

BOROUGH OF BERLIN  
PLANNING BOARD MINUTES  
April 27th, 2026, Special meeting

**CALL TO ORDER:** Chairman M. McGowan called the meeting to order at 7:00 PM

**FLAG SALUTE:** Chairman M. McGowan called for everyone to rise and recite the pledge of allegiance to the flag.

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

**ROLL CALL:** On roll call, the following members answered present-to-roll call: Mayor R. Miller, D. Pomponio, E. Hahn, K. Ryker, M. McGowan, F. Ballak, J. Cole, W. Hans

**ZONING OFFICERS REPORT:**  
NONE

**OLD BUSINESS:**  
NONE

**NEW BUSINESS:**  
NONE

Planning Board attorney Chris Norman swore in the Planning Board planner, Adam Warburton.

**REDEVELOPMENT STUDIES:**  
**Redevelopment Area**  
**Determination in Need of Study**  
Block 1108, Lots 5, 6, 7, 8, 9, & 10

**The Board Planner provided the following presentation:**

The Planner stated that the Board would be reviewing two redevelopment studies this evening. He explained that the studies were authorized by the Governing Body and that the firm has completed them in accordance with the Local Redevelopment and Housing Law.

He noted that the first study concerns Block 1108, Lots 5, 6, 7, 8, 9, and 10. The redevelopment area encompasses approximately 1.3 acres and is located within the Central Business District (C-1 Zone), directly adjacent to Borough Hall.

The Planner explained that the purpose of the study is to determine whether the parcels meet the statutory criteria for designation as an Area in Need of Redevelopment. There are eight criteria—A through H—outlined on page 10 of the report. Each must be evaluated to determine whether the site satisfies one or more of the required conditions.

He referenced page 13 of the report, which provides an aerial view of the subject parking lots. Historically, the site contained an auto body shop and several vacant structures. These buildings were recently demolished as part of the Borough's planning efforts for the area.

The Planner noted that environmental remediation is currently underway on the site. Based on discussions with the LSRP, the contamination appears to be localized, and cleanup efforts are progressing.

He then reviewed the criteria applicable to the study. As outlined on page 24 of the report, the study identified Criteria D and H as being met. Criteria D relates to obsolete layout or design. The Planner explained that this criterion was cited due to the presence of contaminated soil requiring remediation, as well as the former building layout, which was inconsistent with a traditional Main Street development pattern. The prior structures were set back in a manner not aligned with the Borough's long-term vision for a more historic, pedestrian-oriented streetscape.

He further noted that Section 3 of the Local Redevelopment and Housing Law allow additional lots to be included within a redevelopment area if they are not capable of being developed independently. Several of the lots within the study area are undersized and lack sufficient width, supporting their inclusion under this provision.

The Planner then discussed Criteria H, which relates to smart growth principles. He summarized the EPA's smart growth goals, including promoting mixed land uses, compact building design, diverse housing opportunities, walkable neighborhoods, distinctive community character, preservation of open space, directing development toward existing communities, providing transportation choices, ensuring predictable and cost-effective development decisions, and encouraging community collaboration.

He stated that, in his professional opinion, the subject area represents a strong example of smart growth, given its Main Street location and potential to support new businesses and a more walkable environment. Historically, the area consisted of a few residences and a used auto shop, which did not contribute to these goals.

The Planner concluded that only one statutory criterion is required for designation, and the study identifies two—Criteria D and H—along with the applicability of Section 3. Therefore, he recommended that the area be designated as an Area in Need of Redevelopment.

At this point, the Board Attorney asked whether the Planner preferred to present both studies before the Board voted. The Planner agreed to proceed with both presentations before action is taken.

The Board Attorney also clarified that Block 1108, Lots 5 through 10, is recommended for designation as a non-condemnation redevelopment area, as the Borough already owns the parcels. The Planner confirmed that the Borough owns all the lots within this tract.

**Board Questions:** Chairman M. McGowan asked whether any Board members had questions regarding the first study before the Planner proceeded to the second.

J. Cole confirmed that these lots are the ones located adjacent to Borough Hall. The Planner affirmed this. No further questions were raised.

**Redevelopment Area**  
**Determination in Need of Study**  
Block 1800, Lot 9

**Mr. Warburton, the planner proceeded with the second redevelopment study:** The Planner stated that the second study concerns Block 1800, Lot 9, the former Kmart property located at 328 South White Horse Pike. He noted that this study was conducted as a *condemnation* redevelopment investigation. While the designation type does not change the analysis, it would provide the Borough with additional authority should the Governing Body ultimately determine that the site qualifies as an Area in Need of Redevelopment.

The Planner explained that the study area consists of approximately 22 acres and has a lengthy history, including a court settlement from November 2011 involving Armstrong Capital. As part of that settlement, Armstrong Capital was required to construct 80 rental units, including 20 affordable units. Although that obligation dates back many years, he noted it for the record because it pertained to this property.

He further stated that the site had previously been designated by the Borough as a *non-condemnation* redevelopment area. Because the Borough is now considering a condemnation designation, a new study was required, which is the purpose of the current presentation.

The Planner reiterated that the same statutory criteria—A through H—outlined on pages 10 and 11 of the report were evaluated. The site was visited, photographed, and reviewed in detail. Under the existing zoning, the property is identified as the White Horse Pike East Redevelopment Area, reflecting its prior designation.

