

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
July 14th, 2025**

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 notified and published by law.

ROLL CALL:

On roll call vote, the following members answered present to roll call: Mayor R. Miller, M. McGowan, H. Earle, E. Hahn, J. Cole, W. Hans, Councilman M. Wilkinson

M. McGowan asked if there were any questions or comments on the minutes for June 23rd, 2025, none heard.

MINUTES:

A motion to approve June 23rd, 2025, minutes was made by Mayor R. Miller and seconded by H. Earle.

Roll Call:

Mayor R. Miller – AYE
Councilman M. Wilkinson-AYE
M. McGowan -ABSTAIN
W. Hans -ABSTAIN
J. Cole -ABSTAIN
H. Earle-AYE
E. Hahn-ABSTAIN

RESOLUTIONS:

None

ZONING OFFICERS REPORT:

June 2025 report

M. McGowan asked if there were any questions or comments on the Zoning report for June 2025, none heard.

OLD BUSINESS:

Letter of Extension for Patriot Depot LLC, Case 23-06

Peter Chacantias, an associate at the law firm Highland Levin Shapiro, appeared before the board representing the applicant, Patriot Depot LLC. The applicant previously received approval for a self-service storage facility to be located on Block 1600, Lot 2 in the Borough of Berlin. The initial approval was granted on September 11, 2023, and the resolution was formally adopted on November 13, 2023.

Mr. Chacantias explained that, pursuant to Borough Code Section 335-16B(2)(g), once the one-year mark has passed, the board may grant a six-month extension of the approval. The applicant is requesting such an extension due to delays in obtaining a certificate of filing from the Pinelands Commission, which was received in May 2025. Site plans are currently being prepared and will be submitted shortly.

Chairman M. McGowan inquired whether Pinelands approval had been obtained. Mr. Chacantias confirmed that it had.

Chairman McGowan then asked if there were any questions from the board. Mayor R. Miller questioned whether the six-month extension period had already expired. Mr. Chacantias clarified that under municipal land use law, applicants are permitted to request six-month extensions. Borough Attorney Chris Norman confirmed the validity of this statement.

Mayor R. Miller asked whether the extension would be counted from the current date. Mr. Chacantias responded that the extension period begins from the date the resolution is adopted.

Chairman McGowan asked if the board would see the applicant again once the site plans are ready. Mr. Chacantias stated that, now that Pinelands approval has been secured, the site plans are being finalized and are expected to be filed within the next couple of months.

Chairman McGowan opened the floor to public comment regarding the extension request. No comments were made.

A motion to approve the six-month extension for Patriot Depot LLC was made by H. Earl and seconded by Mayor R. Miller. The motion carried.

Roll Call:

Mayor R. Miller – AYE

Councilman M. Wilkinson-AYE

M. McGowan -AYE

W. Hans -AYE

J. Cole -AYE

H. Earle-AYE

E. Hahn-AYE

NEW BUSINESS:

Case 25-04

Joseph Winters

66 West White Horse Pike
Block 302 Lot 7
A Use Variance and Bulk Variance to construct residential Garage
Bulk “C” variance

The attorney for the planning board swore in all the professionals.

Attorney Michael Ward and engineer Michael Avila, representing applicant Joseph Winters, were present at the meeting. Mr. Ward approached the podium to provide a statement regarding the “C” variance being sought for the construction of a 20 x 35-foot detached residential garage.

Mr. Ward explained that there is ambiguity in the zoning code, potentially due to a typographical error. Mr. Winters’ property is located in the Borough’s I2 zoning district; however, the code references permitted uses in the I1, I3, and P.I1-3 districts, despite the fact that Berlin Borough does not have an I1 district. Mr. Ward requested that the board acknowledge this as a clerical error and interpret the reference to I1 as intended to be I2.

If the board concurs, Mr. Ward stated, then the code effectively allows any principal and accessory use permitted in the C2 district to be allowed in the I2 district, subject to the requirements of the C2 district. Within the C2 district regulations, permitted principal uses include preexisting residential uses—such as Mr. Winters’ residence, which has been in his family for over 75 years—subject to the standards and controls of the R1 district. Therefore, the application must be evaluated under the R1 district standards to determine compliance with C2 district regulations. The proposed detached garage qualifies as an accessory use under these standards.

