

**MARCH 22, 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**

**MR. MCHENRY OPENED THE MEETING WITH THE OPEN  
PUBLIC MEETINGS STATEMENT MARCH 22, 2011 AT 5:00 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	A
MR. DEGEORGE	P
V. CH. MCHENRY	P
COUNCIL PRESIDENT	
MORRIS	P
MR. PANTANO	P
MR. EPIFANIO	P

**HOV-BROS  
BERLIN LLC**

**SITE PLAN AMENDMENT  
751 TAUNTON AVENUE  
BLOCK 2404, LOT 44 AND  
TAUNTON AND PIEDMONT  
BLOCK 2401, LOT 54**

**MITCHELL GRAYSON ATTORNEY FOR THE APPLICANT, JAMES  
MADDONNI ENGINEER AND JEFF GOODWIN FROM HOV-BROS ALL  
CAME FORWARD AND WERE SWORN IN BY DAVE CARLAMERE.**

**MR. GRAYSON STATED THAT HE IS BEFORE THE BOARD TONIGHT  
SEEKING AMENDMENTS TO THE FINAL SITE PLAN. THE FIRST BEING  
THE REVISION TO THE RETENTION BASIN; THE N.J.D.E.P. FOUND SOME  
SWAMP PINK ABOUT 500 FEET FROM THIS PROJECT AND ASKED THE  
DEVELOPER TO REVISE THE BASIN TO ACCOMMODATE THE SWAMP  
PINK. THAT WILL REQUIRE THE OUTLET TO BE RAISED 17 INCHES  
AND AT THE SAME TIME RATHER THEN PLANTING GRASS THEY  
FIGURED THEY WILL PLANT WILD FLOWERS WHICH WILL SAVE THE  
RESIDENTS ABOUT 20,000 A YEAR. MR. GRAYSON STATED THAT THE  
N.J.D.E.P. HAD NO OBJECTION TO THE PLANTING OF WILD FLOWERS  
VERSUS GRASS, PLUS IT WILL SAVE THE RESIDENTS MONEY AND WILL  
LOOK NICE.**

**MR. MADDONNI CAME FORWARD AND EXPLAINED TO THE BOARD  
MEMBERS IN GREAT DETAIL WHAT THE APPLICANT PLANNED TO DO  
WITH THE BASIN.**

*MR. JIM ERICKSON – 24 RADIX ROAD WILLIAMSTOWN, NJ  
CAME FORWARD AND WAS SWORN IN BY MR. CARLAMERE.  
HE EXPLAINED THE MAINTENANCE OF THE BASIN. THE  
MAINTENANCE WILL BE INCORPORATED INTO THE STORM WATER  
MAINTENANCE PLAN.*

*THE APPLICANT IS REQUESTING A WAIVER FROM THE REQUIREMENT  
FOR THE TRASH ENCLOSURE AT THE CLUBHOUSE. THE APPLICANTS  
ATTORNEY HAD NOTED THAT A DUMPSTER IS NOT NEEDED AS TRASH  
HAS NEVER BEEN AN ISSUE AND IS MINIMAL. THE TRASH CANS WILL  
BE INSTALLED IN THE CABANA BUILDING UNTIL DISPOSAL. THE  
ATTORNEY HAS ALSO NOTED THAT THE TRASH AND RECYCLABLES  
WILL BE PLACED IN TRASH CANS.*

*MR. JEFF GOODWIN CAME FORWARD AND SPOKE ABOUT THE WAIVER  
OF THE TRASH ENCLOSURE AND SHOWED THE BOARD A PICTURE OF  
THE CABANA WHERE THEY WOULD LIKE THE TRASH TO BE STORED.  
THERE ARE ALREADY ABOUT 6 OR 8 TRASH CANS IN THIS BUILDING.  
THE MAINTENANCE COMPANY WILL REMOVE TRASH AS NEEDED  
CURRENTLY IT IS BEING PROPOSED TO BE ONCE A WEEK.*

