

PLANNING BOARD

RESOLUTION MEMORIALIZATION DECISION

Resolution 26-17

- | | |
|--|---|
| ☐ Minor Subdivision | ☒ Approved |
| ☐ Major Subdivision Preliminary | ☒ General Conditions |
| ☐ Major Subdivision Final | ☒ Additional Conditions |
| ☐ Minor Site Plan | ☐ Denied |
| ☒ Major Site Plan, Preliminary | |
| ☐ Major Site Plan | |
| ☐ Amended Preliminary | |
| ☐ Major Site Plan, Final | |
| ☒ Design Waivers | |
| ☒ Submission Waivers | |
| ☐ Conditional Use Variance | |
| ☐ D Variance | |
| ☒ Bulk Variance | |

Application No. PB 25-05

Applicant: Patriot Depot, LLC
2441 Swamp Road
Dallastown, PA 17313
Attn: Chris Ream

Owner: RTO of America LLC
2941 Legacy Lane
York, PA 17402

Action: July 7, 2026

Memorialized: August 10, 2026

Plan Name: Site Plan, Last Revised to May 13, 2026

WHEREAS, Patriot Depot LLC ("Applicant") has applied to the Berlin Borough Planning Board ("Planning Board") for the following primary approval: Preliminary and Final Major Site Plan Approval with bulk variance for parking, design waivers and submission waivers to permit a self-storage facility comprised of 252 storage units on a 3.6-acre vacant real property on the South White Horse Pike (State Highway Route 30) at Block 1600, Lot 2 in the PC-2 Pinelands Neighborhood Commercial District; and

WHEREAS, the applicant was previously granted use variance approval by Resolution No. PB 23-06 for a self-storage facility, memorialized on November 13, 2023; and

WHEREAS, the applicant has requested the granting of submission waivers as set forth in Paragraph 4 of the Planning Board Engineer's review letter, dated July 2, 2026; and

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

- (a) from Section 335-83C.1 from minimum parking requirement (7 parking spaces required; 0 spaces proposed); and

WHEREAS, the applicant has applied for the following design waiver relief from:

- (a) Section 335-53.D to permit the area to be uncurbed where curbing is required;
- (b) Section 335-53.G to permit the area to be unpaved (stone) where paving is required;
- (c) Section 335-53.H and 335-77.J to not provide delineated parking locations;
- (d) Section 335-58 to not provide trash and recycling collection areas where required;
- (e) Section 335-60 to not provide shade trees from the curblineline or edge of pavement where required;
- (f) Section 335-61 to not provide a sidewalk where sidewalks are required; and
- (g) Section 26-13.K(l) and 335-77.K(12)(e) to not provide a cultural resource survey; and

WHEREAS, the application was considered by the Planning Board at a public hearing conducted on July 7, 2026 in sworn testimony by the Applicant's managing member, Christopher Ream, the Applicant's project engineer/planner, Jay Sims, P.E., P.P. of CME Consulting Services and through the legal representation of Dennis Tuohy, Esq. of the law firm of Hyland Levin Shapiro LLP; and

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

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

() 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 October 1, 2025;
- (b) Planning Board Resolution 23-06 Granting Use Variance Approval;
- (c) New Jersey Pinelands Commission Inconsistent Certificate of Filing, dated May 23, 2025;
- (d) New Jersey Pinelands Commission Stormwater Review/Certificate of Filing, dated October 1, 2025;
- (e) Billboard Easement Agreement;
- (f) Deed, dated December 21, 2025
- (g) Environmental Impact Statement, dated August 2025;
- (h) Traffic Assessment, dated August 2025;
- (i) Stormwater Management Report, revised February 2025;
- (j) Stormwater Management Manual, dated August 2025;
- (k) Plan of Survey, dated July 3, 2025; and
- (l) Preliminary and Final Major Site Plan, prepared by Jay Sims, P.E. of Consulting

Engineering Services, last revised to May 13, 2026, consisting of fourteen (14) sheets; 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 has considered the recommendations and comments of its professional staff and the following written reports:

(X) Planner/Engineer's report dated July 2, 2026:

Copies of which are 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. Applicant requests Preliminary and Final Major Site Plan Approval with Parking Variance, Design Waivers and Submission Waivers to permit a self-storage facility, consisting of 252 single-story pre-manufactured portable units, with surrounding 6-foot high perimeter fence with entrance gate on a vacant 3.6-acre parcel on the White Horse Pike (Route 30) in the PC-2 Pinelands Neighborhood Commercial District. The subject property is irregularly shaped, having 362 feet of frontage on the White Horse Pike, a depth of 392 feet and width in the rear of the lot of 510 feet. The subject property is located in the eastern end of the Borough, just west of the intersection with London Avenue. One new curb-cut is proposed along the White Horse Pike to provide access to the site. Applicant proposes all internal driveways would be constructed of compacted stone. The self-storage units would all be individually accessed from the outside. Stormwater management basins are proposed at the rear of the site. Applicant was previously granted Use Variance Approval by Planning Board Resolution 23-06.