Mr. Ward respectfully requested that the board recognize Mr. Winters’ proposed garage as an accessory use to the long-standing residential use of the property. While the request may appear straightforward, the zoning complexity arises from the I2 district’s prohibition of residential uses as-of-right. Mr. Winters’ residence, however, is grandfathered in.

Further complicating the matter is the shift in applicable standards under the R1 zone. Mr. Ward cited the ordinance, noting that the R1 zone is intended to establish districts for single-family homes and a limited number of compatible uses. Outside of the Pinelands area, residences in both districts are restricted to detached single-family homes.

Under Section 335-78, permitted principal uses include detached single-family dwellings. Permitted accessory uses under subsection C(1) include private garages and parking areas, provided they are subordinate to and serve only the principal use—in this case, Mr. Winters’ residence.

Mr. Ward emphasized that Mr. Winters is a lifelong resident of the community and is widely respected as a skilled gunsmith, known for his craftsmanship in firearm maintenance and repair. Importantly, Mr. Ward confirmed that Mr. Winters has no intention of using the proposed garage for any commercial activity.

The garage is part of a three-lot tract that Mr. Winters has occupied for decades. Lot 6 primarily functions as a driveway, while Lot 7 contains the residence, which is situated along the boundary between Lots 6 and 7.

Mr. Ward continued his presentation by clarifying that Mr. Winters' machine shop and gunsmithing workspace is located behind his residence at 1515 South Atlantic Avenue. This location is the sole site associated with Mr. Winters' professional activities. Mr. Ward emphasized that Mr. Winters has personally confirmed—and is prepared to reiterate before the board—that he has no intention of using the proposed garage for any commercial purposes. Approaching his 69th birthday, Mr. Winters is focused on maintaining his current setup without expanding operations into the garage space.

Mr. Winters has expressed concern about future mobility challenges, citing serious health issues experienced by four of his siblings, including a sister who currently uses a wheelchair. He anticipates that he may eventually require similar accommodations. His home already features a ramp leading to the driveway, demonstrating his proactive approach to accessibility.

Currently, the only garage on the property is located at the rear, backing onto South Atlantic Avenue. Accessing it requires Mr. Winters to walk across his yard and behind the machine shop—an inconvenient and potentially hazardous route during inclement weather. For this reason, he is requesting permission to construct a new garage closer to his residence.

The proposed garage would measure 20 feet by 35 feet, designed to accommodate two vehicles and a small adjacent area for storing lawn equipment. Mr. Ward reiterated that the structure will not be used for commercial purposes, and this commitment will be affirmed during the evening's testimony. The garage would be positioned to allow vehicles to back out and exit headfirst onto White Horse Pike, enhancing both safety and accessibility.

To proceed, the applicant is requesting several bulk variances, the most significant being a side yard setback variance. In the R1 district, the required setback is 20 feet. However, due to the limited size of Mr. Winters' lot—less than 7,000 square feet—a 15-foot variance is being requested. This request is made under the hardship provision of N.J.S.A. 40:55D-70(c)(1).

Mr. Avila will provide a detailed overview of the bulk variances being sought. It is important to note that aside from the side yard setback, the proposed garage complies with all other zoning requirements for accessory use in the R1 district.

Mr. Ward concluded by advising the board that they are also seeking clarification regarding a typographical error in the zoning ordinance language, which has contributed to the complexity of the application.

Mr. Ward outlined the specific variances being requested for the proposed garage:

- **Front Yard:** A 1.5-foot variance to allow for a 15-foot setback.
- **Side Yard (adjacent to Berlin Glass):** A 5-foot setback.
- **Rear Yard (bordering Mr. Winters' property):** A 5-foot setback.

Before turning the presentation over to Mr. Avila, Mr. Ward asked if any board members had questions.

Planning Board Attorney Chris Norman stated that the zoning interpretation should be addressed first. He asked Mr. Hans if he had reviewed the matter. Mr. Hans responded that he had recently visited the property.

Mr. Hans asked for clarification regarding the parcel configuration, confirming that Lots 6 and 7 are separate and that Lot 14 on South Atlantic Avenue is a distinct parcel. Mr. Ward confirmed that Mr. Hans was correct.

