

DECEMBER 19, 2024

SPECIAL MEETING

Mayor Magazzu opened the meeting and stated that pursuant to the requirements of the Open Public Meetings Law, notice of this meeting was advertised in the Courier Post, Record Breeze and posted on the bulletin board.

All in attendance joined in the Salute to the Flag.

ROLL CALL

Present- Mayor Magazzu, Council President Bodanza, Councilman Epifanio, Councilman Reid, Councilman Mc Henry

Also Present- Solicitor, Stuart Platt

Absent –

SECOND READING AND PUBLIC HEARING ORDINANCE 2024-15 OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 340 ENTITLED ZONING, TO ADD DEFINITIONS TO SECTION 340-4, TO CHANGE THE ZONING OF CERTAIN LOTS WITHIN THE PINELANDS AREA FROM THE HIGHWAY COMMERCIAL (C-2RD) ZONE TO THE REGIONAL COMMERCIAL GROWTH (C-3) ZONE, TO CREATE A NEW AND SEPARATE ARTICLE FOR THE C-3 ZONE, AND TO REVISE THE STANDARDS APPLICABLE TO THE C-3 ZONE, AS RECOMMENDED IN THE BERLIN TOWNSHIP MASTER PLAN REEXAMINATION AND AMENDMENT ADOPTED BY THE PLANNING BOARD ON OCTOBER 24, 2023.

WHEREAS, the Township of Berlin strives to adopt and implement land use regulations that advance the Township’s policies, goals, and objectives as set forth in the Master Plan and Master Plan Reexamination reports; and

WHEREAS, the Berlin Township Planning Board prepared and adopted a Master Plan Reexamination and Amendment which was adopted by Resolution 2023-19 at a public meeting on October 24, 2023; and

WHEREAS, the Master Plan Reexamination and Amendment recommends that definitions be added to section 340-4 to define and distinguish various types of uses in an objective manner; and

WHEREAS, the 2023 Master Plan Amendment recommends that four lots north of Edgewood Avenue and south of Chestnut Avenue within the Pinelands Rural Development Management Area be re-designated as Regional Growth Management Area and that the lots be

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included in the C-3 zoning district, for the reasons outlined in the Master Plan Reexamination and Amendment; and

WHEREAS, the 2023 Master Plan Amendment recommends an amendment to the Zoning Ordinance to create a separate section for the C-3 Regional Commercial Growth zoning district which is located solely within the Pinelands Area, where is it currently included in a section with the C-1 and C-2 Highway Commercial zoning districts which are partly in the Pinelands Area and partly outside the Pinelands Area; and

WHEREAS, the Master Plan Reexamination and Amendment further recommends that the C-3 zoning district be amended to allow light industrial, warehouse and storage, and continuing care retirement communities as conditionally permitted uses and to add appropriate conditions.

WHEREAS, this Zoning Ordinance Amendment has been referred to the Berlin Township Planning Board for Master Plan consistency review, pursuant to *N.J.S.A. 40:55D-26*, and the Berlin Township Planning Board has recommended adoption of this Ordinance and determined that it is consistent with the 2023 Master Plan Amendment.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Council of the Township of Berlin, County of Camden, State of New Jersey that the following sections of the Township Code shall be amended as follows:

Section I. Amend the Berlin Township Zoning Map to rezone the following lots from the C-2RD Highway Commercial Zone within the Pinelands Rural Development Area to the C-3 Regional Commercial Growth Zone within the Pinelands Regional Growth Area.

Rezone to C-3 Pinelands Regional Growth Commercial	
Block	Lot
1702	8
2102	1
2102	1.01
2102	1.02

Section II. Amend Article II Terminology, Section 340-4A “Definitions; word usage” to include the following additional definitions:

ASSISTED LIVING FACILITY means a facility licensed by the New Jersey Department of Health and Senior Services pursuant to *N.J.A.C. 8:36* which is designed and operated to provide apartment style housing and congregate dining while assuring that a coordinated array of supportive personal and health services are available, as needed, to four or more adult persons unrelated to the proprietor. Each unit in an assisted living facility shall offer, at minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. For purposes of the Berlin Township Code, assisted living facility shall include assisted living residences and assisted living programs as defined at *N.J.A.C. 8:36-1.3*.

