

**BOROUGH OF BERLIN  
PLANNING BOARD**

**RESOLUTION MEMORIALIZATION DECISION**

- |  |  |
|--|--|
| <input type="checkbox"/> Minor Subdivision             | <input checked="" type="checkbox"/> Approved           |
| <input type="checkbox"/> Major Subdivision Preliminary | <input checked="" type="checkbox"/> General Conditions |
| <input type="checkbox"/> Major Subdivision Final       | <input type="checkbox"/> Additional Conditions         |
|  | <input type="checkbox"/> Denied                        |

- |   |                                  |
|---|----------------------------------|
| <input type="checkbox"/> Minor Site Plan              |                                  |
| <input type="checkbox"/> Major Site Plan, Preliminary | Application No. <u>PB 26-03</u>  |
| <input type="checkbox"/> Major Site Plan              | Applicant: Debra L Zygmunt       |
| <input type="checkbox"/> Amended Preliminary          | 210 Rich Avenue                  |
| <input type="checkbox"/> Major Site Plan, Final       | Berlin, New Jersey 08009         |
| <input type="checkbox"/> Design Waiver                |                                  |
| <input type="checkbox"/> Submission Waivers           | <b><u>RESOLUTIONS: 26-13</u></b> |

- |   |             |
|---|-------------|
| <input checked="" type="checkbox"/> Bulk Variance | Owner: Same |
|---|-------------|

Block 1312, Lot 3.01

Action: April 13, 2026

Memorialized: May 11, 2026  
Plan Name: Pool Grading Plan

**WHEREAS**, the applicant Debra L. Zygmunt (“Applicant”) has applied to the Berlin Borough Planning Board (“Planning Board”) for the following approval: Bulk Variance Approval to permit installation of 14’ X 28’ swimming pool within the front-yard of corner-lot property having two frontages on Rich Avenue and Park Drive; and

**WHEREAS**, the applicant has applied for bulk variance relief to permit installation of a 14’ X 28’ swimming pool within front-yard of a corner-lot property having two frontages on Rich Avenue and Park Drive, where a swimming pool is not permitted in a front-yard; and

**WHEREAS**, the application was considered by the Planning Board at its public meeting on April 13, 2026 on the sworn testimony of Applicant; and,

**WHEREAS**, the following documents are exhibits to the development application and are incorporated herein by reference:

- (a) Borough of Berlin Planning and Zoning Board Application, dated March 24, 2006; and
- (b) Pool Grading Plan, prepared by James E. Maccariella, Jr, P.E., dated 11/23/25; and

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

**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 after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statement of reasons:

1. Applicant requests bulk variance approval to permit installation of a 14' X 28' swimming within the front-yard along Applicant's Park Drive frontage of her 0.25-acre residential property at 210 Rich Avenue, which property is more particularly described as Block 1312, Lot 3.01 on the Official Tax Map of the Borough of Berlin (hereinafter "P.I.Q."). The proposed swimming pool is a permitted accessory structure in the R-1 Residential Zoning District.

2. The P.I.Q. is currently developed with a single-family dwelling with driveway fronting on Rich Avenue. No trees would be removed to install the pool. Applicant testified that variance relief is requested based upon undue hardship. The proposed swimming pool is sited at the only feasible location on her residential lot, which is a corner lot. The proposed pool is sited at the rear corner of the property adjacent to an existing patio.

3. Bulk variance relief is required under Section 335-78E(1) of the Borough Code which does not permit the siting of a swimming pool within a front-yard. No one from the public appeared to testify in opposition to the variance application.

4. The Planning Board Planner did not pose any objection to the granting of the requested bulk variance relief.

5. The Planning Board finds and concludes that the requested bulk variance should be granted for the reasons adduced on the record above. The Board further finds and concludes that the granting of the requested bulk variance relief will not substantially impair the neighborhood, Zone Plan and Master Plan of Berlin Borough.

6. Based upon all of the foregoing, the Planning Board finds that the requested bulk variance relief should be granted, subject to the conditions set forth in this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Berlin Borough Planning Board that the said application for bulk variance approval to permit installation of 14' X 28' swimming pool along the Park Drive\_road frontage of Applicant's residential property at 210 Rich Avenue is hereby granted specifically subject, however, to the testimony, representations and stipulations of the Applicant, at the time of the hearing and it is further subject to the following conditions:

**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. 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.

11. 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

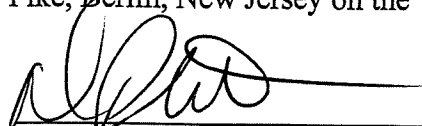
current prior to any permits being issued, or construction or other activity commencing on the approved project.


12. 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				X	
Councilman Millard Wilkinson	X					X
Chairman Michael McGowan	X					
Dan Pomponio	X					
Ken Ryker	X					
Wayne Hans				X		
Fran Ballak				X		
John Cole				X		
Jeannine Schumacher	X					
Harry Earle	X					
Eric Hahn	X					

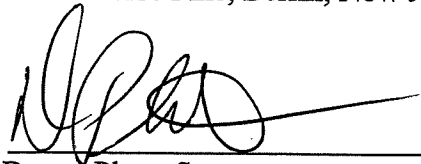
I, Donna Plute, Secretary to the Planning Board of the Borough of Berlin, County of Camden, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by said Board at a meeting held at the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey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

  
 Donna Plute, Secretary

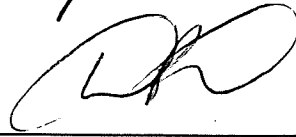
  
 Michael McGowan, Chairman

<i>RECORD OF VOTE ON RESOLUTION</i>						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Mayor Rick Miller	X				X	
Councilman Millard Wilkinson	X					
Chairman Michael McGowan	X					
Dan Pomponio	X					X
Ken Ryker	X					
Wayne Hans			X			
Fran Ballak			X			
John Cole	X					
Jeannine Schumacher	X					
Harry Earle	X					
Eric Hahn				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 11<sup>th</sup> day of MAY, 2026.



Donna Plute, Secretary



Michael McGowan, Chairman

