

**BOROUGH OF BERLIN  
PLANNING BOARD MINUTES  
December 11th, 2023**

**CALL TO ORDER:**

M. McGowan called the meeting to order at 7:18 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, J. Cole, H. Earle, E. Hahn, Councilman M. Wilkinson

M. McGowan asked if there were any questions or comments on the minutes for November 13th, 2023, none heard.

**MINUTES:**

A motion to approve the November 13th, 2023, minutes was made by M. Foster and seconded by K. Ryker.

**Roll Call:**

M. McGowan - AYE

K. Ryker -AYE

D. Pomponio -AYE

M. Foster -AYE

Councilman M, Wilkenson-Abstain

J. Cole-Abstain

H. Earle-AYE

E. Hahn-AYE

**RESOLUTIONS:**

NONE

**ZONING OFFICERS REPORT:**

**November 2023 report**

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

**OLD BUSINESS:**

NONE

**NEW BUSINESS:**

**Case 23-07**

**Nicholas D. & Debra A. Maccaroni**

**67 Gardens Ave, Berlin NJ 08009**

**Block 2004 Lot 4**

**Minor Subdivision**

**The attorney for Berlin Boro, Stewart Platt phoned in to participate by phone, which applicants agreed.**

**The attorney, Mark Rinaldi from Singley, Gindele & Rinaldi who is representing the applicant, Nicholas D. & Debra A. Maccaroni for the property located at 67 Gardens Ave, Berlin NJ 08009 Block 2004 Lot 4 that is in the R1 zone, the applicant's proposal is for a minor Subdivision to divide which is a forty-five thousand square foot lot into two lots. One lot is proposed to be eighteen thousand three hundred sixty square feet, which will be the vacant lot and the existing lot will be twenty-six thousand six hundred forty square feet. There are no bulk variances that will be required since both lots will be conforming.**

**The applicant, Nicholas Maccaroni and the engineer for the applicant, Brian Peterman were both placed under oath and swore in. The planning board chairman, M. McGowan, agreed that the engineer for the applicant Brian Peterman qualifications testify as a professional engineer.**

**Mr. Rinaldi questioned the applicant, Mr. Maccaroni on who owned the property and for how long. Mr. Maccaroni answered, himself and his wife Debra Maccaroni for about 25 years. Mr. Rinaldi asked the applicant, Mr. Maccaroni if he has any, immediate plans for the vacant lot in reference to building on it, selling it, or leaving it subdivided or are you not sure. Mr. Maccaroni answered that he just wants to subdivide it for right now. Mr. Rinaldi asked Mr. Maccaroni, if he would consider selling the property sometime in the future and Mr. Maccaroni stated that at some point, they may sell the property. Mr. Rinaldi then went on to the review letters given by the planning Board professional, which they have requested a five-foot-wide shade tree easement across the property and there is a flagpole that is in the Boro's right of way, along with some landscaping, would you have any objection on moving that or relocating it. Mr. Maccaroni had no objection to either one. Mr. Rinaldi requested a potential waiver on the Borough's requirement for a four-foot sidewalk across the entirety of the property. Mr. Rinaldi questioned Mr. Maccaroni if there were any sidewalks on Gardens Ave, Mr. Maccaroni answered, no. Mr. Rinaldi then went on to ask Mr. Maccaroni, as part of Mr. Maccaroni application is he requesting the board to grant a waiver from the requirements that he install a sidewalk and Mr. Maccaroni stated, yes.**

**Chairman McGowan then asked if there were any questions from the board for Mr. Maccaroni. Mr. Ryker asked about the report from CME Associates, with the intent to construct a home because, Mr. Maccaroni stated earlier, he was unsure. Mr. Rinaldi stated that the intent right now is not to build a home and Mr. Paterson, the applicants engineer,**

went on to explain the reason for the plan that was submitted is to show a residential dwelling that would be reasonable size that would fit onto the lot, this lot is zone R1 but there is no development that is proposed at this time. Mr. Ryker asked what the rationality is behind dividing the lot and Mr. Peterman answered, the long-term plan is to eventually build a single-family home on the lot.