*OPEN TO THE  
PUBLIC*

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

*JAMES DISPAGNO  
106 PIEDMONT BLVD  
WEST BERLIN*

*MR. DISPAGNO CAME FORWARD AND STATED TO THE BOARD HE IS A  
CURRENT RESIDENT AND CHAIR OF THE MAINTENANCE COMMITTEE.  
REGARDING THE RETENTION/DETENTION BASIN THE COMMUNITY IS  
100% BEHIND THIS APPLICATION. WILDFLOWER PLANTINGS  
INCREASES THE WATER PERCOLATION DURING AND AFTER A RAIN.  
THIS WILL BE VERY COST EFFECTIVE, THIS IS A 55 PLUS COMMUNITY  
AND SOME PEOPLE ARE ON FIXED INCOMES AND EVERYTHING GOES  
UP EXCEPT THE FIXED INCOME. PLUS THE WILDFLOWERS WILL ADD  
COLOR. AS FAR AS THE DUMPSTER, THEY ARE UNSIGHTLY AND  
ATTRACT ANIMALS. YOU WILL GET RESIDENT AND NON-RESIDENTS  
USING THEM FOR THE WRONG PURPOSE BECAUSE THEY CAN NOT BE  
COVERED COMPLETELY.*

*BARBARA CUBITT  
362 THURMAN AVENUE  
WEST BERLIN*

*VERY CONCERNED WE ALREADY HAVE WATER ISSUES IN BERLIN  
TOWNSHIP, HOPES THAT THE BOARD TAKES THIS SERIOUSLY AND  
THIS DOES NOT ADD ADDITIONAL WATER DRAIN OFF. MRS. CUBITT  
STATED TO THE BOARD TO MAKE YOUR DECISION SO IT DOES NOT  
AFFECT PEOPLE IN A BAD WAY.*

*MOTION*

*A MOTION TO APPROVE THIS APPLICATION WAS MADE BY MR.  
DEGEORGE TO INCLUDE THE NOTES MADE BY THE BOARD SOLICITOR  
AND SECONDED BY MAYOR MAGAZZU. THE MOTION WAS CARRIED  
ABOUT BY ROLL CALL.*

LAFAYETTE  
SHELL GAS STATION 594 ROUTE 73 SOUTH  
BLOCK 1001, LOT 5.01

MR. ROBERT BORBIE IS THE ATTORNEY FOR THIS APPLICATION. HE CAME FORWARD ALONG WITH JOHN CZARNIK, AND YASHRAJ SHABD, ALL WERE SWORN IN BY DAVE CARLAMERE.

MR. BORBIE EXPLAINED TO THE BOARD MEMBERS WHERE THIS SITE IS LOCATED. THE APPLICANT IS REQUESTING THE INSTALLATION OF A 1000 GALLON PROPANE TANK, WHICH WILL BE USED BY THE RESIDENTS TO FILL PROPANE TANKS FOR BARBEQUING.

MR. BORBIE REFERENCED CHUCK RIEBELS LETTER DATED MARCH 16, 2011, ITEM NUMBER 2 WHICH STATES THIS PARCEL IS LOCATED WITHIN THE C-1 HIGHWAY COMMERCIAL ZONING DISTRICT. THE EXISTING GASOLINE SERVICE STATION AND CAR WASH ARE NOT SPECIFICALLY PERMITTED USES WITHIN THIS ZONING DISTRICT. THE USE DOES MEET THE PURPOSE OF THE ZONE, NOTED IN SECTION 129-45 OF THE ZONING CODE. I QUESTION IF THE PROPOSED LIQUID PROPANE TANK IS PERMITTED OR AN EXPANSION OF A NON-CONFORMING USE, WHICH WOULD REQUIRE A USE VARIANCE. THIS MATTER IS TO BE DEFERRED TO THE SOLICITOR.

