

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
February 12, 2024**

CALL TO ORDER:

D. Pomponio called the meeting to order at 7:00 PM.

FLAG SALUTE:

D. Pomponio called for everyone to rise and recite the pledge of allegiance to the flag.

SUNSHINE STATEMENT: D. Pomponio 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: Councilman M. Wilkinson, D. Pomponio, W. Hans, F. Ballak, J. Cole, J. Schumacher, H. Earl, E. Hahn

MINUTES:

D. Pomponio asked if there were any questions or comments on the minutes for January 8th, 2024, none heard.

Minutes on January 8th, 2024

A motion to approve the minutes for January 8th, 2024, Re-org & Regular meeting was made by F. Ballak and seconded by H. Earl.

All in Favor

Councilman M. Wilkinson- AYE

D. Pomponio-AYE

W. Hans-AYE

F. Ballak-AYE

J. Cole-AYE

J. Schumacher-AYE

H. Earl-AYE

E. Hahn-AYE

RESOLUTIONS:

APPOINTMENT OF OFFICERS:

Resolution 24-01

A motion to appoint Michael McGowan as Chairman was made by J. Schumacher and Seconded by F. Ballak. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AY
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

Resolution 24-02

A motion to appoint Dan Pomponio as Vice Chairman was made by J. Schumacher and seconded by F. Ballak. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

APPOINTMENT OF SOLICITOR:

Resolution 24-03

A motion to appoint Stuart A. Platt, Esquire of the Law Firm of The Platt Law Group, P.C., 40 Berlin Avenue, Stratford, New Jersey 08084 as Solicitor made by F. Ballak, and Seconded by J. Schumacher.

Councilman M. Wilkinson- Abstain
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

APPOINTMENT OF SECRETARY:

Resolution 24-04

A motion to appoint Donna Plute as Secretary was made by W. Hans and seconded by Councilman M. Wilkinson. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

APPOINTMENT OF ENGINEER:

Resolution 24-05

A motion to appoint Anthony LaRosa PE, CME, PE of Colliers Engineering & Design, Inc., 2000 Midlantic Drive, Suite 100, Mt. Laurel, New Jersey 08054 as Planning Board Engineer was made by Councilman M. Wilkinson and seconded by F. Ballak. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AY
E. Hahn-AYE

APPOINTMENT OF PLANNER:

Resolution 24-06

A motion to appoint John J. Hess, PE, PP, CME of CME Associates, 849 W. Bay Avenue, Suite 7, Barnegat, New Jersey 08005 as Planner was made by Councilman M. Wilkinson and seconded by H. Earl. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

RE-ADOPTION OF RULES AND REGULATIONS:

Resolution 24-07

A motion to re-adopt rules and regulations was made by F. Ballak and seconded by J. Schumacher. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

FEE FOR NOTICE OF MEETING:

Resolution 24-07

A motion to approve the fee of \$25.00 for notice of meetings was made by Councilman M. Wilkinson and seconded by D. Pomponio. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

MEETING DATES:

Resolution 24-07

The Second Monday of every month is reserved for Planning Board Meetings, and the Fourth Monday of each month is reserved for Special Meetings should it be necessary due to large agendas, or special schedules as needed.

A motion to approve the meeting dates as provided was made by Councilman M. Wilkinson and seconded by W. Hans. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

ZONING OFFICERS REPORT:

January 2024 report

D. Pomponio asked if there were any comments or questions on the zoning report. There was none heard.

OLD BUSINESS:
NONE

NEW BUSINESS:

Referral from Council:

An Ordinance number 2024-02, amending Chapter 335, Zoning and Land Use, of the Code of the Borough of Berlin, County of Camden, and State of New Jersey, to incorporate Pinelands Development Credits Requirements into the PC-3 District.

Berlin Borough Planner, Chris Dochney gave a summary, on amending the ordinance 2024-02. The Pinelands staff contacted him, because they were in the process of finalizing their review of an ordinance adopted in 2022 by the Borough. Upon their review, they discovered that every ordinance the Borough had adopted in the past 10 to 15 years was not formally approved by the Pineland Commissions, an error on their part. The Pineland staff reviewed and approved but they were never formally sent to the Pinelands Commission. They will now correct and vote on the ordinances. They also found something in the Borough's ordinance that needed to change, which is chapter 335 under 16. This stated that Pinelands development credits which are required must go to the Pinelands Commission for their review and approval.

Chris Dochney went on to explain that a little over 20 years ago, the ordinances for these districts came into play, changing it from PC-1 to PC- 3 to reflect that Pinelands Development Credits are required for certain developments in the Pinelands. Therefore, it does not change anything in Berlin Borough code other than reflecting what the Pinelands require.

D. Pomponio clarified two things: The Pinelands didn't approve what Berlin Borough sent to them but is correcting that. Second, the Pinelands are correcting typos from PC-1 to P- 3.

Chris Dochney replied, “Yes” and explained that since this is a change to the land use ordinance, it must come before this board for a review for consistency with the Borough’s Master Plan. He went on to say, development in the Pinelands is subject to Pinelands requirements,

Mr. Dochney described the Transfer of Development Rights Program. It's only one of two in the state. The Pinelands and Chesterfield Township have Transfer Development Rights Programs. The program is essentially a land bank, in which a developer buys credits through them and then they transfer funds to a farmer or to somebody who owns open space to preserve that land.

D. Pomponio asked if there were any other comments or questions, none heard.

The attorney for Berlin Borough, Chris Norman stated that this is just a motion to find that it is substantially consistent with the Master Plan. Chris Dochney then stated that this does need to be transmitted to the governing body. Councilman M. Wilkinson then asked if this needs to go through two readings. Chris Dochney answered, “Yes”. Once this board has reviewed it, a resolution will be sent back to the council for their approval. Councilman M. Wilkinson then asked if he should abstain from voting on this. Attorney Chris Norman stated he can vote. Mr. Dochney went on to say that the Master Plan says all your ordinances should be consistent with Pinelands requirements and this is a direct request from the Pinelands. This would bring the Berlin Borough ordinances to be consistent with what the Pinelands requires.

A motion to was made that its substantially consistent with the master plan by F. Ballak and seconded by Councilman M. Wilkinson. R.C.

Councilman M. Wilkinson- AYE
D. Pomponio-AYE
W. Hans-AYE
F. Ballak-AYE
J. Cole-AYE
J. Schumacher-AYE
H. Earl-AYE
E. Hahn-AYE

CORRESPONDENCE:

NONE

PUBLIC PORTION:

D. Pomponio opened the meeting to the public, none seen or heard.

GOOD OF THE ORDER:

NONE

ADJOURNMENT OF REGULAR MEETING:

A motion to adjourn the meeting was made by J. Schumacher and seconded by W. Hans at 7:17. All in favor-AYE.

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