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CONTINUING CARE RETIREMENT COMMUNITY means a development regulated in accordance with the rules of the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:19 which provides a continuum of accommodations and care, from independent living to assisted living to long-term bed care in a nursing facility, at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year.

HEAVY INDUSTRY means the manufacture, production, or handling of products from extracted or raw materials or the manufacture, assembly, fabrication, packaging or other processing of such products or an outdoor use engaged in the manufacture, assembly, fabrication, packaging or other processing of finished or partially finished parts or products from previously prepared materials. This term shall include, but shall not be limited to, the above activities involving the following: chemicals, stonework or concrete product manufacturing, crude oil or similar petroleum products and tanning.

INDEPENDENT LIVING FACILITY means an age-restricted multi-unit residential facility for residents over the age of 55 that provides room, board, and other amenities for a monthly fee (or a la carte) but does not include personal care or medical care.

LIGHT INDUSTRY means any production, processing, assembly or fabrication of goods, materials or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials or products, but not including the storage of flammable or combustible materials as a principal use. Light industry takes place entirely within an enclosed building and results in the production of goods or the provision of services targeted to be sold to the end consumer. Operations that are harmful, hazardous or noxious are not included as light industrial uses.

MEMORY CARE FACILITY means a facility that offers services similar to those offered at an Assisted Living Facility, but specialized to care for older adults living with Alzheimer's disease or other forms of dementia.

SKILLED NURSING FACILITY means an extended or intermediate care facility licensed by the State of New Jersey to provide full-time health care under medical supervision to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves and do not require the degree of care and treatment which a hospital provides. Skilled Nursing Facilities may include long-term care and short-term subacute rehabilitation care.

SOUND BARRIER means an exterior structure designed to protect inhabitants of residential or other sensitive [land use](#) areas from [noise pollution](#). Sound barriers are intended as an effective method of mitigating [roadway](#), truck, and light industrial noise sources. Sound Barriers are also referred to as sound wall, noise barrier, and acoustical barrier.

TRUCK TERMINAL means a building, structure, or land area primarily devoted to renting, leasing, storage, or dispatch of trucks and or tractor trailers.

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WAREHOUSE means a building that is primarily devoted to the storage of goods or materials and may also include office and maintenance areas.

WAREHOUSE, DISTRIBUTION means a building that is primarily devoted to the receipt, storage, and distribution of bulk quantities of goods, products, cargo, and materials including trans-shipment or cross-docking.

WAREHOUSE, FULFILLMENT means a building that is primarily devoted to the receipt of bulk quantities of goods and products and the storage, separation, and distribution of the products to individual end users. Often e-commerce facilities

WHOLESALE BUSINESS means an establishment primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial or professional business users and other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

Section III. Amend the Schedule of Area, Yard and Bulk Requirements, Attachment I referenced in Chapter 340, Article III, section 340-6 to delete the entire row for C-2RD and to delete the entire row for C-3. The Schedule is also referenced as Attachment II and the referenced rows shall be deleted from each Attachment.

Section IV. Amend Chapter 340 to eliminate Article XI Environmental Area E-1 (section 340-70) and hold Article XI in reserve.

Section V. Amend Chapter 340 Zoning to remove all references to “C-2RD Highway Commercial” and “E-1 Environmental Sensitive Area” from Section 340-24.

Section VI. Amend Chapter 340 Zoning to remove all references to “C-3” and “C-2RD” from Article IX, so that Article IX applies only to the C-1 and C-2 zoning districts.

Section VII. Amend Chapter 340 Zoning to add Article XI C-3 Regional Commercial Growth Zone as follows.

Article XI C-3 Regional Commercial Growth Zoning District

Section 340-70 Purpose. The purpose of this zoning district is to provide opportunities for retail, personal and business service, business and professional office, and light industrial uses to serve the Township and surrounding area, as well as to provide housing for senior citizens that includes varied levels of assistance, support, and medical care.

Section 340-70.1 Permitted Uses.