Mr. Hans then clarified the variance request, noting that Mr. Winters is seeking to reduce the side yard setback from 20 feet to 5 feet and maintain a 5-foot setback from the rear yard. This placement would position the garage 5 feet from both the side and rear property lines, which is consistent with the R1 zoning regulations. Mr. Ward confirmed this interpretation.

Mr. Ward again asked if there were any questions. Councilman Wilkinson inquired about the difference between the I1 and I2 zoning districts. Mr. Ward explained that the zoning code references I2, I3, and PI districts—formally titled as Pinelands Industrial Districts—amended by Ordinance No. 2002 on December 18, 2002. He noted that he had researched whether an I1 district ever formally existed and concluded that if it did, it was likely established decades ago and is no longer active.

Councilman Wilkinson then asked whether any residential properties would be affected by the proposed garage placement. Mr. Ward responded that Berlin Glass is located directly behind the property, and Mr. Winters also owns the adjacent commercial lot. On the side, there is an EMS facility, and next to that is an interior design business. While the latter is technically a residence, Mr. Ward noted that its operations and appearance are more consistent with a commercial use.

Mr. Ward reiterated that the proposed garage location is surrounded by commercial or non-residential uses, which significantly minimizes any potential impact on neighboring properties.

He then addressed the issue of lot coverage within the R1 zone, noting that accessory uses—such as garages—do not have a specified lot coverage requirement. This is likely because they are considered subordinate to the principal residential use. However, Mr. Ward acknowledged that some form of limitation may be appropriate, even if not explicitly stated in the R1 zoning regulations. He suggested that the board consider whether such limitations should reasonably extend to accessory structures.

Mr. LaRosa, the planning board engineer, commented that while the R1 zone may not specify lot coverage for accessory uses, the zone itself does impose limitations that could be interpreted to apply more broadly.

Planning Board Attorney Chris Norman noted that he had reviewed the applicant's narrative statement and Exhibit A, which references Section 335-87. He observed that the zoning code was last amended in 2002, making it over two decades old. The section outlines distinctions between

the I2, I1, and P districts. Specifically, the I2 district is intended to support a range of existing and future industrial and business uses, while the I3 district pertains to largely undeveloped areas.

Mr. Norman pointed out that the language in Section B1 states: “Any principal and accessory use permitted in the C2 district is permitted in the I1 and I3 P13.” He questioned whether this phrasing was a typographical error or intentional, noting its potential implications for future zoning interpretations.

Although this detail does not directly affect the current application, Mr. Norman recommended that the board maintain consistency in how the I2 district is interpreted moving forward.

Mayor R. Miller added that the same sentence later references the I2 district. Mr. Norman responded that the language appears to suggest that the requirements of the I2 district shall prevail, except where the same use is explicitly set forth below. He speculated that the permitted uses in the I2 district may be listed in subsections 2 through 7, as referenced.

Chairman M. McGowan concluded the discussion by stating that the inclusion of manufactured fabrication as a permitted use supports the appropriateness of Mr. Winters’ machine shop and gunsmithing activities within the I2 district.

Mr. Norman reiterated that the property appears to align with Mr. Winters’ gunsmithing operation and could conceptually fall under I1 or I3 zoning. In that context, the argument for applying C2 standards is reasonable—particularly since C2 permits accessory structures when a residence already exists. However, because the property is zoned I2, it falls under a different regulatory framework.

Mr. Norman stated that the residence is most likely a non-conforming use. The central issue is that the applicant is seeking to expand this non-conforming use by constructing a garage. Even though the residence itself is not permitted under current zoning, its longstanding presence provides a basis for the expansion request. He noted that the cleanest approach would be to treat the application as an expansion of a non-conforming use, which requires a D2 variance—a lesser standard than a full use variance.

Mr. Ward responded by referencing Section 335-87, which indicates that when expanding a non-conforming use, the standards of the C2 district should apply. In his view, this means the applicant may rely on C2 provisions, which allow accessory structures for pre-existing residential uses, subject to the standards and controls of the R1 district.

Mr. Norman agreed that if the property were zoned I1 or I3, the garage would be considered a permitted accessory use. However, since it is zoned I2, the expansion of a non-conforming use becomes the operative framework.

Board Planner Brett Harris noted that the planning review report includes a summary of the applicant’s position and references the relevant ordinance sections. He highlighted a section on page two of the report that discusses case law guiding the interpretation of ordinance language.

