

**BOROUGH OF BERLIN
PLANNING BOARD MINUTES
March 9th, 2026, Regular Meeting**

CALL TO ORDER: Attorney Chris Norman called the meeting to order at 7:00 PM

FLAG SALUTE: Attorney Chris Norman called for everyone to rise and recite the pledge of allegiance to the flag.

SUNSHINE STATEMENT: Attorney Chris Norman 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, the following members answered present-to-roll call:
D. Pomponio, H. Earle, Councilman M. Wilkinson, F. Ballak, W. Hans, E. Hahn, K. Ryker, J. Cole

CORRESPONDENCE:

Attorney Chris Norman read in record the receipt of the resignation from the Vice Chairman Jeannine Schumacher. J. Schumacher is requesting to resign as Vice Chairman but still stay on the Planning Board as a member.

Attorney Chris Norman asked for the nomination of acting Chairperson tonight.

A motion to appoint D. Pomponio as acting Chairperson was made by Councilman M. Wilkinson and seconded by F. Ballak.

ALL IN FAVOR:

J. Cole-AYE
K. Ryker-AYE
H. Earle-AYE
Councilman M. Wilkinson-AYE
W. Hans-AYE
F. Ballak-AYE
E. Hahn-AYE

Vice Chairman D. Pomponio asked if there were any questions or comments on the minutes for February 9th, 2026, none heard.

MINUTES: A motion to approve February 9th, 2026, minutes, was made by F. Ballak and seconded by H. Earl

ALL IN FAVOR:

D. Pomponio-AYE
J. Cole-AYE
K. Ryker-AYE
H. Earle-AYE
Councilman M. Wilkinson-AYE
W. Hans-AYE
F. Ballak-AYE
E. Hahn-AYE

ZONING OFFICERS REPORTS:

February 2026 report

D. Pomponio asked if there were any questions on the report, none heard

OLD BUSINESS:

NONE

Ordinance review for Master Plan Consistency

1. O:2026-04: AN ORDINANCE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 193 OF THE BOROUGH COD ENTITLED "HOUSING, AFFORDABLE" IN ACCORDANCE WITH THE REQUIREMENTS THE FAIR HOUSING ACT.

Attorney Chris Norman sworn in Berlin Borough Planner Adam Warburton. Mr. Norman stated that this ordinance, that Berlin Borough Planning board is adopting tonight, is an ordinance that municipalities throughout the state have to adopt to comply with the Fair Housing Act. Mr. Warburton stated yes.

Mr. Warburton went on to explain that this is being repealed, replacing chapter 193 with the fourth round of affordable housing. This ordinance is required by Fair Share housing.

- The ordinance replaces Chapter 193 of the borough code and is described as a template passed down by Fair Share Housing, with few substantive local changes.
- The borough is described as "a very good place" with its fourth-round obligation, though several documents remain outstanding against a March 15 deadline with a partial extension.
- Development fees — ranging from one and a half to two and a half percent — feed into a trust fund required as part of the overall compliance framework.

Mr. Warburton state, that this ordinance can be deemed consistent with our master plan and its part of the fourth-round obligation for a public housing administered by the state.

Mr. Norman then stated that it is very important to adopt this ordinance to maintain the judgment of proposals or protections for no risk. Mr. Warburton agreed.

D. Pomponio then asked, does this replace what was existing, Mr. Warburton stated yes.

Councilman M. Wilkinson asked, how has it changed from what was existing.

Mr. Warburton stated that it really has not changed much at all. There are some nuances in there, but most of the ordinance is a template that's passed down from Fair Share Housing that they tell the municipalities and address all new hack regulations and what we believe should be in place before.

D. Pomponio asked if Berlin Borough is up to date with this.

Mr. Warburton explained the original foreground obligation, stating here are the projects, this is how we're doing and how we are keeping up. Berlin Borough is in a good place right now. This ordinance is a checklist of the documents that fair share housing wants to see. This is a ten-year plan, and they want everything done within a year so it's an accelerated time frame.

Councilman M. Wilkinson stated that a lot of this is 328 South White Horse Pike and Route 73. Mr. Warburton stated that is correct

Mr. Norman stated that a motion is needed to find it substantially consistent with the master plan and a resolution was prepared for this meeting.

RESOLUTIONS:

Resolutions 26-08

Ordinance 2026-04

Repealing And Replacing Affordable Housing Ordinance and Development Fee

Ordinance in Accordance with the Requirements of The

Fair Housing Act, P.L. 2024, c. 2 (A4)

N.J.S.A. 40:55D-26 Review

D Pomponio asked if there was a motion to approve the ordinance.

A motion to approve the ordinance was made by Councilman M. Wilkinson and seconded by F. Ballak.

Roll Call:

D. Pomponio-AYE

J. Cole-AYE

K. Ryker-AYE

H. Earle-AYE

Councilman M. Wilkinson-AYE

W. Hans-AYE

F. Ballak-AYE

E. Hahn-AYE

Councilman M. Wilkinson excused himself from the meeting.

