

PLANNING BOARD

RESOLUTION MEMORIALIZATION DECISION

- Minor Subdivision
  - Major Subdivision Preliminary
  - Major Subdivision Final
  - Minor Site Plan
  - Major Site Plan, Preliminary
  - Major Site Plan
  - Amended Preliminary
  - Major Site Plan, Final
  - Design Waivers
  - Submission Waivers
  - Conditional Use Variance
  - D Variance
  - Bulk Variance
- Approved  
 General Conditions  
 Additional Conditions  
 Denied
- Application No. PB 26-02  
Applicant: 94 White Horse, LLC  
280 Chester Avenue  
Moorestown, NJ 08057

**RESOLUTIONS: 26-12**

Owner: Same

Action: April 13, 2026

Memorialized: May 11, 2026

Plan Name: Bifurcated Site Plan for 94 White Horse, LLC

**WHEREAS**, the applicant (“Applicant”) has applied to the Berlin Borough Planning Board (“Planning Board”) for the following primary approval: Use Variance to permit two (2) triplex semi-detached dwelling units on a 30,000 square-foot (0.689-acre) lot along Park Avenue and South Atlantic Avenue at Block 300, Lot 2 in the C-2 Neighborhood Commercial District;

**WHEREAS**, the applicant has applied for the following variance relief:

- (a) Use Variance to permit two (2) triplex semi-detached dwelling units in the C-2 Neighborhood Commercial District; and

**WHEREAS**, the application was considered by the Planning Board at public hearings conducted on March 9, 2026 and April 13, 2026 in sworn testimony by the Applicant’s managing member, Chris Kolovos, the Applicant’s project engineer, Michael Gallante, P.E.

of MG Engineering Associates, LLC and professional planner, Sam Agresta P.P. and through the legal representation of Tyler T. Prime, Esq. of the Prime Tuvel law firm; and

**WHEREAS**, a public hearing (X) was required and the Planning Board has considered that public comments:

- ( ) were not made by the public
- ( ) were made in favor of all or some aspect of the application
- (X) were made against all or some aspect of the application; and

**WHEREAS**, the following documents are incorporated herein by reference:

- (a) Borough of Berlin Planning and Zoning Board Application, dated February 6, 2026;
- (b) MG Engineering Associates – Project Narrative, dated January 23, 2026;
- (c) Bifurcated Site Plan, prepared by Michael Gallante, P.E., dated January 12, 2026, consisting of one sheet, marked Exhibit A-1 at the March 9, 2026 public hearing;
- (d) Colored Zoning Map, marked Exhibit A-2 at the March 9, 2026 public hearing;
- (e) Colored Aerial Map, marked Exhibit A-3 at the March 9, 2026 public hearing;
- (f) Colored Renderings of proposed semi-detached dwelling units;
- (g) Report of Board Planner, dated February 24, 2026, consisting of four (4) pages;
- (h) (Revised) Bifurcated Site Plan, prepared by Michael Gallante, P.E., dated January 14, 2026, consisting of one sheet;

**WHEREAS**, it appears that all jurisdictional and procedural requirements of the applicable Borough Ordinances have been met;

**WHEREAS**, the Planning Board has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

**WHEREAS**, the Planning Board has considered the recommendations and comments of its professional staff and the following written reports:

- ( ) Engineer report dated \_\_\_\_\_;
- (X) Planner report dated February 24, 2026;

Copy of which is attached hereto and made a part hereof respectively as Exhibit A and

**WHEREAS**, the Planning Board has made the following Findings of Fact and Conclusions:

**FINDINGS OF FACT AND CONCLUSIONS**

1. At the first public hearing on March 9, 2026, Applicant presented a development application seeking Use Variance Approval to permit four (4) twin semi-detached dwelling units with concrete walkway, concrete driveway and rear patio on real property located at Block 300, Lot 2, a 0.689-acre lot, in the C-2 Neighborhood Commercial Zoning District. Four (4) of the twin units would front along Park Avenue and other four (4) twin units would front on South Atlantic Avenue. Applicant proposed that it seeks use variance approval only and that a future development application would be submitted for subdivision and site plan approval, if the use variance was granted. The proposed twin units would be sited on proposed lots ranging in size from 3,524 square feet to 3,975 square feet.