MR. CARLAMERE FELT THAT THIS IS AN EXPANSION OF A NON-CONFORMING USE WHICH WILL REQUIRE A USE VARIANCE. MAYOR AND COUNCIL CAN NOT PARTICIPATE AND THE APPLICANT WILL NEED 5 AFFIRMATIVE VOTES, EXCEPT THERE ARE ONLY 4 MEMBERS LEFT ELIGIBLE TO VOTE AND YOU NEED 5 MEMBERS.

THE APPLICANT WILL **NOT** BE REQUIRED TO GIVE NOTICE AGAIN, BUT WILL BE REQUIRED TO ATTEND ANOTHER MEETING. THIS APPLICATION WILL BE CONTINUED TO THE APRIL 12, 2011 AT 5:00 PM.

INFORMAL  
MAHLON KAIGHN

1040 INDUSTRIAL DRIVE UNIT 8  
WEST BERLIN.

ALAN NICKERSON CAME FORWARD AND EXPLAINED TO THE BOARD THAT HE REPRESENTS MR. KAIGHN.

MR. KAIGHN IS INTERESTED IN OPENING AN AUTOMOBILE REPAIR BUSINESS AT THIS SITE. THIS IS A CONDO UNIT OWNED BY MR. JAMES DIAMOND AND DEPENDING ON HOW HE FEELS AFTER THIS INFORMAL HEARING HE MAY ENTER IN A FORMAL LEASE AGREEMENT.

THE HOURS OF OPERATION WILL BE MONDAY THROUGH SATURDAY 8:00 AM TO 5:00 PM. THE ONLY EMPLOYEE WILL BE MR. KAIGHN, NO ONE ELSE.

IT HAS BEEN DETERMINED THAT AUTOMOBILE REPAIR WILL FALL UNDER A CONDITIONAL USE.

MR., KAIGHNS BUSINESS IS BY APPOINTMENT ONLY. HE DOES HAVE A FOLLOWING. THERE WAS SOME DISCUSSION REGARDING PARKING

*SPACES TO THIS PROPERTY. THERE WAS DISCUSSION ON THE DISPOSAL OF FLUIDS.*

*THERE WAS SOME CONCERN ON THE NEIGHBORS ON EACH SIDE OF THE UNIT. THE APPLICANT HAS AGREED TO NOTIFY THE TENANTS ON EACH SIDE OF HIS UNIT THE SAME AS THE NOTICE THAT GOES TO THE PEOPLE WITHIN 200 FT.*

*INFORMAL  
DAVE BELISKY*

*112 CHESTNUT AVENUE  
WEST BERLIN*

*MR. BELISKY CAME FORWARD AND EXPLAINED HE IS INTERESTED IN PURCHASING A 54" ABOVE GROUND POOL FROM NIAGRA POOL COMPANY AND WILL HAVE THEM INSTALL IT. HE STATED THAT HE KNOWS THAT ARE CURRENT ZONING ORDINANCE STATES SWIMMING POOLS SETBACKS ARE 10 FEET ALL THE WAY AROUND. MR. BELISKY EXPLAINED TO THE BOARD THAT HIS SETBACKS WILL BE 7 1/2 FEET FROM HIS HOUSE AND 4 1/2 FROM HIS PROPERTY LINE.*

*MR. BELISKY STATED THAT HIS YARD IS FENCED IN WITH A VINYL FENCE, AND HIS NEIGHBOR HAS THERE OWN FENCE.*

*V. CH. MCHENRY HAD RAISED SOME CONCERN WITH THE 4 1/2 SIDE YARD SET BACK. HE ALSO ASKED WHY THE POOL COULDN'T BE RECONFIGURED IN THE YARD AND ALSO ASKED WHY NOT A SMALLER POOL.*

*MR. BELISKY HAS A SWING SET THAT IS 26FT IN LENGTH AND 13FT DEEP AND IT HAS A ROCK WALL AND SLIDE. THE SWING SET WAS INSTALLED PROFESSIONALLY AND HE HAS MULCHED BED UNDERNEATH. HE DID STATE THAT THERE IS A SMALLER POOL BUT IF HE IS GOING TO PURCHASE A POOL HE WOULD LIKE SOMETHING THAT HE KIDS WILL ENJOY AND NOT OUT GROW AS THEY GROW.*