NEW BUSINESS:

Case 26-02

36 Park Avenue

Block 300, Lot 2

Use "D" Variance

Attorney Tyler Prime from the law firm Prime, Tuvel & Miceli stepped up to the podium to explain that they here tonight for a D variance on behalf of 94 White Horse LLC. The applicant is seeking to permit four twin semi-detached dwelling units in the C2 commercial zone. The application tonight is for a bifurcated use variance. There is no full site plan yet, this is just for the use component of the application if this is approved then we will come back with a full site plan, at a later, date. The lot in question is a 30,000 square foot lot at the intersection of Park Ave. And South Atlantic Ave. We'll have an exhibit here shortly, that'll

show you that surrounded by commercial uses to the south and the east, there's railroad tracks to the north, residential to the west. The site kind of sort of sits between that residential part of Berlin and the commercial corridor. It's really a transitional site as you'll see shortly before the site itself. The engineer will testify what has been prepared and the planner will provide the testimony required for the use.

The attorney for the planning board, Chris Norman, swore in all the Professionals for the applicant, engineer was Michael Galante, PE from MG Engineering Associates, LLC and the planner Sam Agresta. The property owner Chris Kolovos was also sworn in.

Michael Galante, the engineer for the applicant, step up to the podium stating that he is a licensed professional engineer in the state of New Jersey, Commonwealth of Pennsylvania. He serves as a municipal engineer for four municipalities in the Commonwealth of Pennsylvania where he also serves as code official for two and zoning officer for one of them. He has not appeared in front of this board, but he has testified on various projects in the state of New Jersey for numerous projects throughout south and North Jersey. He is also a licensed planner where he testified as well on use variances and other projects. He has had his license since 2012

M. Galante is giving a brief overview of exhibit A-1 which is the bifurcated site plan. The project engineer testified that the 30,000 square foot lot is located at Park Avenue and South Atlantic Avenue, surrounded by commercial uses to the south and east, railroad tracks to the north, and residential to the west. Participant 9 explained that the design incorporates feedback from an informal meeting by proposing four sets of twin homes with separated driveways rather than four stacked units, and the project can comply with all stormwater management and landscape requirements.

The south is a commercial parking area and to the west you have somewhat higher residential density. The applicant is proposing this evening to construct four sets of twin homes. We did appear in front of an informal meeting with some of the board members and staff and we presented different projects, different potential building concepts on this lot. The concepts consisted of four units stacked next to each other.

Mr. Galante stated that one of the comments that we received from the informal meeting is that they wanted to see the four sets of twin homes, more than four stacked homes side by side. Understanding it is still a use variance.

Mr. Galante also addressed another comment that was presented at the informal meeting, was that the driveways be separated instead of together with the concept plan that we presented at the meeting. If you're looking at the set of twin homes, the drive, the actual garages were side by side stacked next to each other. They recommended that they be separated from one side to the other on the buildings as you see on the plan today. Just to give a little brief background on the plan. We don't have a full engineering plan right now, but this is the site plan.

Mr. Galante stated that they did provide on the plan a bulk table for zone C and we also provide a bulk table for residential lower income. We're not proposing lower income, that is what we found in the ordinance to be the closest bulk requirements for this type of use. Based on our review of the ordinance. If approved, we would provide full land development plans

and comply with all stormwater management criteria in the ordinance, grading and landscape requirements to meet the requirements in the Borough. Mr. Galante stated that they are only here for a bifurcation, so he turned the meeting over to the planner for the applicant.

Sam Agresta stepped up to the podium. Mr. Agresta stated that he is the principal planner and engineer of the firm AEP, Agresta Engineering and Planning. his qualifications for the record. Mr. Agresta is a licensed professional planner as well as professional engineer in the state of New Jersey. Mr. Agresta licenses are currently active and in good standing. He has appeared in front of numerous boards in the capacity of a professional planner providing professional planning testimony in support of use variances very similar to the approval we're seeking this evening. Mr. Agresta recently appeared in front of this board planner in the township of Monroe.

Mr. Agresta stated that they are seeking approval for four twin style homes, which is a total of eight units on eight individual lots. We are in the C2 commercial neighborhood district, and we are seeking D1 use variance for the proposed use this evening being a zoning board or joint land use board, I'm sure we're all familiar with the terms positive and negative criteria when it comes to granting such approval as we're seeking this evening.

The criteria is outlined in the municipal land use law section 4055d2 in support of the positive criteria. Mr. Agresta stated that in the section of the law there's maybe 23 or so points itemized by lowercase letters. Mr. Agresta stated he was going to talk about four or five that pertain to this application. That I feel directly support our use that we're seeking this evening. The first item lowercase A and that states to the municipality shall guide the appropriate use of development on all the lands to promote public safety, health, morals and general welfare.

Mr. Agresta feels the important part of that item, under the special reasons is really the general welfare item. The C2 commercial zone, there are intense uses that are permitted in the zone approved are uses such as offices, banks, health clubs, dance studios, childcare facilities, things of that nature. Mr. Agresta stated higher intensity uses are distilleries, breweries and restaurants, all these uses tend to be higher traffic generators. Some of these uses would include truck traffic, larger vehicles, box trucks, different things of that nature. When we look at things like health clubs. They tend to have a large influx of people at one time, that being right after work, and then a large exit of people right after that. These tend to be like larger traffic generators. They also offer things like distilleries, breweries, restaurants.