2. In his report, the Planning Board Planner noted that the surrounding area is residential and commercial in nature. The subject property is currently improved with a single-family dwelling, multiple accessory sheds and an access drive on Park Avenue. The C-2 Zoning District permits retail sales, service uses, offices and banks, funeral homes, medical services and

restaurants, health clubs, childcare centers and breweries. Only pre-existing residences are permitted in the C-2 Zone.

3. Applicant's Engineer, Mr. Gallante, testified that the Bifurcated Site Plan was designed to conform substantially to the bulk requirements of Berlin Borough's Lower Income Affordable Housing Zone. However, no affordable housing is proposed. The proposed site plan would meet ordinance requirements pertaining to stormwater management, drainage and landscaping at the time of application for subdivision and site plan approval. Mr. Gallante testified that the proposed parking would meet Residential Site Improvement Standard requirements of 2.3 spaces through the provision for a garage (one space) and driveway (two additional parking spaces). Mr. Gallante further testified that additional on-street parking could be added along the South Atlantic Avenue frontage.

4. Applicant's Planner, Mr. Agresta, testified that the Municipal Land Use Law Purposes of Zoning Sections 2(a), (d), (e) and (i) would be met if use variance approval is granted. Mr. Agresta testified that the proposed residential use would be less intensive and generate significantly less traffic than other permitted uses in the C-2 Zone, that the proposed colored renderings of the residential units depict an attractive design, and that the proposed residential development would blend nicely into the surrounding neighborhood which is Zoned R-1 residential use. Mr. Agresta testified that the Master Plan designates this area as a transitional zone between commercial and residential uses. The site is already occupied by an existing residential dwelling. The proposed residential use would not be incompatible with the adjoining landscape business and reduce the neighborhood impact from the nearby car dealership, Bridge Auto Group.

5. Mr. Kovalos, the Applicant's managing member, testified that the proposed residential units would have no more than three (3) bedrooms. Mr. Kovalos testified that a reduction of the number of residential units from eight (8) to four (4) would render the proposal to redevelop this site unfeasible.

6. The Board Planner reviewed his February 24, 2026 report at the March 9, 2026 public hearing and raised concern with the proposed residential density, emphasizing that Applicant proposed residential lot sizes of 3,500 to 4,000 square feet is much less than the minimum lot size requirement of 14,500 square feet in the adjacent R-1 residential zoning district. Board members also raised concern with the narrowness of South Atlantic Avenue for traffic and parking and the impact of eight (8) proposed additional residential units. The adjacent residential property owner on Heights Avenue was not opposed to the concept of redeveloping the site for new residential development but expressed concern that too much residential development was being proposed and that it might reduce his quiet enjoyment of his residential property with a new residential unit proposed in very close proximity to his rear yard. Board members expressed the similar concern that the 8-unit residential plan was not appropriate to this undersized 0.689-acre lot and that Applicant should eliminate some of the residential units to prevent overdevelopment. Applicant agreed to continue the application and indicated that a revised plan would be submitted to eliminate two residential units and to create additional spacing and buffering from the adjoining uses.

7. At the April 13, 2026 public hearing, Applicant presented the revised Bifurcated Site Plan for two triplex residential units that would increase the proposed lot area for the end units from 3,975 to 8,200 square feet and increased the side-yard setback from 14.5 feet to 36 feet. Applicant indicated that the architectural design of the residential units would remain

substantially consistent with the colored renderings submitted to the Board at the first public hearing. Applicant's planner reiterated the same planning proofs as presented at the first public hearing in support of the granting of the use variance. Applicant's engineer testified that each residential unit would have a garage and parking for three (3) vehicles.

8. The Planning Board Planner still had concern with the extent of proposed residential density but noted that the elimination of residential units and increase of the side-yard setbacks to allow for additional buffering at the time of application for subdivision and site plan approval is a significant compromise.

9. During the public portion, no one from the public appeared to testify in opposition to the application at the second public hearing.

10. The Planning Board finds that the proposed residential development of two triplex residential units is a particularly suitable use at the subject property and satisfies the purposes of zoning for the reasons adduced on the record by the Applicant, subject to the restrictions to be imposed herein. The Board emphasizes that the proposed use is less intense than other permitted uses in the C-2 Zone. The Board further finds that the granting of the requested use variance relief will not substantially impair the neighborhood and C-2 Zone. The Board further finds no substantial impairment to the Master Plan for the reasons set forth above.