One of the key factors is legislative intent—specifically, the rationale behind the I2 district provision stating that any principal and accessory use permitted in the C2 district is also permitted in the I1, I3, and PI3 districts. Mr. Harris emphasized that this intent should inform the board’s interpretation and overall consideration of the application.

Chairman M. McGowan asked if there was any further discussion regarding the continuation of the non-conforming use.

Mr. Norman clarified that the distinction lies in how the ordinance is interpreted. Under his approach, the applicant would require a D2 variance for the expansion of a non-conforming use, along with potential C variances. Under Mr. Ward’s interpretation, only C variances would be necessary. If the reference to C2 standards in the I2 zoning code was a typographical error, then I2 would incorporate C2 provisions, allowing existing residences and their accessory structures. In that case, the proposed garage would be considered an accessory structure to a permitted residential use, supporting the applicant’s position.

To ensure procedural clarity and protect the board’s position while allowing the application to move forward, Chairman M. McGowan made a motion regarding the zoning interpretation. The motion was seconded by Mr. H. Earl. Mayor R. Miller and Councilman M. Wilkinson recused themselves from the vote, as the motion pertained to a variance.

Before the board proceeded with the vote, Mr. Hans inquired whether the second part of the application involved pavement work. He asked for confirmation that the proposed installation would be asphalt. Mr. Ward confirmed that the area outside the garage—specifically on one side—would be paved with asphalt.

Roll Call:

M. McGowan -AYE

W. Hans -AYE

J. Cole -AYE

H. Earle-AYE

E. Hahn-AYE

Mr. Michael Avila, the engineer for the applicant, stepped forward to provide an overview of the project. Prior to his testimony, Planning Board Attorney Chris Norman administered the oath. Mr. Avila stated that he is a licensed Professional Engineer and Professional Planner in the State of New Jersey, both in good standing. He has completed training through DRO University, has approximately 20 years of professional experience, and has previously appeared before the board.

Mr. Avila explained that the project involves three lots, all owned by Mr. Winters. The primary lot contains Mr. Winters’ residence, while the rear lot—identified as Lot 14—is the location of his gunsmith shop. Both structures are accessed via driveways along White Horse Pike. Mr. Avila emphasized that these lots are significantly undersized relative to current zoning standards.

He noted that Lot 5, which is particularly narrow, measures approximately 25 feet by 100 feet, totaling 2,500 square feet. The lot containing Mr. Winters' residence is approximately 7,000 square feet. The property is uniquely situated, surrounded by non-residential development on both sides and across the street. Mr. Winters has lived and operated his business in this location for many decades, likely predating the zoning ordinances currently under review.

Mr. Avila observed that the surrounding development appears to have evolved over time around Mr. Winters' property, while he continued to reside and operate his gunsmith shop in place. In light of this historical context, the applicant is presenting a use variance application for an accessory structure—specifically, a D2 variance.

Mr. Avila stated that the central issue before the board is whether the proposed garage qualifies as a reasonable expansion of a non-conforming residential use. As part of the application, the applicant must demonstrate both positive and negative criteria to justify the variance.

While the rationale for the garage may seem straightforward, Mr. Avila emphasized the importance of detailing the unique conditions and circumstances that support a favorable outcome. These include the longstanding residential use of the property, its undersized nature, and its location within a predominantly commercial corridor.

Mr. Avila emphasized that one of the key factors supporting the application is site suitability. The property is residential in nature, and a garage—whether attached or detached—is a typical and appropriate accessory use. It serves the functional needs of the residence and is consistent with standard residential development patterns.

He further discussed placement and siting challenges. Due to the undersized nature of the lot, several dimensional variances are inherently tied to the use variance. For example, applying a strict 50-foot rear yard setback would result in the garage being positioned extremely close to the existing residence, which itself measures just over 51 feet in depth. These constraints underscore the difficulty of applying standard zoning requirements to a long-standing, uniquely situated property. Mr. Avila stated that these factors collectively support the case for approval.

Providing additional context, Mr. Avila referenced Development C and its relationship to the proposed accessory use. Currently, Mr. Winters must traverse the parking area, pass the gunsmith shop, and continue onto East Atlantic Avenue to reach his vehicle. While manageable in fair weather, this route poses safety concerns during inclement conditions such as rain, ice, or snow. The proposed garage's proximity to the residence would significantly improve safety and general well-being.