*V. CH. MCHENRY ASKED IF HE WOULD BE WILLING TO PUT A FENCE AROUND THE TOP OF THE POOL. MR. BELISKY SAID YES HE WOULD BE WILLING TO COMPLY.*

*MR. CARLAMERE STATED THAT MR. BELISKY SHOULD MAKE SURE OF THE POOLS MEASUREMENTS BEFORE MAKING A FORMAL APPLICATION.*

**PUBLIC PORTION**

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

*JOE PANTANO STEEPED DOWN AS A BOARD MEMBER AND CAME FORWARD AS A MEMBER OF THE PUBLIC.*

*MR. PANTANO STATED HE LIVES AT 240 GROVE AVENUE, BEHIND THE NEW GOLDEN CORRAL. HE HAS AN ISSUE WITH THE LIGHT ON THE SIDE OF THERE BUILDING THAT DIRECTLY FACES THE HOMES ON GROVE AVENUE. HE STATED THAT IT IS AN EXTREMELY PAINFUL LIGHT, IT FEELS LIKE THERE IS A SPOT LIGHT SHINING ON HIS HOME.*

*MR. RIEBEL STATED THAT HE HAS SENT A NOTICE TO THE OWNER OF GOLDEN CORRAL AND TO THE CONTRACTOR TO TAKE THE LIGHT OUT OF OPERATION OR JUST REMOVE IT.*

*MR. PANTANO HAS ANOTHER CONCERN WITH THIS PROPERTY. LATE AT NIGHT HE HEARS A RUMBLING GRINDING MOTOR SOUND THAT HAS WOKE HIM UP FROM A SLEEP AND HE WENT OUTSIDE AND IT'S A CARPET CLEANING SERVICE AT GOLDEN CORRAL AND IT IS AT LEAST ONCE A WEEK.*

*MR. RIEBEL STATED HE HAS ALREADY CONTACTED THE CONTRACTOR AN HAS ADDRESSED THE ISSUES AT THIS SITE.*

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

**RESOLUTION**

*THE FOLLOWING RESOLUTIONS WERE MEMORIALIZED:*

**2011-14 KEITH SCOTT**

*115 NORTH ROUTE 73  
CHERRY PLAZA, UNIT 30  
WEST BERLIN, NJ 08091*

*THE BERLIN TOWNSHIP PLANNING AND ZONING BOARD GRANTED A USE VARIANCE PERMITTING THE OPERATION OF A PERSONAL TRAINING AND FITNESS CENTER.*

**2011-15 SAHARA SAM'S OASIS, LLC**

*535 ROUTE 73 NORTH  
BLOCK 1101, LOT 16*

*THE BERLIN TOWNSHIP PLANNING AND ZONING BOARD GRANTED A VARIANCE TO PERMIT THE INSTALLATION OF (3) FAÇADE SIGNS, A VARIANCE TO MAINTAIN (2) FREESTANDING SIGNS ON THE SITE, A VARIANCE WHICH REQUIRES A FREESTANDING SIGN NOT EXCEED 25 FEET IN HEIGHT, AND A WAIVER FROM THE REQUIREMENT THAT THE BASE OF A FREESTANDING SIGN BE LANDSCAPED*

**FIRE MARSHALL**

*JOE CORNFORTH CAME FORWARD TO INTRODUCE HIMSELF TO THE BOARD MEMBERS, HE IS THE NEW FIRE MARSHALL FOR THE TOWN AND HAD BEEN WORKING AS AN INSPECTOR UNDER JOE JACKSON SR AND STATED THAT HE DOES LIVE ON THURMAN AVENUE.*

**ADJOURNMENT**

*A MOTION TO ADJOURN THE MEETING WAS MADE BY MAYOR MAGAZZU AND SECONDED BY MR. PANTANO. THE MEETING ADJOURNED AT 6:30 PM.*