Mr. Agresta went on to say that they tend to have extended hours open till a little bit later in the evening when you'll be getting traffic through that area, 9 o', clock, 10 o'. Clock. And there tend to be just more general disturbances to the area. So, the proposed use before you this evening, residential, tends to be a much lower traffic generator. Obviously, you'll have maybe two to three trips per unit per day. People would be going to work in the morning, coming home in the evening, children heading to the school, et cetera. We're all familiar with residential uses. Mr. Agresta stated that when it comes to general welfare of the immediate area, he feels like the residential use is a much more suitable use, a much less intense use than some of the proposed uses in the C2 zone. Item number D under that states that the proposed use shall not conflict with our neighbors, neighboring municipalities, the county, the state. Mr. Agresta logged into two exhibits, A2 & A3

Exhibit A2 which is the zoning map. exhibit A2 and exhibit A3 aerial photograph.

Mr. Agresta explained A2 exhibits two residential lots very similar to what is being proposed this evening, slightly bigger. They are very similar in size to those two lots, around 5,000 square foot lot size.

Mr. Agresta stated that there's adequate infrastructure, sewer, water, electricity, etc. On the proposing lots for the single family attached homes.

Mr. Agresta then went on to say under item E the special reasons it states to establish appropriate population densities and concentrations that will contribute again to the well beings of persons, the neighborhood communities, etc.

Mr. Agresta showed exhibit A3, the zoning map. Mr. Agresta pointed out the C2 zone to the east and R1 zone, residential as well as to the west and other residential zones.

Mr. Agresta stated that the proposal shows some consistency in the surrounding area. In our immediate area—Berlin Township and Voorhees—we're seeing a strong shift toward townhouse-style and twin-style homes. From a density standpoint, this use makes efficient, responsible use of the land and adds needed housing supply.

Item G under special reasons emphasizes placing residential uses in appropriate locations. Our site is surrounded by residential neighborhoods to the east, west, and north, including Berlin Township. Because of that setting, this proposal reduces potential impacts compared with more intensive commercial uses—particularly in terms of traffic and activity levels.

For these reasons, Mr. Agresta believes the proposed use is both appropriate and beneficial to the surrounding community.

Mr. Agresta went on to say, the C-2 zone requires a minimum lot size of 40,000 square feet. This property, as it exists today, is approximately 30,000 square feet, which means it is already undersized even for the commercial use permitted under the municipal standards.

Lastly, under the special reasons, Item I speaks to promote a desirable visual environment through creative development techniques.

Mr. Agresta stated that he is confident that when the time comes for site-plan review, you'll see that we can provide adequate buffering, street trees, and the other design elements required by the ordinance. While that level of detail isn't before you this evening, the next step would be for the Board's professionals to review the plan, offer comments, and ensure that it not only meets ordinance requirements but is also architecturally consistent with the surrounding neighborhood.

Turning to the negative criteria—the second prong of the use-variance test—it requires that the proposed use not substantially harm the public good. When we compare this residential proposal to the intensity of the permitted commercial uses, such as daycares or health centers, the difference is significant. Those uses generate far more traffic, attract larger vehicles, and create a much higher level of daily activity. Residential use is far less intense by comparison.

Additionally, there are similar-sized lots with similar residential uses directly to the west of our site. Because of that, this proposal will naturally blend into the existing development pattern.

Mr. Agresta then stated regarding the Master Plan, two items stand out as particularly relevant. Item 1.1-B on page 3 calls for minimizing and mitigating conflicts between residential, retail, and industrial uses. And Item 2.1-1.2 on page 4 emphasizes providing a logical transition between residential and non-residential areas. I believe this proposal aligns directly with both of those planning goals.

Mr. Agresta states the higher-density residential use we're proposing serves as an ideal transition between commercial and traditional single-family residential development. To our immediate right we have active commercial use, and our attached single-family homes would provide a natural step-down before reaching the existing single-family neighborhood. As Mr. Galante noted, our surroundings include commercial uses to the east, a parking lot to the south, and railroad tracks directly to the north. Given that context, this proposal fits well as a transitional use between residential and commercial.

In closing, after reviewing the Master Plan and the ordinance, it is my professional opinion that this is a solid, well-supported proposal. It advances the purposes of the Municipal Land Use Law and responds to the needs of the community by adding to the housing supply and addressing existing shortages.

Because strict compliance with the ordinance isn't feasible on this undersized lot, we are seeking D-1 use-variance relief from the requirements of the C-2 Neighborhood Commercial Zone.

D. Pomponio wanted them to confirm what the applicant is looking for and Mr. Galante stated they are not looking for a zone change; they are just looking to allow use in that zone. Mr. Galante asked if there were any questions from the board members or professionals.