Mr. Avila asserted that this positive criterion aligns with the intent of the Municipal Land Use Law. Based on the applicant's written and verbal testimony, he expressed confidence that the board would recognize the site's suitability and the accessory function's compatibility with existing usage patterns.

Turning to the negative criteria, Mr. Avila addressed potential concerns regarding the zone plan, master plan, and zoning ordinance. While some may argue that permitting this use deviates from

the industrial intent of the I2 zone, the reality is that the parcel—measuring only 7,200 square feet—has limited development potential under current standards. It would likely remain underutilized or serve as a stormwater basin. Therefore, allowing the accessory use does not compromise the integrity of the I2 district or hinder future industrial development.

He added that the impact on surrounding properties is minimal. The neighboring uses are commercial in nature and unlikely to be affected. The adjoining neighbor is located approximately five feet from the applicant's property line and typically vacates the premises by 5:00 PM. This further supports the conclusion that the proposed garage will not impair the enjoyment or functionality of adjacent properties.

Mr. Avila concluded his testimony on the use variance by emphasizing that the proposed garage is modest in scale—approximately 700 square feet, slightly larger than two parking spaces, and 14 feet in height at its peak. He stated that the structure would not negatively impact surrounding neighbors, nor would it conflict with the Borough's master plan or zoning ordinance. In his professional opinion as a licensed planner, the cumulative facts presented support the application. He recommended that the board consider granting the variance based on the testimony and documentation provided, noting that the benefits of the proposed development clearly outweigh any potential detriments.

Mr. Avila offered to proceed with testimony on the bulk variances but noted that many of the bulk standards are inherently tied to the undersized nature of the lot. He requested that the board consider the hardship variance under N.J.S.A. 40:55D-70(c)(1), given the impracticality of strict compliance with zoning requirements on such a limited parcel.

Board Planner Brett Harris clarified that, based on the board's interpretation, a D2 variance is required for the expansion of the non-conforming residential use. Additionally, the proposed floor area ratio (FAR) of 0.23 exceeds the I2 district's maximum allowable FAR of 0.2, necessitating a D4 variance. Mr. Avila agreed with this assessment.

Mr. Norman asked whether the FAR standard applies to residential uses or is limited to industrial and commercial properties. Mr. Harris responded that, since the property is located in the I2 district, the FAR standard applies to industrial and commercial uses. However, given the nature of the application and the proposed accessory structure, the testimony provided for the D4 variance is consistent with that already presented.

Mr. Harris then raised the question of whether the board could impose conditions to mitigate any potential concerns related to the increased intensity of use. He asked Mr. Avila to elaborate on possible conditions that could be considered.

Mr. Avila suggested that one approach would be to restrict the garage to a single designation—residential use only. This would prohibit any commercial activity within the structure and ensure that its function remains consistent with the existing residential use of the property.

Mr. Harris then asked for additional context regarding the duration of Mr. Winters' residency and how that history contributes to site suitability.

Mr. Joe Winters stepped forward to provide testimony. Mr. Norman administered the oath before Mr. Winters began.

Mr. Joe Winters provided sworn testimony regarding his residency and the proposed garage. He stated that he has lived at 66 West White Horse Pike his entire life—nearly 69 years. Prior to him, the property was home to his father, mother, and grandfather. The Winters family has owned the property since 1938.

Mr. Winters shared that he has been involved in the gunsmith business at this location since the age of 10, beginning as an apprentice. He has worked in the trade for nearly 60 years.

In response to a question from Planner Brett Harris regarding the property's suitability for residential use, Mr. Winters explained that two of his four siblings have mobility challenges. His older brother recently suffered a stroke, and his oldest sister uses a wheelchair. When they visit, he wants to ensure they can be driven directly into the new garage, assisted out of the vehicle, and comfortably wheeled into the house.

To facilitate this, Mr. Winters plans to construct a new ramp leading from the garage to the rear entrance of the residence. He confirmed that the existing ramp will be removed and replaced with one oriented toward the garage.

Mr. Ward asked Mr. Winters to clarify the intended use of the garage. Mr. Winters stated that it will house his antique military vehicle, a pickup truck, and various maintenance equipment. He affirmed that the garage will not be used for any commercial enterprise, emphasizing his desire to retire and maintain the property strictly for residential purposes.