- A. Retail and business uses including the following:
 - 1. Groceries, food stores, bakeries
 - 2. Pharmacies and drugstores
 - 3. Banks and financial institutions
 - 4. Restaurants and cafes including sit-down, fast casual, and take out.
 - 5. Clothing, accessory, shoe stores
 - 6. Furniture, flooring, appliance, and home goods
- B. Personal and Business Services
 - 1. Salons and barber shops

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2. Dry cleaner, tailor, shoe repair
 3. Computer, phone, radio, TV service and repair
 4. Art, music, dance, martial arts studios
 5. Fitness Centers
 6. Indoor private recreation facilities
- C. Professional and Business Offices
- D. Outpatient medical offices including licensed practitioners such as physical therapy, occupational therapy, mental health, dentists, animal health, and other health and wellness services.
- E. Business, service, and shop uses such as but not limited to:
1. Building and Construction
 2. Communications
 3. Custom, small scale cabinet making and woodworking
 4. Furniture repair
 5. Plumbing
 6. Electrician
 7. Exterminator
 8. Technology repair
- F. Public water and sewer service infrastructure

Section 340-70.2 Prohibited Uses. See section 340-52 for prohibited uses.

Section 340-70.3 Permitted Accessory Uses

- A. Off street parking
- B. Off street loading
- C. Electric vehicle service and charging equipment
- D. Fences, hedges, walls
- E. Outdoor seating and patio areas, within the permitted building envelope
- F. Telecommunications equipment
- G. Solar energy infrastructure and equipment
- H. Fire protection and potable water supply storage tanks
- I. Stormwater management structures and facilities, and green development structures and techniques in accordance with Article XVIII B of Chapter 200 of the Township Code.
- J. Trash and recycling containers and enclosures as set forth herein
- K. Signs as permitted by this chapter
- L. Retail shop/stores no greater than 2,400 square feet in area per use, when accessory to and physically attached to a permitted continuing care retirement community.
- M. Personal Services such as salons and spas, health clubs/fitness centers, dry cleaners, copy and shipping centers, etc. when physically attached to a permitted continuing care retirement community.

Section 340-70.4 Conditionally Permitted Uses

- A. Warehouse, Distribution, and Storage Facilities (not including high cube warehouses that exceed 44 feet in height, and not including fulfillment warehouse) in accordance with the following additional standards.

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1. The minimum required lot size is 2 acres.
2. The required minimum set back from the NJ State Highway Route 73 right-of-way is 250 feet. This provision applies to the right-of-way that parallels the roadway, but not to jug handles.
3. The maximum permitted building height is 44 feet.
4. The minimum required side and rear yard setback is 25 feet adjacent to non-residential uses and 40 feet adjacent to residential uses.
5. If the lot is located within 200 feet of a residential use or residential zone, hours of operation and loading are limited to the time between 6:00am and 10:00pm. This is a performance standard that the applicant must agree to comply with.
6. If the lot is located within 200 feet of a residential use or residential zone, the applicant shall provide a noise evaluation and shall propose a sound barrier if needed to ensure compliance with applicable noise regulations (N.J.S.A. 13:1G-1 et seq.).
7. Any outdoor storage of equipment or materials must be shown on a site plan approved by the Planning Board or Zoning Board, shall not be located in the required front yard area or in the area between the front of the building and the street, must be setback a minimum of 25 feet from side and rear property lines and shall be screened with fencing and landscaping as necessary to contain and buffer the storage area.
8. There may not be storage or warehousing of bulk hazardous materials that are not incidental to the business operation at the site.
9. All buildings of 100,000 square feet or more shall be designed and constructed to support rooftop solar installation in accordance with P.L. 2021, c290.

B. Light Industrial Uses in accordance with the following additional standards

1. The minimum required lot size is 2 acres.
2. The required minimum set back from the NJ State Highway Route 73 right-of-way is 250 feet. This provision applies to the right-of-way that parallels the roadway, but not to jug handles.
3. The maximum permitted building height is 44 feet.
4. The minimum required side and rear yard setback is 25 feet adjacent to non-residential uses and 40 feet adjacent to residential uses.
5. If the lot is located within 200 feet of a residential use or residential zone, hours of operation and loading are limited to the time between 6:00am and 10:00pm. This is a performance standard that the applicant must agree to comply with.
6. If the lot is located within 200 feet of a residential use or residential zone, the applicant shall provide a noise evaluation and shall propose a sound barrier if needed to ensure compliance with applicable noise regulations (N.J.S.A. 13:1G-1 et seq.).
7. Any outdoor storage of equipment or materials must be shown on a site plan approved by the Planning Board or Zoning Board, shall not be located in the required front yard area or in the area between the front of the building and the street, must be setback a minimum of 25 feet from side and rear property lines and shall be screened with fencing and landscaping as necessary to contain and buffer the storage area.
8. There may not be storage or warehousing of bulk hazardous materials that are not incidental to the business operation at the site.