D. Pomponio asked, by placing a residential use at this location, it would not, in itself, create a significant traffic impact, as residential development is not considered a major traffic generator. However, if a commercial building were proposed instead, the traffic implications could be substantially different. Depending on the type of commercial use, it could generate considerably more traffic and would require closer review.

D. Pomponio asked for clarification regarding the reference to a parking lot to the south, noting that the area in question is an auto sales lot located directly across from Park Avenue.

D, Pomponio then raised a concern previously discussed at an earlier meeting: the amount of truck activity on Park Avenue related to the car lot's operations. They noted that transport trucks frequently load and unload vehicles along Park Avenue, sometimes during the early evening hours. As an example, they observed transporters unloading cars around 6-7 p.m. during a prior site visit, with the street heavily occupied by these vehicles.

D. Pomponio expressed concern about how this ongoing truck activity might interact with residential use on the proposed site, particularly regarding safety, noise, and general compatibility with family living. They asked whether anyone had approached the car lot to discuss potential changes to their loading and unloading practices in the future.

The owner Chris Kolovos stepped up to the podium and stated that they have not yet spoken with the car lot regarding the concerns raised but emphasized that they maintain a very good working relationship with the business. They noted that Rick Rosario, owner of Bridge Auto Group and their tenant, has been cooperative and easy to work with. If issues arise related to

vehicle drop-off locations or unloading practices, they believe they would be open to discussing adjustments. Mr. Kolovos indicated a willingness to speak with him about designating a specific drop-off area or ensuring that unloading occurs onsite if needed.

Mr. Norman asked if Mr. Kolovos owns both properties.

Mr. Kolovos explained that although they have a connection to Bridge Auto, they are not involved in its operations. Their only relationship with the business is as the property owner; Bridge Auto is their tenant. They noted that they own the Shops at Lucians, several residential properties in the area, and the car dealership and associated landscape property. However, those commercial properties are leased to the technology center and are not operated by Mr. Kolovos.

D. Pomponio noted that the current traffic conditions on Park Avenue are manageable because the landscaping business on the site does not typically operate during evening hours, and the existing house on the lot is vacant. Additionally, the two homes to the west, along Heights Avenue, face Heights Avenue rather than Park Avenue, so they are not directly affected by the truck activity.

However, D. Pomponio expressed concern that the two proposed homes on the subject lot would have driveways directly on Park Avenue. Given the frequent presence of transport trucks loading and unloading vehicles along that roadway, they cautioned that this could create conflicts for future residents and may pose issues over time.

Mr. Kolovos stated that transport trucks should not be parked on Park Avenue, as it is a public street and must be used in accordance with local laws and regulations. They noted that they could initially reach out to the car lot to address the concern, but if the business were not complying with local ordinances, enforcement would fall to the appropriate municipal authorities. The applicant added that the roadway is not private property, and the current situation likely persists because no formal complaints have been raised.

D. Pomponio stated that it is not an issue yet but may be one in the future.

Attorney Mr. Norman noted that when new residential developments are constructed, developers often provide a *point-of-sale disclosure statement*. This ensures that prospective buyers are informed in advance about surrounding land use or conditions, so they fully understand the context of the property they are purchasing.

Mr. Warburton, the planning board planner, stated that a written report had been prepared and distributed to all members. The report reflects the testimony presented, including Mr. Agresta's review of both the positive and negative criteria.

Mr. Warburton noted that while the positive criteria were acknowledged, the central issue is not the appropriateness of residential use within the C-2 zone. Instead, the focus should be on the negative criteria, which require the applicant to demonstrate that the proposed use will not create a substantial detriment to the zone plan or the master plan. The Planner emphasized that Mr. Agresta provided testimony addressing this requirement.

Mr. Warburton explained that the R1 district as it set up in the borough, a standard subdivision has a minimum lot area of 14,520ft, minimum lot width of 100ft, so on and so forth. Front yard 30, 20 and rear yard 30. Mr. Warburton concern with this is more about the

density and how it will impact the zone moving forward in this area. There's C2 and there are R1 zoning. These are not high intensity districts. The C2 is businesses and but on the residential side, the R1 is meant for low intensity residential development. If you look around the area, most of the lots are in your 7,000 square foot and up size. Mr. Warburton stated that the Board should consider whether approving the application could open the door to higher-intensity development in this area.

Mr. Warburton added that they reviewed zoning in neighboring Berlin Township as well. Across the railroad tracks, the zoning pattern continues as a low-intensity, single-family detached residential district. This further supports the character of the broader area as one intended for lower-density development.

Mr. Warburton stated that this is the primary concern with the application. While the applicant selected the R-2 District as the zoning designation they felt best aligned with their proposal, the Planner noted that if R-2 zoning already existed in this immediate area—reflecting medium- or higher-intensity residential development—the request would be more consistent with the established pattern and therefore an easier consideration. However, given the surrounding low-intensity zoning, the potential impact on density remains a key issue for the Board to evaluate.

Mr. Warburton reiterated that the Board should carefully consider whether approval of the application could create a precedent that negatively impacts the zone plan for this area. This potential long-term effect on density and development patterns remains the primary concern.