Mr. Ward then asked Mr. Winters to identify Exhibit A1. Mr. Winters described the exhibit as a drawing of a two-car garage with a small storage area located at one end. He noted the following specifications:

- The overall height will not exceed 15 feet, with the drawing indicating a peak height of 14 feet 10 inches.
- The structure will include two garage doors and an additional access door at the end.
- The garage dimensions are 20 feet wide by 35 feet long.

Chairman M. McGowan asked if any board members had questions for Mr. Winters. Hearing none, he then invited questions from the professional staff.

Mr. Ward requested clarification from Mr. Winters regarding current vehicle access. Mr. Winters confirmed that the only way his pickup truck can exit the garage at present is via Atlantic Avenue.

Planning Board Engineer Mr. LaRosa reviewed several items from his engineering letter. Referring to page two under the variance assessment section, he noted that the board had

reviewed the testimony regarding the requested variance, specifically the transition from a D3 to a D4 variance. Mr. LaRosa stated that he had double-checked the calculations and found them to be accurate, allowing him to move forward.

Regarding the bulk variances, Mr. LaRosa acknowledged that testimony had been provided. He stated that, given the current site constraints, meeting the standard requirements for rear yard, front yard, and side yard setbacks does not appear feasible. However, he affirmed that the proposed layout works within the limitations of the site.

Mr. LaRosa then referenced the architectural plans and asked Mr. Winters to confirm whether the exterior of the proposed garage would complement the color and style of the existing residence. Mr. Winters confirmed that it would.

Mr. LaRosa asked about site access, noting that there are three distinct lots in the area. He asked for confirmation that Lot 6 provides access because it directly fronts Broadway. Mr. Avila confirmed that this is correct.

Mr. LaRosa stated that he was not seeking to complicate the matter unnecessarily but raised the issue of potential lot consolidation. He asked whether any cross easements were recorded in the deeds for the property or related projects.

Mr. Ward responded that, based on their review, no formally recorded easement currently exists. However, they are not opposed to creating one. He referenced a prior incident in which a motor vehicle accident damaged a sign on the property. During the subsequent appearance before the board to seek approval for reinstalling or replacing the sign, the issue of an easement was raised.

Mr. Winters recalled that it was agreed at that time that an easement would be established, although it remains unclear whether it was ever formally recorded. Mr. Ward stated that he was unable to confirm this through research but had made efforts to better understand the situation following receipt of Mr. LaRosa's letter.

Mr. Ward concluded by stating that the applicant is fully willing to proceed with creating an easement on Lot 6 in favor of Lot 7 to formalize the arrangement. He also noted that, at present, access to Lot 7 is not available.

Mr. Ward noted that if the property were ever sold in fee simple to a buyer outside the Winters family, the new owner would likely be required to develop parking spaces along the sidewalk adjacent to Table On. In that scenario, access to the property would be exclusively from Atlantic Avenue.

Mr. LaRosa agreed, stating that the matter is largely housekeeping. He added that if he owned the lots himself, he would want to resolve the issue proactively to avoid future encumbrances. It's a practical step to ensure clarity and simplicity in future transactions.

Mr. Norman emphasized the importance of avoiding a situation where the house lot becomes lane-locked due to lack of access to the rear.

Mr. LaRosa followed up regarding Lot 7 and its residential potential. He reiterated that, as discussed, the board could proceed with creating easements in conjunction with Lot 14. Since Lot 7 has rear access via Atlantic Avenue, it is technically not landlocked—an important distinction. Mr. Ward confirmed that the applicant is willing to provide a declaration of easement for review.

From an engineering standpoint, Mr. LaRosa recommended reducing the amount of asphalt on-site to lower costs and improve efficiency. He suggested developing a circulation plan that facilitates vehicle movement from White Horse Pike into the garage. Such revisions would help streamline the layout. Based on scaled measurements from the submitted plans, approximately 2,300 square feet of additional pervious area is being created between the garage and the existing asphalt. Mr. LaRosa noted that the current circulation setup feels somewhat clunky, particularly with the asphalt along the side, and encouraged the applicant to consider a revised plan to improve overall flow.

