

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
November 13th, 2023**

CALL TO ORDER:

M. McGowan called the meeting to order at 7:00 PM

FLAG SALUTE:

M. McGowan called for everyone to rise and recite the pledge of allegiance to the flag.

SUNSHINE STATEMENT:

M. McGowan announced that this meeting is being held in compliance with the Open Public Meetings Act and has been duly noticed and published by law.

ROLL CALL:

On roll call vote, the following members answered present to roll call: M. McGowan, K. Ryker, D Pomponio, M. Foster, F. Ballak, J. Cole, J. Schumacher, H. Earle, E. Hahn

M. McGowan asked if there were any questions or comments on the minutes for September 11th, 2023, none heard.

MINUTES:

A motion to approve the September 11th, 2023, minutes was made by F. Ballak and seconded by K. Ryker.

Roll Call:

M. McGowan - AYE
K. Ryker -AYE
D. Pomponio -AYE
M. Foster -AYE
F. Ballak -AYE
J. Cole-Abstain
J. Schumacher-AYE
H. Earle-AYE
E. Hahn-AYE

RESOLUTIONS:

**Case 23-06
Patriot Depot LLC-Self Storage Facility
White Horse Pike, South
Block 1600 Lot 2
Bulk "C" Variance
Use "D" Variance**

A motion to approve Case No.23-06 was made by M. Foster and seconded by H. Earle.

Roll Call:

M. McGowan - AYE

K. Ryker -AYE

D Pomponio -AYE

M. Foster -AYE

F. Ballak -AYE

J. Cole-Abstain

J. Schumacher-AYE

H. Earle-AYE

E. Hahn-AYE

ZONING OFFICERS REPORT:

September & October report

Chairman McGowan asked if there were any questions or comments on the September or October zoning report, none heard.

OLD BUSINESS:

Closed Session, Berlin Wall Holdings v. Berlin Borough Planning Board (Attorney Client Privilege) Formal Action may be taken.

A motion to go into closed session was made by D. Pomponio and seconded by F. Ballak. All were in favor.

A motion to go back into session was made by M. Foster and seconded by D. Pomponio. All were in favor.

NEW BUSINESS:

Resolution authorizing the settlement of Land Use litigation through the consent order filed in the Superior Court of New Jersey in the matter of Berlin Wall Holdings v. Berlin Borough Planning Board, for the property of Block 1502 Lot 1, 2, and 3 to endorse the settlement.

Chairman M. McGowan asked if there is a motion for a Resolution to endorse the settlement, stated by Berlin Borough attorney, Mr. Norman.

A motion for a resolution authorizing the settlement of Land Use litigation through the consent order filed in the superior court of New Jersey in the matter of Berlin Wall Holdings v. Berlin Borough Planning Board, for the property of Block 1502 Lot 1, 2, and 3 to endorse the settlement was made by H. Earle and seconded by D. Pomponio.

Roll Call:

M. McGowan - AYE

K. Ryker -AYE

D Pomponio -AYE

M. Foster -AYE

F. Ballak -AYE

J. Cole-AYE

J. Schumacher-AYE

H. Earle-AYE

E. Hahn-AYE

PUBLIC PORTION:

NONE

CORRESPONDENCE:

NONE

REPORTS:

NONE

GOOD OF THE ORDER:

NONE

ADJOURNMENT OF REGULAR MEETING:

A motion to adjourn the meeting was made by J. Schumacher and second by K. Ryker all in favor at 7:20pm

cc: Bill Behnke, Fire Marshall
Stacey DiVello, Escrow Financial Department
Al Hallworth, Construction Official
Michael Bernardins, CTA Tax Assessor