Mr. Warburton noted that the application includes several bulk variances. Should the use variance be granted, the applicant would be able to address those bulk variances through additional testimony and supporting documentation. Most of the surrounding lots—consistent with earlier observations—are larger, lower-density parcels.

Mr. Warburton referenced the review letter, noting that many of the lots proposed in the application range from approximately 3,500 to 3,975 square feet. These lot sizes are smaller than the standards of the zoning district the applicant identified as comparable for their project. This discrepancy raises additional concerns regarding density and consistency with the surrounding development pattern.

Mr. Warburton also noted that the proposed homes appear to be situated very close to the side-yard property lines, which further contributes to the intensity of the layout compared to the established character of the area.

Mr. Warburton noted that while there are two existing homes adjacent to the site, additional buffering or increased setbacks could help maintain compatibility with the surrounding neighborhood. They suggested that reducing the number of proposed homes—such as considering four units instead of eight, or possibly two twin homes placed back-to-back—might better align the project with the overall intent of the zone plan for this area.

Mr. Warburton acknowledged that the proposed residential use would likely generate less traffic than a commercial use permitted in the C-2 District, particularly given the existing concerns about truck activity along Park Avenue. In that respect, residential development may be more appropriate than certain commercial alternatives.

However, Mr. Warburton stated that while the positive criteria appear to be satisfied, the negative criteria remain the central issue. The applicant should provide additional testimony addressing how the proposed density and layout would impact on the Borough's overall zone plan and whether the project can be reconciled with the low-intensity development pattern intended for this area.

D. Pomponio asked to clarify that tonight's decision pertains solely to the zoning use variance.

Mr. Norman stated that the applicant is proposing eight residential units on a 0.68-acre parcel. Granting the use variance would effectively authorize that level of density.

Mr. Norman noted that if they do not find eight units appropriate, they may grant relief for a lesser number. The Board has the discretion to approve the use variance with a reduced unit count and may specify the number of units it finds acceptable.

W. Hans clarified that, as Adam noted, reducing the project to four units would result in lot widths of approximately 75 feet each, rather than the 100-foot width typically required in the R-1 district. The applicant indicated the total lot area would be roughly 30,000 square feet in aggregate. It was noted that this configuration would bring the property much closer to the R-1 lot size standard than the current eight-unit proposal.

Mr. Agresta noted that the R-1 district is located nearby, with a few small R-1 parcels in the immediate area, though most of the R-1 zone lies to the south. The subject property sits within an isolated portion of the C-2 district, positioned between two small R-1 areas and adjacent to the railroad tracks and nearby commercial uses. It was observed that developing the property strictly in accordance with R-1 standards would be difficult given its location and surrounding conditions. The applicant emphasized that the request is for relief on this single lot only, and that granting a use variance in this instance would not create a precedent for similar development throughout the municipality.

Mr. Agresta discussed that this C-2 "pocket" may have been suitable decades ago for uses such as a machine shop, but those types of uses are no longer in demand. In contrast, there is current demand for the proposed single-family attached, townhouse-style units. The applicant stated that the unique circumstances of this parcel make it unlikely that approval here would encourage similar proposals in the R-1 district or elsewhere. Given the lot's isolated position within a small peninsula of C-2 zoning, bordered by R-1 districts and the railroad tracks, the applicant reiterated that the requested use variance is limited to this specific location and is not anticipated to create any broader detriment to the municipality.

Mr. Warburton stated he agrees with the prior comments, that there is significant demand for housing and that municipalities are consistently being asked to accommodate additional residential development, acknowledged that each property can only yield what its size and conditions reasonably allow.

However, Mr. Warburton expressed professional concern regarding the *number* of units proposed, rather than the residential use itself. The density of the project, rather than the concept of attached housing, was identified as the primary point of hesitation.

F Ballak stated this is being addressed now as a single lot, but Mr. Ballak stated he heard the property owner mention that he owns several of the surrounding properties in that area. I'm

not sure whether there have been any other applications submitted for those additional lots—specifically, any use variance requests—or what the overall makeup of the surrounding lots is. Are the adjacent properties all commercial, or is there a mix of uses?

F. Ballak went on to say that the Professional stated that the application is focused solely on this one lot and that there is no expectation of expansion. However, I heard you mention owning additional surrounding properties, including the location where Bridge Auto operates, where you are the landlord. I'm wondering—if Bridge Auto were ever to leave, would you be seeking residential development on that lot as well?

F. Ballak stated that he is not trying to lock the applicant into anything; it's simply a question. The applicant owns a significant amount of property in that area, and now you're bringing forward an application for this one specific parcel, describing it as essentially landlocked and seeking to maximize residential density or development on it. F. Ballak stated that he is trying to understand the broader context and potential future intentions for the surrounding lots.

Mr. Kolovos noted that he can't speak to the future—Mr. Kolovos went on to say that his parents came to this town about 35 years ago, and every investment we've made here has been made with the best intentions and with the support of the community. In Mr. Kolovos went on to say that all their properties are well maintained and look beautiful. Mr. Kolovos went on to say they pay their taxes, take care of everything, and they take pride in what we own.