Mr. Avila responded by explaining that a man door is located on the side of the garage, providing access via a ramp to the house. The door is positioned off to the side and does not obstruct the garage doors. He emphasized that the design prioritizes accessibility, especially for family members who use wheelchairs. The goal is to allow safe movement from the garage to the house without crossing in front of vehicular traffic.

Mr. LaRosa raised another concern regarding Lot 14, which connects to earlier discussions about Lots 6 and 7. Specifically, he noted that Lot 7—where the garage is proposed—currently lacks designated parking for the business. His primary concern is accessibility and ensuring that the site layout supports safe and functional access for all uses.

Mr. LaRosa clarified that the concern is not about the total number of parking spaces required for the business, as that analysis has already been completed. The issue is more fundamental: ensuring accessibility for families and individuals with disabilities. He reminded the board that regulations mandate at least one handicapped-accessible parking space, and the absence of such provisions raises compliance concerns. He urged the applicant to consider this aspect carefully, emphasizing that accessibility is not only a legal obligation but also a matter of inclusivity and community responsibility.

Mr. Avila stated that he had visited the site multiple times and observed that the terrain is relatively level. He agreed that ADA-accessible parking would need to be provided and suggested that Mr. Winters speak to the typical traffic volume, which appears to be low during weekdays. This information could help guide the board's approach to accessibility planning.

Mr. Ward asked Mr. Winters to estimate the number of visitors to the premises during a typical weekday and to clarify weekend operations. Mr. Winters responded that he is closed on Sundays and open for half a day on Saturdays, typically seeing about three visitors.

Given the low volume of traffic, Mr. Ward stated that it seems feasible to designate a handicapped-accessible parking space within the existing paved area. While it's uncertain who might use it, having one available would be prudent.

Mr. Ward then asked Mr. LaRosa to confirm the required dimensions for a van-accessible parking space. Mr. LaRosa responded that the total width requirement includes either an 8-foot parking space with an 8-foot access aisle or an 11-foot space with a 5-foot aisle.

Mr. Avila added that the designated space would need to be properly signed and meet all ADA requirements.

Mr. LaRosa followed up with comments regarding the paving and grading plans. He expressed concern about the potential for low areas to form and recommended submitting a revised plan to address these issues. He noted that previous reviews had identified areas where proposed grades may not function as intended.

Mr. LaRosa stated that these revisions could be handled administratively and requested that the updated plan include the location of the handicap-accessible parking space, which should serve the business rather than the garage. Once submitted, the township engineer will review the revisions to ensure compliance and functionality.

To summarize the engineering recommendations:

- Ensure the grading plan avoids creating low spots.
- Clarify and confirm the proposed grades in the discussed areas.
- Update the site plan to include a handicap-accessible parking space serving the business.
- Submit the revised plan for administrative review by the township engineer.

Comment 7 – Sidewalk Waiver Along Atlantic Avenue

Mr. Avila reiterated the applicant's request for a waiver of sidewalk and curb installation along Atlantic Avenue. He noted that no sidewalk or curb currently exists and that the waiver reflects existing conditions and serves the practical needs of the property. The applicant respectfully requested approval of the waiver.

Chairman M. McGowan asked if Planner Brett Harris had any additional comments. Mr. Harris noted the following for the board's record:

- A suggestion was made regarding an access easement connecting Lot 7 and Lot 6.
- Lot consolidation was discussed earlier in the meeting.
- Any proposed lighting or landscaping improvements should conform to borough regulations.

Mr. Avila confirmed that the proposed lighting would consist of wall-mounted fixtures on the garage side.

Chairman McGowan asked if board members had any further questions. Mr. Hahn inquired about impervious soil concerns related to concreting a portion of Lot 7.

Mr. LaRosa responded that the proposed impervious coverage is approximately 2,000 to 2,500 square feet. This amount does not exceed thresholds that would trigger permitting requirements, such as those related to soil conservation, which typically apply to disturbances over 5,000 square feet. He stated that the impact can be effectively mitigated through proper grading.

Chairman McGowan then opened the floor to public comment. No members of the public were present or indicated a desire to speak.

Planning Board Attorney Chris Norman summarized the application for the record. The applicant is seeking:

- A D2 variance for the expansion of a non-conforming residential use.
- A D4 variance for exceeding the allowable floor area ratio.
- A design waiver for sidewalk and curb installation along Atlantic Avenue.