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- C. Continuing Care Retirement Community, which may including Independent Living, Assisted Living, Memory Care and Skilled Nursing Facilities in accordance with the following additional standards:
 - 1. The minimum required lots size is 10 acres
 - 2. Maximum residential density for any combination of residential units, not including memory care and skilled nursing facilities shall be 18 dwelling units per acre. A minimum of thirty percent of the residential units shall be assisted living units.
 - 3. The maximum permitted building height is three-stories and a maximum of 40 feet.
 - 4. For the assisted living, memory care, and skilled nursing portions of a continuing care retirement community, a minimum of ten percent (10%) of the total number of beds shall be affordable to low and moderate income households/individuals and shall strictly conform with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq), the Fair Housing Act, and the rules adopted by the Council on Affordable Housing or its successor, including but not limited to requirements for phasing, 50/50 low and moderate income split, affirmative marketing, controls on affordability, and adaptability requirements. The affordable beds/units may coincide with the "Medicaid Waiver" program but must provide documentation necessary to establish eligibility for fair share credit. The Independent Living portions of a continuing care retirement community shall be subject to the mandatory development fee requirements.

Section 340-70.5 General Requirements and Standards

- A. Development on all lots that are located within the sewer service area in the Tri-County Water Quality Management Plan must connect to the public water and sewer systems.
- B. Multiple permitted principal buildings, multiple permitted principal uses within a building, and multiple permitted tenants within a principal building are permitted on one parcel of land when all uses are permitted in the zoning district, when all parking and loading requirements are satisfied for all of the uses, when the entire site is designed in a coordinated manner, when the entire site is owned, managed, and maintained by one entity, and when a zoning permit is obtained for each tenant or business.
- C. Pinelands Development Credits (PDCs) shall be acquired and redeemed as follows:
 - 1. For development proposing a Continuing Care Retirement Community: PDCs shall be acquired and redeemed for 20% of the proposed independent living units and assisted living units. Units made affordable to low- and moderate-income households to satisfy the 10% set-aside requirement provided at Section 340-70.4.C.4 are exempt from the PDC requirement.
 - 2. For non-residential development not proposing a Continuing Care Retirement Community: PDCs shall be acquired and redeemed at a rate of one quarter (0.25) PDC per acre developed including associated improvements. Associated non-residential improvements include, but are not limited to, structures accessory to the

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non-residential development, stormwater management facilities, and off-street parking and loading areas.

3. If the number of PDCs required at 1. or 2. above is not evenly divisible by 0.25, the PDC obligation shall be increased to the next highest increment of 0.25.

Section 340-70.6 Area and Yard Requirements

A. The bulk and area requirements are as set forth in the table below.¹

Standard	General Requirement	Warehouse or Light Industrial	Independent/Assisted Living/Skilled Nursing
Minimum lot size (area)	20,000 square feet	2 acres	10 acres
Minimum lot width and frontage	100 feet	200 feet	200 feet
Minimum lot depth	150 feet	200 feet	200 feet
Front yard setback (minimum)	50 feet	50 feet	50 feet
Rear Yard setback (minimum)	25 feet 35 feet to residential zone	25 feet 40 feet to residential use or zone	50 feet
Side Yard setback (minimum)	15 feet 25 feet to residential zone	25 feet 40 feet to residential use or zone	50 feet
Maximum building height	35 feet ²	44 feet	40 feet
Minimum front yard parking setback	15 feet	15 feet	25 feet
Minimum side and rear yard parking set back	10 feet to adjacent commercial use ³ 25 feet to adjacent residential use	10 feet to commercial use 25 feet to residential use or zone	25 feet
Maximum Floor Area Ratio	.2 for one story .35 for two story	.4	.15 for one story .3 for two story .45 for three story
Maximum Impervious Coverage	75%	75%	65%
Minimum Distance between buildings on and off site	50 feet	50 feet if <35 ft ht 75 feet if >35 ft ht	50 feet on site 75 feet off site

¹ For certain Conditional uses, some bulk and area requirements are conditional use standards as set forth in section 340-70.4 above.

² If directly adjacent to a residentially zoned property, the maximum height is 25 feet for an A-frame roof and 16 feet for a flat roof.