Mr. Kolovos stated that the property is right across the street. Mr. Kolovos noted that he purchased it as a C-2 zoned commercial property. The two homes Mr. Kolovos owns in Berlin Borough are residential homes with excellent tenants who have invested in and improved those properties. We only recently became involved in residential uses.

When Mr. Kolovos bought this parcel, his initial thought was to pursue some type of commercial use, possibly an expansion of Bridge Auto or another commercial venture. Mr. Kolovos spoke with a couple of daycare operators who were considering locating behind us in the Shops at Lucian's Plaza, but those plans didn't work out. We previously completed a small development in Cherry Hill that was very successful, and through that project we gained a strong understanding of economics and what it takes to make a project viable.

In Cherry Hill, we built two duplexes. The challenge there was that they were in a single-family neighborhood, but they still sold for \$550,000 to \$600,000. The construction costs here would be similar, but with the railroad tracks, the car dealership, Route 30, and the surrounding conditions, the numbers simply don't work the same way.

Initially, we explored a layout with eight townhouse-style units, using the setbacks to keep the buildings together. Mr. Kolovos understands the committee did not prefer that approach. Mr. Kolovos noted that they invested money by revising the plans and returning with this proposal. This property is directly across from Lucian's, and we see it every day. We intend to take care of it.

Mr. Kolovos, noted that if he purchases another property in town, he will come before this Board again and seek their support. Mr. Kolovos noted that they are offering four attractive duplexes with high-quality landscaping and improvements.

Mr. Norman asked if these homes were going to be for sale or rentals.

Mr. Kolovos stated that the units they are proposing, the plan is to rent them and likely sell one of the homes. From an economic standpoint, selling one makes the project more feasible because of the higher price point we can achieve. However, our primary goal is to retain control over the tenants in the remaining units and operate them as rentals.

H. Earle noted that he drove the area and looked at it, and Mr. Earle stated that he is not sure the roadway is even wide enough for two cars to pass safely. I can easily envision residents parking in front of their homes and blocking the roadway entirely. Mr. Earle stated it feels like too many homes are being placed in that space. Mr. Earle stated that was his concern.

Mr. Agresta stated that he also took the opportunity to drive down that roadway. I agree with Mr. Earle—it is extremely narrow, and in many cases one car may need to pull over to allow another to pass. I completely understand and agree with that concern. However, access to the proposed units would not be from South Atlantic. The access point would be from this roadway here—Heights. Vehicles would enter and exit from Height Street, so they would not be travelling in the South Atlantic for access to the homes.

More than likely, residents would access the site from Heights and come down to the properties directly, so they would not be traveling the full length of Atlantic. That is one positive aspect of the layout.

As for on-street parking, we cannot control every situation—people will sometimes park on the street. However, the proposed driveways are appropriately sized for residential use, and the ordinance does allow for on-street parking in this area. There is available on-street parking in the vicinity, although I agree that Atlantic would not be the preferred location for it.

Mr. Earle asked if this was a three-bedroom home.

Mr. Kolovos stated they have not gotten to that point yet. The building has three bedrooms or two bedrooms with an office.

Mr. Earle stated that it doesn't feel comfortable saying here's two homes, but you can't park in front of them.

Mr. Agresta noted that it was a good point. At this location, each unit has its own driveway, and each lot provides three parking spaces. In addition, there is an opportunity to widen the roadway section directly in front of the homes to allow for additional parking and to ensure that vehicles can still pass safely. That type of improvement could be addressed during the site plan approval process, which would come back before the Board for review.

Mr. Agresta noted we have the frontage in this area, so we would be able to widen the roadways enough to create parking stalls directly in front of the homes. We would not need to relocate utilities, but the existing utility pole would remain in place. By widening this section, we can provide additional parking and prevent vehicles from protruding into the roadway if residents or guests park in front of the homes.

Alternatively, the Board could choose to restrict parking with signage, but in Mr. Agresta opinion, it is better to allow residents the option to park in front of their homes, especially

when they have visitors. Each home already has three on-site parking spaces, so in total the project provides 6, 12, and 24 parking stalls across the development.

Mr. Earle asked what would be the required number of parking spaces for a three-bedroom residential unit? Would it be three spaces? And does the ordinance allow the garage to count toward that requirement?

Mr. Agresta stated they would need at least two parking spaces. Under the RSIS standards, a three-bedroom unit requires 2.3 spaces. We meet that requirement with the garage included, and as mentioned, we also could widen South Atlantic Avenue frontage toward our property to create additional on-street parking. That improvement would not be tied to any RSIS requirement, it would simply be to ensure convenient and adequate parking for the residents in that location.

Mr. Earle wanted clarification that they would be cutting into the property or shortening up the yard.

Mr. Agresta pointed out the plan, in the area, there is approximately 15 feet between the right-of-way and the street line, give or take. That provides enough space to install an eight-foot-wide parking area in front of the homes. There is adequate room to accommodate that improvement, and we would work out the details with the Township Engineer during the land development and site plan review process.