During the site inspection, the Planner observed significant deterioration of the former Kmart building and associated structures. Photographs included in the report show trash and debris inside the buildings, fallen ceiling tiles, exposed insulation, standing water, and evidence of roof leaks. The Planner noted that these conditions indicate substantial deterioration.

He stated that these findings support **Criteria A**, which relates to unsafe, unsanitary, or dilapidated conditions. The presence of standing water, vandalism, and likely mold further reinforces this criterion.

The Planner also cited **Criteria B**, which pertains to vacant commercial buildings. The Kmart closed in 2014, and although a go-kart business temporarily occupied part of the building, it has since closed. By 2016, Google imagery shows that signage had been painted over, indicating prolonged vacancy.

The Planner identified **Criteria D**—obsolete layout and design—as another strong basis for designation. He explained that the building orientation is inconsistent with modern commercial development patterns along the White Horse Pike, where structures typically face the roadway. Additionally, the site’s stormwater infrastructure does not meet current DEP standards. The existing single-basin design and extensive asphalt coverage would not comply with today’s requirements, which limit drainage areas to 2.5 acres per basin and require multiple basins and improved site design.

He noted that a future redevelopment plan could support a mix of commercial and residential uses, subject to Borough direction.

Based on the conditions observed and the applicability of **Criteria A, B, and D**, the Planner concluded that the property qualifies for designation as a *Condemnation Redevelopment Area*.

Chairman M. McGowan asked how the property factors into the redevelopment considerations, noting that the rear portion of the site is associated with COAH

**The board attorney, Chris Norman stated,** yes, the COAH area is noted in the report. It is contemplated as part of the broader redevelopment concept. The current plan envisions a greater number of affordable housing units than was previously proposed under the Armstrong settlement.

A Board member asked whether the total number of proposed units on the site is approximately 200 and how that relates to the COAH/affordable housing component, noting that the rear portion of the property is associated with COAH obligations.

**The Planner responded:** Yes, the COAH-related portion is noted in the report. It is incorporated into the broader redevelopment concept. The current plan contemplates approximately 200 units in total, which would provide more affordable units than the number previously proposed under the Armstrong settlement. The additional units would help the Borough meet its Fourth-Round affordable housing obligation as it exists today. The proposed density on the site exceeds what was contemplated under Armstrong and therefore advances one of the Borough’s key obligations under the court-mandated affordable housing requirements and the Fair Share Housing Center.

D. Pomponio: asked how the prior proposal for condominiums or apartments affects the current redevelopment effort and whether that earlier project is still active.

**The Board Attorney responded:** The prior proposal technically remains in place, but there has been no activity on it for some time. That inactivity is part of the reason the Borough is pursuing a condemnation redevelopment designation. Fair Share Housing Center has questioned why the

required affordable units have not been constructed, and condemnation authority would allow the Borough to approach a redeveloper directly.

He explained that, in some cases, a property owner's financial expectations can prevent progress. A developer or owner may demand an unrealistic price for the property, making redevelopment infeasible. With condemnation authority, the County can take control of the property and identify a redeveloper, which helps move the process forward.

A Board member noted that there has been interest from potential developers.

A Board member asked for clarification regarding the boundaries of Block 1800, Lot 9, noting that the former Kmart building sits on the parcel and questioning whether the study area includes the surrounding commercial properties.

**The Planner responded:** Yes, Lot 9 encompasses the former Kmart property. The study area includes the Kmart building and the surrounding commercial area shown on the front page of the report. In response to a follow-up question, the Planner confirmed that the study area also includes the building located across from the former Kmart, including the restaurant. As shown on page 7 of the report, the redevelopment study covers the entire tract.

D. Pomponio asked where the old farmhouse referenced in the report is located, noting that it appeared to be closer to Tansboro Road.

It was confirmed that the farmhouse is located toward the rear of the property, on the side closer to Tansboro Road.

Another Board member sought clarification, asking whether the structure was on the opposite side of Acme. It was confirmed to be on the opposite side of Acme, toward the back of the site.

**Public Portion:** The Chairman, M. McGowan opened the meeting to the public for comment. Seeing and hearing no members of the public wishing to speak, the Chairman closed the public portion.

### **RESOLUTIONS: 26-10**

A motion to be made if the board finds and concludes that the statutory criteria have been met on the need for condemnation redevelopment on Block 1800, Lots of lot 9 was made by Mayor R. Miller and second by F. Ballak.

### **Roll Call:**

D. Pomponio-AYE

K. Ryker-AYE

J. Cole-AYE

F. Ballak-AYE

M. McGowan-AYE

Mayor R. Miller-AYE

E. Hahn-AYE

W. Hans-AYE

**RESOLUTIONS: 26-11**

A motion to be made if the board finds and concludes that the statutory criteria have been met on the need for non-condemnation redevelopment on Block 1108, lot 5,6,7,8,9, & 10 was made by D. Pomponio and second by K. Ryker

**Roll Call:**

D. Pomponio-AYE  
K. Ryker-AYE  
J. Cole-AYE  
F. Ballak-AYE  
M. McGowan-AYE  
Mayor R. Miller-AYE  
E. Hahn-AYE  
W. Hans-AYE

**CORRESPONDENCE:**

NONE

**GOOD OF THE ORDER:**

NONE

**ADJOURNMENT OF REGULAR MEETING:**

Mayor R. Miller made the motion to adjourn at 7:16pm All in favor

Cc: Bill Behnke, Fire Marshall  
Stacey DiVello, Escrow Financial Department  
Wayne Hans, Construction Official  
Michael Bernardin, CTA Tax Assessor