**NOW, THEREFORE, BE IT RESOLVED** by the Berlin Borough Planning Board that the said application for use variance approval to permit two (2) triplex semi-detached dwelling units in the C-2 Zone as set forth above is hereby granted, subject to the following conditions:

**SPECIFIC CONDITIONS OF APPROVAL**

1. Applicant shall submit an applicant for subdivision and site plan approval substantially in conformance the revised Bifurcated Site Plan.

2. The two proposed triplex units shall be substantially similar in architectural design to the colored rendering presented at the March 9, 2026 public hearing (See, Exhibit F above).

**GENERAL CONDITIONS OF APPROVAL**

1. A brief notice of this decision shall be published in the official newspaper of the Borough, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code Section 15-19). A proof of publication shall be filed with the Administrative Officer of the Planning Board within thirty (30) days of the date the decision is memorialized.

2. Applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Specific Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. Applicant shall be required to obtain all outside agency approvals

6. Any improvement(s) to be constructed as a result of the Planning Board approving this application shall be constructed and operated in full compliance with the Code of Berlin Borough, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

7. The Board presumes that the applicant's application, all exhibits, maps and other documents submitted and relied on by the applicant, are true and accurate representations of the facts relating to the applicant's request for relief. In the event that it appears to be the Board, on

reasonable grounds, that such Application, exhibits, maps and other documents submitted are not accurate, are materially misleading or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the applicant, the Board may rescind its approval and rehear the Application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

8. At any time after the adoption of this resolution of memorialization, should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the applicant, the Board reserves the right to conduct a hearing with the applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate.

9. Applicant shall indemnify and hold the Borough harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the applicant, including but not limited to proper service and notice upon interested parties and publication of the notice of public hearing in this matter in accordance with the law.

10. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to

the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

11. Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner.

12. Applicant must maintain an escrow account with the Borough and pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Borough's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. Applicant's escrow account must be current prior to any permits being issued, or construction or other activity commencing on the approved project.

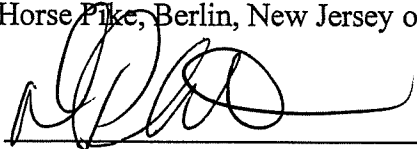
13. Applicant must obtain and all other construction or other municipal permits required with respect to the relief as granted herein.


BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor and Borough Zoning Administrative Officer.

<i>RECORD OF VOTE FOR ACTION TAKEN</i>						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Mayor Rick Miller				X		
Council Member Millard Wilkinson				X		
Michael McGowan, Chair	X					
Dan Pomponio	X					
Ken Ryker	X				X	
Wayne Hans				X		
Fran Ballak				X		
John Cole				X		
Jeannine Schumacher	X					
Harry Earle	X					X
Eric Hahn, Alternate		X				

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor and Borough Zoning Administrative Officer.

I, Donna Plute, Secretary to the Planning Board of the Borough of Berlin, County of Camden, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by said Board at a meeting held at the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey on the 13th day of April, 2026.

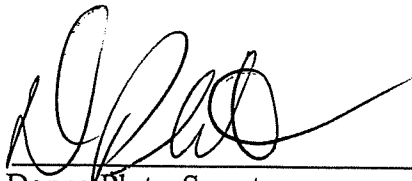
  
 \_\_\_\_\_  
 Donna Plute, Secretary

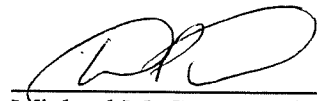
  
 \_\_\_\_\_  
 Michael McGowan, Chairman

*RECORD OF VOTE ON RESOLUTION*

BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Mayor Rick Miller			X			
John Cole	X					
Wayne Hans			X			
Ken Ryker	X					X
Michael McGowan, Chair	X					
Jeannine Schumacher	X					
Fran Ballak			X			
Council Member Millard Wilkinson			X			
Dan Pomponio	X					
Harry Earle					X	
Eric Hahn, Alternate				X		

I, Donna Plute, Secretary to the Planning Board of the Borough of Berlin, County of Camden, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by said Board on the Resolution at a meeting held at the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey on the 11th day of May, 2026.

  
 \_\_\_\_\_  
 Donna Plute, Secretary

  
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 Michael McGowan, Chairman