³ The parking and drive aisle set back to an adjacent commercial use may be reduced to 5 feet when the parking areas are interconnected and where a cross access easement is or will be in place.

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Maximum building height for Accessory Structures	15 feet	20 feet	20 feet
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Section 340-70.7 Off Street Parking and Loading

Each individual use shall provide off street parking and loading spaces according to the standards set forth in Article XVI Off Street parking and Loading Areas in the Township Code or as may be superseded by N.J.A.C. 5:21 (New Jersey Residential Site Improvement Standards) except as follows.

- A. For independent living residences, 1.2 parking spaces shall be provided for each residential unit.
- B. For assisted living/memory care and skilled nursing facilities, 7/10 (.7) parking spaces shall be provided for each unit.
- C. For general warehouse, distribution, and wholesale facilities one parking space is required for each 3,000 square feet of gross floor area (office space shall be calculated separately)
- D. Parking areas shall be set back as required in the Area and Yard requirements, unless a required buffer dictates a larger setback.
- E. Where a driveway provides access to or between two adjacent properties and when a cross access easement is in place, there is no required setback from the shared driveway to the lot line between the benefitting properties. This also applies to shared parking facilities when a parking easement is in place.
- F. Passenger vehicle parking areas shall be setback a minimum of 10 feet from buildings.

Section 340-70.8 Signs. Signs shall be in accordance with the requirements of Article XIII unless modified herein.

Section 340-70.9 Landscape and Buffers.

- A. Tree removal shall be limited to the area needed for the building footprint and other ancillary improvements plus a 15 foot perimeter.
- B. Buffers are required on nonresidential properties that abut a residential use or zone. The planted buffer area shall be a minimum of 25 feet in width. For the purpose of this section continuing care retirement facilities are considered residential. See Article XV, Buffer Strips and Section 340-21C related to vegetation in the Pinelands area.
- C. Shade trees at 40-foot intervals shall be provided along public and private streets and along pedestrian areas and along the right-of-way. Where mature trees are maintained and protected along the street or around the perimeter of the site, street trees are not required.
- D. Where sidewalks are proposed, the planting strip shall be a minimum of 6 feet wide.
- E. All disturbed pervious areas shall be planted with a variety of native evergreen and deciduous trees, shrubs, and ground cover.
- F. Landscaping shall be provided within and around passenger vehicle parking areas. One landscape island a minimum of 6 feet wide shall be provided for every 20 parking spaces.

Section 340-70.10 Building Facades and Design

- A. Architectural elevations and floor plans showing all sides of each building shall be submitted along with a site plan application. Building dimensions, materials, and colors shall be identified.
- B. When present, office or retail spaces should be located along the primary frontage.
- C. Building facades along road frontages and parking lot frontages shall be designed with features reflective of retail or professional office space such as glass, brick, stone, EIFS, or panel siding.
- D. Blank featureless walls are discouraged. Building off-sets, windows, and façade variations shall be incorporated on facades visible to the public.
- E. Ground mounted or wall mounted mechanical equipment shall be located in the rear or side yard area and screened from public view by a combination of decorative fencing and landscaping
- F. Roof mounted mechanical equipment must be screened with parapet walls or architectural screening.
- G. Warehouse and light industrial facilities shall provide outdoor amenities for the use and enjoyment of employees and/or contractors such as tables and chairs, benches, gazebo or pavilion.

Section 340-70.11 Enclosures for Trash and Recyclables Storage

- A. Trash and recycling storage locations must be shown on the site plan.
- B. Trash and recycling areas must be enclosed by walls or fencing a minimum of 6 feet in height and sufficiently sized to contain the dumpsters, compactors, or containers for both trash and recyclable materials. Dumpsters are not permitted to site in the open anywhere on the site.
- C. If located outside of the principal building, trash and recycling areas must be screened with fencing, walls, and landscaping.
- D. If outside of the principal building, trash and recyclables enclosure areas must be designed to complement the building design.
- E. The applicant shall submit an operations statement that outlines the types of wastes that are anticipated, types of materials recycled, locations for onsite storage, and method and frequency of collection.