Chairman M. McGowan asked for confirmation regarding the bulk clearances. It was noted that they are still in play, as indicated by the affirmative response recorded earlier in the meeting.

The proposed conditions of approval were summarized as follows:

- The garage shall be used for residential purposes only.
- Siding shall match the existing dwelling.
- One ADA-compliant parking space shall be provided for the business.
- Cross easements shall be established over Lots 6 and 7.
- A revised site plan shall be submitted to the Township Engineer for review prior to construction.

Chairman McGowan proposed that all variances and conditions be bundled together for a single comprehensive vote to streamline the approval process. The board agreed to coordinate accordingly.

Planning Board Attorney Chris Norman confirmed that the application includes:

- A D2 variance for the expansion of a non-conforming residential use.
- A D4 variance for exceeding the allowable floor area ratio.
- Bulk variances related to front, side, and rear yard setbacks.
- A design waiver for sidewalk and curb installation along Atlantic Avenue.
- The conditions of approval as outlined above.

With no further discussion, the board proceeded to vote on the application as a unified motion.

A motion to approve the application on the conditions heard was made by H. Earl and seconded by W. Hans.

Roll Call:

M. McGowan -AYE

W. Hans -AYE

J. Cole -AYE

H. Earle-AYE

E. Hahn-AYE

The board discussed the rationale for increasing the allowable shed size from 150 to 200 square feet. The recommendation is based on the volume of shed applications submitted at the current threshold. Many homeowners could benefit from slightly larger sheds without triggering the building permit process. While the existing 10-foot height generally accommodates most shed designs, it was noted that New Jersey standards permit up to 12 feet, which may offer additional flexibility.

Next Steps:

- The recommendation should be submitted to the Mayor and Council for consideration.
- If accepted, the ordinance would need to be amended through the standard legislative process: introduction, first reading, public hearing, and second reading.
- No formal motion is required from the Planning and Zoning Board—only a recommendation.
- A closed session is not necessary unless a Master Plan Consistency Review is required.

Planning Board Attorney Chris Norman clarified that unless the board is conducting a Master Plan Consistency Review, which would require a return visit between the first and second readings to confirm alignment with the Master Plan, no additional steps are needed at this stage.

Chairman M. McGowan asked if there were any questions for Mr. Hans regarding the recommendation to increase the shed size from 150 to 200 square feet.

Board Member H. Earl asked whether the recommendation includes raising the height limit to 12 feet. Mr. Hans responded that the recommendation focuses on increasing the square footage only. Regarding height, he asked Chairman McGowan whether the board preferred to maintain the current 10-foot limit or consider increasing it. Mr. Hans personally recommended keeping the 10-foot height while increasing the square footage, citing the growing need for storage of larger equipment and recreational items.

Chairman McGowan agreed to take the proposal back to Council for further consideration.

Related Discussion – Garage Size and Zoning Implications

Mr. Hans raised a related issue regarding garage sizes. Currently, there is no maximum size limit for garages, which allows homeowners to construct large structures that may not align with the intent of the zoning code. In some cases, garages are being used as a workaround to build

oversized buildings. Once labeled a garage, the setback requirements change—requiring 20 feet from the side yard instead of 5 feet—and a building permit becomes necessary if the structure exceeds 200 square feet.

The board acknowledged that this issue warrants further review and may require future amendments to the zoning ordinance to ensure consistency and prevent unintended use of accessory structures.

Mr. Cole raised a question regarding the Schaefer property, specifically whether the applicant had agreed to connect the sidewalks between the old window building and the adjacent site. He recalled that this may have been part of the original site plan approval, possibly from the initial application phase—prior to the project’s transition to rental units. Mr. Cole asked whether this was around the time work was being conducted near the old telephone building.

He noted that while most of the sidewalk installation appears to be complete, the connection between the two sites is missing. Mr. Cole suggested that it would be helpful to clarify whether the sidewalk connection was a formal condition of approval.

At 8:10 PM, Mayor R. Miller made a motion to enter closed session. The motion was unanimously approved.

At 8:22 PM, E. Hahns made a motion to return to the regular meeting. The motion was unanimously approved.

GOOD OF THE ORDER:

NONE

ADJOURNMENT OF REGULAR MEETING:

A motion to adjourn the meeting was made by W. Hans, all in favor at 8:25 pm.

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