON THE PLAN TO ENSURE THAT THE PANELS WILL NOT CONFLICT WITH THE TREES IN THE PRESENT AND IN THE FUTURE AS THEY MATURE. THERE IS A WOODED AREA, OF WHICH A PORTION WILL BE REMOVED TO ALLOW FOR THE PLACEMENT OF THE PANELS.*

*MR. RIEBEL WOULD LIKE THE APPLICANT TO SUBMIT DETAILS FOR THE PROPOSED SOLAR PANELS AND SUPPORTING STRUCTURES. MR. RIEBEL WAS UNABLE TO LOCATE THE PROPOSED INVERTERS, ON THE PLAN. HE RECOMMENDS THE PLAN BE REVISED TO DEPICT THE LOCATION DETAILS FOR THIS EQUIPMENT AND THE HEIGHT DETAIL.*

*STEVE TAYLOR FROM GREEN ENERGY INFORMED THE BOARD THAT THE NOISE LEVEL GENERATED FROM THIS EQUIPMENT IS NOT MORE THAN A HUM. HE STATED THAT YOU WILL HEAR ROUTE 73 OVER THE GENERATOR.*

THE ATTORNEY ENTERED 9 EXHIBITS TO THE BOARD AND MR. CARLAMERE PLACED A COPY ON THE TABLE IF THE PUBLIC WISHED TO REVIEW.

**OPEN AND CLOSE  
THE PUBLIC**

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

THERE WAS NO ONE IN THE PUBLIC TO COME FORWARD, MR. ANDY COHEN DEFERS AT THIS TIME HAS NO ISSUE WITH THE USE, A MOTION TO CLOSE THE MEETING TO THE PUBLIC WAS MADE BY MR. DEGEORGE AND SECONDED BY MR. PANTANO.

**MOTION**

A MOTION TO APPROVE THE USE VARIANCE PORTION OF THE APPLICATION WAS MADE BY MR. DEGEORGE AND SECONDED BY MR. PANTANO. THE MOTION WAS CARRIED OUT BY ROLL CALL.

**OPEN TO THE PUBLIC**

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

MR. ANDY COHEN CAME FORWARD AND WANTED TO RENEW ON RECORD HIS OBJECTION TOWARDS THIS APPLICATION. A NUMBER OF EXHIBITS WERE SUBMITTED TONIGHT AND HE DID NOT HAVE THE OPPORTUNITY TO REVIEW. MR. COHEN FEELS THIS APPLICATION SHOULD NOT HAVE BEEN HEARD AND SHOULD HAVE BEEN CONTINUED TO ANOTHER MEETING WHEN IT WAS COMPLETE.

MR. COHEN CALLED MR. BRIAN PETERMAN OR PETERMAN AND MAXI AS A WITNESS IN LAND DEVELOPMENT. MR. PETERMAN FELT THAT HE DID NOT HAD THE OPPORTUNITY TO REAL THE EXHIBITS THAT HAVE BEEN DISTRIBUTED, IT IS VERY DIFFICULT TO LISTEN TO THE TESTIMONY THAT IS BEING GIVEN AND REVIEW SUBMISSIONS AT THE SAME TIME, FEELS THAT IS UNFAIR TO ALL. MR. PETERMAN HAD REVIEWED THE APPLICATION AND THE PLANS THAT HAD BEEN SUBMITTED BEFORE TONIGHT'S MEETING, THE APPLICATION REFERS TO SOLAR IN THE PARKING LOT AND ROOF TOP INSTALLATION AND THERE WERE NO PLANS ON FILE FOR THE ROOF TOP INSTALLATION. MR. PETERMAN IS CONCERNED WITH THE HEALTH, WELFARE AND SAFETY ISSUES; HE WOULD JUST LIKE TO SEE THE SAME CONSISTENCY OF PREVIOUS APPLICANTS.

**MOTION**

A MOTION TO APPROVE THE SITE PLAN PORTION OF THIS APPLICATION WAS MADE BY MR. DEGEORGE AND SECONDED BY MAYOR MAGAZZU. THIS MOTION WAS CARRIED OUT BY ROLL CALL WITH AND ABSTENTION MADE BY MR. BALISKI AND COUNCIL PRESIDENT MORRIS.

**PUBLIC PORTION**

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

THERE WAS NO ONE IN THE PUBLIC TO COME FORWARD. A MOTION TO CLOSE THE MEETING TO THE PUBLIC WAS MADE BY MAYOR MAGAZZU AND SECONDED BY MR. EPIFANIO.

**ZONING OFFICER**

NOTHING TO REPORT

**RESOLUTION**

*THE FOLLOWING RESOLUTIONS WERE MEMORIALIZED:*

**2011-25      RESINTECH Realty Associates  
160 Cooper Road  
West Berlin, NJ 08091**

***BERLIN TOWNSHIP PLANNING AND ZONING BOARD GRANTED THE APPROVAL FOR AN AMENDED SITE PLAN WITH THE EXPANSION OF A USE VARIANCE.***

**ADJOURNMENT**

***A MOTION TO ADJOURN THE MEETING WAS MADE BY MAYOR MAGAZZU AND SECONDED BY MR. EPIFANIO. THE MEETING ADJOURNED AT 9:00 PM.***