Mr. Ballak asked I have a question—perhaps for the planner. When you travel east on Atlantic Avenue past these properties, the roadway eventually terminates into a sort of cul-de-sac, correct?

Mr. Agresta stated that is correct.

Mr. Ballak went on to ask between the lot that is the subject of this application and the cul-de-sac at the end of Atlantic Avenue, how many properties are there—homes or otherwise? I'm trying to get a sense of the volume of traffic that might pass through that area. From what I recall, it's not very many.

Mr. Agresta stated not many.

Mr. Earle stated that his concern is not volume, it is narrowness.

Mr. Earle asked if these units will be managed. Will the applicant be managing them directly, and will there be property maintenance services in place Also, will the units be equipped with sprinklers.

Mr. Kolovos stated they will be managing the rental property and installing sprinklers.

Mr. Pomponio stated that this meeting is only for land use.

Attorney Mr. Norman stated that is correct. This is a conceptual idea This would require the submission of a site plan that is substantially consistent with what has been presented here.

Mr. Pomponio stated that tonight's meeting is whether this property can be rezoned to allow residential development—specifically, whether a home or housing is appropriate here. As it

stands now, the property is zoned for commercial use or for twin townhouses. That's the current permitted use, Mr. Norman stated that is correct.

Mr. Earle did want clarification that if approved tonight then the eight homes are being approved.

Mr. Norman stated that once a use variance is granted, the proposed use is effectively treated as though it were a permitted use when the applicant returns for site plan approval. It is not the same as a zoning amendment, but the effect is similar in that the Board has already authorized the use itself. The subsequent review focuses on the site plan details rather than the appropriateness of the use.

Mr. Warburton then explained that this is where the positive and negative criteria come into play. For a use variance, the Board must evaluate both prongs. The negative criteria require that the proposed use not cause a substantial impairment of the zone plan or the intent and purpose of the Master Plan. Even though the applicant is proposing residential use, all of the associated factors—such as density—must be considered in that analysis.

The positive criteria have already been presented, and I believe Mr. Agresta addressed those earlier. My concern lies primarily with the negative criteria, particularly the density associated with this proposed use and whether it creates any substantial impact on the zone plan.

Mr. Norman asked the planning board planner if he is referring to four units as acceptable dens Are you referring to four units as an acceptable density comparable to an RM zone? Or are you talking about four single-family homes? it's comparable to an RM zone or are you talking about four single-family homes?

Mr. Warburton clarified that the application involves four total units, referring to the overall layout rather than four units per building.

He noted that the proposal consists of one building in the front and one in the rear, not multiple structures clustered together.

The board acknowledged the applicant's concerns regarding economic feasibility but emphasized that the board's responsibility is to evaluate the positive and negative criteria associated with the application. Members reiterated that their focus must remain on the statutory criteria when weighing the merits of the proposal. That is the statute.

Mr. Pomponio stated that the negative is more of an issue.

Mr. Warburton noted that the proposed density remains a central concern. The member emphasized that this level of density may constitute a substantial impairment to the municipality's zone plan, particularly given the established development pattern and zoning layout surrounding the site. The comment underscored the need to consider how the proposed intensity of use aligns—or conflicts—with the broader planning framework in this area.

Mr. Earle asked if this was commercial property in C2 what the number of parking lots would be.

Mr. Warburton stated that the appropriate intensity of development depends on the specific use proposed for the site. The ordinance includes different standards for different permitted uses, and those standards guide what is considered acceptable on a parcel of this size. Given the 30,000-square-foot lot, the site would not support a large-scale industrial operation such as a warehouse. Instead, any future tenant would likely be a small-scale, boutique-type commercial use, consistent with what the ordinance envisions for a property of this size and location.

Mr. Pomponio asked if there were any more questions from the board.

Mr. Hans recalled that during the applicant's earlier appearance, the proposal involved eight units, arranged as four units in the front and four in the rear. While the revised plan separates the buildings more effectively, the member noted that concerns remain about the units feeling compressed on the site.

Mr. Hans acknowledged that the current layout is an improvement over the prior version but emphasized that the earlier plan had also raised similar concerns about the buildings being "squeezed in" relative to the size and configuration of the property.

Mr. Earle noted that if the board were to approve the proposal as four homes, the number of bedrooms becomes an important consideration. While the applicant has not finalized the bedroom count, the members emphasized that it has direct relevance to the overall intensity of the project.

Mr. Earle explained that if the units were one-bedroom homes, the discussion might be different because the overall scale and impact would be smaller. However, without clarity, the board must consider the possibility of larger units and the associated impacts.

Mr. Earle further questioned what would prevent the applicant from returning to the site plan stage with a configuration that increases intensity, noting that the board must be confident in what is being approved and how it aligns with the zoning framework.

Mr. Kolovos stated that it would be a three-bedroom max.

Mr. Earle raised a final question regarding the driveway layout, noting concern about whether the configuration meets standard design expectations. Mr. Earle commented that the driveway appears very tight, particularly if it is intended to accommodate three vehicles.

Mr. Earle questioned whether cars would realistically be able to park side-by-side and still have sufficient room to maneuver and back out safely.