Section 340-70.12 Additional Requirements for Continuing Care Retirement Communities, Assisted Living, Memory Care and Skilled Nursing

- A. The development should provide centrally located outdoor space that relates to the buildings and that may serve as an informal social gathering place. The passive recreation space should include a variety of landscape plants, hardscape, and street furniture.
- B. Sidewalks are required along all streets and along main driveways within the site to provide a safe and comfortable pedestrian environment.
- C. Architectural Requirements:

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1. Architectural elevations showing all sides of each building must be submitted along with a site plan application.
 2. Architectural design features shall be employed to create visual interest at the pedestrian or street level, and to integrate each building or structure with the surrounding area.
 3. Buildings must be designed to avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including windows, projections, and recesses shall be used to add architectural interest and variety, and to relieve the visual effect of a simple long wall.
 4. Building facades shall be broken up at twenty-five-to-seventy-five-foot intervals with facade variations or projections and recesses at least two feet (2') in depth.
 5. Buildings more than 150 feet in length must be broken up with more significant off sets and angles at intervals of 100 to 200 feet.
 6. Covered walkways and overhangs should be provided above the first floor near entryways.
 7. Brick or stone work should be incorporated into the exterior building design where practicable and should be coordinated with adjacent buildings where feasible and appropriate.
 8. All sides of a building visible to the public must be designed with treatment similar to the front facade.
 9. Variations in rooflines (parapets or other architectural screening) shall be used to completely screen HVAC and roof-mounted equipment, to provide interest, and reduce the scale of large buildings.
 10. Utilities entering/exiting buildings, including water, gas and electric meters must be located on the short end of buildings, and must be adequately shielded with evergreen landscaping or a green screen wall.
 11. Balconies or patios are recommended for independent residential units.
 12. A minimum of 80 cubic feet of internal storage with a minimum height of six feet shall be provided for each independent residential unit for the storage of personal items. The space shall be in addition to typical closets and may be located within the unit or in another locked location on the site.
- D. Trash enclosures or central trash compaction/recycling areas shall be masonry structures, with an exterior façade of stone, brick, or cementitious siding to complement the principal building.
- E. Signs shall be in accordance with Article XIII except that each site may have one monument style site identification sign not to exceed 8 feet in height and 60 square feet in area on each street frontage. The base must be complementary to the building and shall be landscaped. The sign may be externally illuminated, halo lit, or internally illuminated such that only the copy is illuminated (not the entire sign box).

Section VIII. Amend Article IV, General Provisions, Section 340-21O, Pinelands Development Credits to read as follows:

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- (1) Pinelands development credits may be allocated to certain properties in the Township by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- (2) Pinelands development credits may be used in the Township in the following circumstances:
 - (a) When a variance or other approval for a residential use not otherwise expressly permitted in the C-3 District or in that portion of the C-2 District located in the Pinelands Area is granted by the Township, Pinelands development credits shall be used for 50% of the authorized units for parcels under 10 acres in size; for 75% of the authorized units for parcels between 10 acres and 20 acres in size; and for 100% of the authorized units for parcels over 20 acres in size.
 - (b) When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
 - (c) To permit development of parcels of land in the C-3 District in accordance with the requirements at Section 340-70.5.C.
- (3) The requirements of N.J.A.C. 7:50-5.41 et seq. shall apply when Pinelands development credits are either allocated or used in the Township.

Section IX. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Section X. This Ordinance shall take effect after receipt of certification by the New Jersey Pinelands Commission that it is substantially consistent with the Pinelands Comprehensive Management Plan (CMP) and upon publication, thereafter, as required by law.

Motion by Councilman Epifanio second by Council President Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments on Ordinance 2024-15.

No comments were to be heard.

Motion by Councilman Epifanio second by Councilman Reid to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments on Ordinance 2024-15

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Motion by Council President Bodanza seconded by Councilman Epifanio to adopt Ordinance 2024-15. Ordinance approved by call of the roll, five members present voting in the affirmative.

Public Portion

Public Portion

Motion by Councilman Epifanio second by Council President Bodanza to open the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu opened the meeting to the public for questions or comments.

No comments were to be heard.

Motion by Councilman Reid second by Councilman Epifanio to close the meeting to the public. Motion carried by voice vote, all present voting in favor. Mayor Magazzu closed the meeting to the public for questions or comments.

Adjourn

Motion by Councilman Epifanio, second by Councilman Reid to adjourn the meeting at 5:42 pm. Motion carried by voice vote, all members voting in the affirmative, meeting adjourned 5:42: pm.

Catherine Underwood
Berlin Township RMC