Chairman McGowan asked, since you plan on building a single-family home in the future, is there a reason to subdivide it at this time? Mr. Rinaldi explained they are both retired, and Mrs. Maccaroni has had a health scare, their daughter lives in south Jersey and they may concern relocating in the future, closer to their daughter. Mr. Rinaldi then asked Mr. Maccaroni if the statement that he made was true and Mr. Maccaroni responded, he calls it estate planning. Chairman McGowan asked if there were any other questions from the board, no questions.

Mr. Peterman went over the review letters from Berlin Borough's engineer Mr. LaRosa, dated December 4th, 2023, and Berlin Borough's Planner Mr. Dochney, dated December 1<sup>st</sup>, 2023. Mr. Peterman began by stating that these are two conforming lots that are larger than minimum requirements for this zone, but they are looking for a two-lot minor subdivision and the subdivision will be filed by deed. The five-foot wide shade trees will be provided and will remove or relocate the flagpole. The lot is adjacent to handling a decent size home but requesting a waiver on the sidewalk along the frontage, to be consistent with the other lots on Garden Ave. Mr. Peterman also stated that this is consistent with the lot behind them on Leroy Road, that received a waiver on the sidewalk, when they went to develop their lot. Mr. Peterman stated that they understand that lot & block numbers must be obtained by the existing one and new one by the tax assessor, nothing to be filed until they are established, requirement lot grading plan for review and approval, prior to the issuance of any building permit, required conformance, that it will not impact or adversely impact any adjacent properties, due to the proposed lot grading. Mr. Peterman went on to explain that this is less than the threshold under the stormwater management, so it is exempt from that. The additional plans were at the request of the board engineer to show the minor subdivision as proposed so the condition of the proposed dwelling and clearing limits were eliminated and related to the offset dimensions however that plan has been updated to show the five foot wide shade tree easement, and the removal or relocation of the flagpole out of the right way and also proposed a monument at the proposed minor subdivision line were it meets the right way.

Mr. Peterman stated this will be filed by deed, he then asked if the board or professionals had any questions at this time. Chairman McGowan asked if the board had any questions, no questions so it was open to the professionals for questions. Richard Asirifi, the board planner from CME Associates stated that most of his comments were addressed, the only item is the four feet wide sidewalk along the frontage, a sidewalk is technically required but since there are no sidewalks on Gardens Ave at this time, so it would be deferred to the board to make that determination and the five foot wide shade tree easement they are complying with. Mr. LaRosa the engineer for the board stated that he didn't want to be redundant and recite everything Mr. Peterman agree too but would request, it be documented in the resolution of approval about the grading plan requirement, that there is

no negative impact on drainage. Chairman McGowan then asked if there were any questions from the board, no questions.

Chairman McGowan opened it up to the public, none heard or seen.

The attorney Stuart Platt summarized the application as a minor subdivision approval to create two residential lots in an R1 zone, with one existing dwelling and another is a vacant lot. The vacant lot is approved as 18,360 sq ft and the existing dwelling as 26,640 sq ft, plus or minus. This application has no bulk variances, it does seek one designed waiver for having to install a sidewalk along the property frontage of Garden Avenue, applicant agree to comply with the all the stipulations in both board professional review letter recommendations expect the variance on the sidewalk easement.

Mr. Pomponio then asked if the sidewalk easement only pertains to this application on the minor subdivision or can it be brought up again down the road if the property is to be sold or a dwelling is going to be built? Mr. Platt answered, the requirement is being waived in preparatory. Chairman McGowan then stated it is for both properties moving forward. Mr. Pomponio then asked Mr. Maccaroni if there were sidewalks on either side of Garden Avenue. Mr. Maccaroni answered, no.

Chairman McGowan asked for a motion on the application.

A motion was made to approve and waive the sidewalks by M. Foster and seconded by K. Ryker.

Roll Call:

M. McGowan - AYE

K. Ryker -AYE

D. Pomponio -AYE

M. Foster -AYE

Councilman M, Wilkenson-AYE

J. Cole-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 Councilman M. Wilkenson and second by H. Earl all in favor at 7:45pm

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