Mr. Agresta explained that the driveway throat is 10 feet wide, with a bump-out on the left providing a 9-foot parking width, and a second bump-out on the right providing another 9-foot space, in addition to the garage. This configuration allows for three total parking spaces on the property: one in the garage and two in the driveway.

He noted that this layout has been used on numerous prior projects and has proven to be adequate. If, during the site plan review, the board determines that additional width is desirable, the driveway could potentially be widened by approximately one foot to provide additional maneuvering room.

The engineer also reminded the board that the standard parking stall dimension is 9 feet by 18 feet, and the proposed layout is designed to meet those established standards.

Mr. Earle clarified that their concern was not the driveway width, but rather the functionality of the layout. They questioned whether, with two cars parked side-by-side, a third vehicle would realistically be able to maneuver and back out without difficulty. The member acknowledged that this may be a typical configuration but noted that it still appears tight when reviewing the plan.

Mr. Agresta responded that the vehicles anticipated for the site are typical residential cars, not larger trucks. He stated that with standard-sized vehicles, residents would be able to pull in and back out without issue.

Mr. Agresta added that, if requested by the board or the board engineer during the site plan review, the applicant could provide a turning-movement template to demonstrate that the driveway layout functions properly. He reiterated that the design is based on standard residential parking dimensions and should operate as intended.

Mr. Norman noted that one advantage of the units being rentals is that the property owner remains responsible for maintenance, including tasks such as snow removal and general upkeep. He explained that having an on-site or nearby landlord typically ensures that these responsibilities are handled promptly and consistently, reducing the likelihood of compatibility or maintenance issues between neighboring properties.

Mr. Ballak has a question regarding sidewalks, noting that the applicant will likely request a waiver. The member observed that sidewalk waivers often become an issue when applications return for further review.

Given that the property is located midblock, how are residents of the rear units would safely access Atlantic Avenue without sidewalks, residents might be forced to walk through the middle of the driveway or along Atlantic Avenue itself to reach the street, raising concerns about pedestrian safety and circulation

Mr. Agresta stated they will be providing sidewalks on Park Avenue. Mr. Agresta explained that when the roadway modifications to Atlantic Avenue are completed to accommodate the proposed parking stalls, the plan is to add sidewalk along the frontage of the applicant's property. He noted that while additional sidewalk installation would be the responsibility of adjacent property owners, the applicant can ensure that the portion in front of their lot is constructed. Based on this, he stated that he does not anticipate requesting a sidewalk waiver.

Mr. Pomponio asked if there was anything else to be presented at this point.

Mr. Galante stated nothing at this point unless there are any further questions or something raised by the public.

PUBLIC PORTION:

D. Pomponio opened- up to the public

Patrick Hearst stepped up to the podium and the planning board attorney Chris Norman swore him in.

Patrick Hearst, owner of an adjacent property on Atlantic Avenue near the railroad, testifies that Park Avenue is extremely narrow with no curbs, Heights Avenue experiences excessive speeding with no sidewalks, and the area sees constant transport truck traffic from Bridge Auto. Hearst expresses concern about high density and its impact on property values, noting the proposed development would be only 8 feet from his shed and questioning whether families with children would find the location suitable given the traffic and railroad noise. When asked to choose between residential and commercial development, Hearst states residential would be the lesser evil but emphasizes density and public safety remain his primary concerns for the small area.

No other person seen or heard from the public

W. Hans asks whether reducing the proposal to four total units would be feasible, but Mr. Kolovos explains the economy doesn't work with fewer units, noting the Cherry Hill comparable properties sell for 35-40% more due to better location. Mr. Kolovos states they initially proposed a townhouse layout to maximize economics, but the town didn't favor that design and reducing it to four or six units makes the project financially unviable compared to commercial alternatives like daycare. Mr. Galante requests to table the application until the next meeting to explore less intense options that might work for the board, with the motion approved and the hearing continued until April 13th without requiring new public notice.

D. Pomponio asked for a motion to table this application to April 13, 2026, meeting without public notice was made by F. Ballak and seconded by W. Hans.

Roll Call:

D. Pomponio-AYE

J. Cole-AYE

K. Ryker-AYE

H. Earle-AYE

Councilman M. Wilkinson-AYE

W. Hans-AYE

F. Ballak-AYE

E. Hahn-AYE

A motion to appoint D. Pomponio as Vice Chairperson was made by J. Cole and seconded by K. Ryker.

ALL IN FAVOR:

J. Cole-AYE

K. Ryker-AYE

H. Earle-AYE

Councilman M. Wilkinson-AYE

W. Hans-AYE

F. Ballak-AYE

E. Hahn-AYE

GOOD OF THE ORDER:

NONE.

ADJOURNMENT OF REGULAR MEETING: at 8:37pm

A motion to adjourn the meeting was made by K. Ryker and seconded by J. Cole All in Favor-AYE

Cc: Bill Behnke, Fire Marshall

Stacey Divello, Escrow Financial Department

Wayne Hans, Construction Official

Michael Bernardins, CTA Tax Assessor