2. Surrounding the property are primarily other commercial uses along the White Horse Pike, including a bakery immediately to the west and several commercial and residential uses across the street on the south side of the road. To the east of the site is a vacant wooded lot. To the north of the property is the former Owens Corning plant, a known contaminated site.

Commented [D11]: The bakery is an existing structure that was originally a residence, but operates as a bakery.

Commented [D12]: I don't think you're supposed to have a bakery across the street from a self-storage facility. You're not supposed to have a pharmacy, etc., near the property.

3. The Planning Board Planner recommended the granting of submission waivers as set forth in his July 2, 2026 report. The Planning Board finds that the submission waivers should be granted as set forth in the Board Engineer's July 2, 2026 report.

4. Applicant's principal, Christopher Ream, provided the following testimony at the public hearing. Mr. Ream manages three (3) existing self-storage facilities. The self-storage facility would have 252 self-storage units and would be surrounded by a 6-foot-high perimeter fence. The entry gate and storage units would have codes for access and would be monitored by security cameras with appropriate lighting. The entrance will be a pivot gate to minimize any noise. No dumpsters are proposed to deter any on-site dumping or disposal of stored materials by customers/lessees. Parking would not be required as the customer would park directly adjacent to their leased unit during a site visit. The 25-foot drive aisle width is wide enough to accommodate 2-3 vehicles. A U-Haul vehicle has an 8-foot width. Sidewalk will be provided. No RV or boat storage would be permitted. On average, Applicant expects customer traffic of eight (8) vehicles per day. Gate access will be provided to the Borough for purposes of fire-fighting and emergency first response. Applicant would coordinate with the Borough Fire Marshal concerning emergency access. The self-storage facility would be remotely managed by weekly staff visits and thus require no on-site office space or employees. No climate control is proposed. Customer leases would prohibit any storage of hazardous materials or residential occupancy. Except for the paved driveway area from Route 30 to the entry gate, and other paved areas for American's with Disabilities Act (ADA) compliance, the site will have gravel within the fenced compound.

5. Mr. Sims, Applicant's project engineer, was qualified and accepted as an expert witness. He provided the following testimony at the public hearing. The site is currently vacant and wooded, except for a billboard located to the rear of the subject property. There will be no

trash containers as customers must remove any trash with them leaving the site. The 25-foot wide aisle width could accommodate a fire truck and would be laid with crushed stone that would be approvable by the Pinelands Commission. Trash will be disposed of by customer/lessee's on a carry-in and carry-out basis and will be contractually enforced.

6. The Planning Board Engineer and Board Members expressed concern with the crushed stone in the drive aisles. They had concern that the stone would move over time creating an uneven, unstable and unsightly surface and expressed a preference for asphalt. They also expressed concern that heavy fire trucks might potentially have impaired access due to an unstable and uneven crushed stone surface during a fire or emergency. Applicant's Engineer indicated that the Borough Fire Marshall had not raised this issue in his letter and so Mr. Sims could only speculate that such access to the site was not a concern. Board members also indicated a desire to provide sprinkler service to mitigate fire risk and to provide the access code for alarm. Based on this colloquy, Applicant proposed to modify its application to seek Preliminary Site Plan Approval only with the requested parking variance and design waivers.

7. During the public portion, no one from the public appeared to testify in opposition to the application.

8. A board member then made a motion to grant Preliminary Major Site Plan Approval with the parking variance and requested design waivers, except for the design waivers from: Section 335-53.D to permit the area to be uncurbed; Section 335-53.G to permit the area to be unpaved (stone) where paving is required; and Section 335-61 to not provide a sidewalk where sidewalks are required.

9. The Planning Board finds that the modified application to grant Preliminary Major Site Plan Approval with submission waivers, parking variance and certain design waivers should

be granted, except for the requested design waivers from Section 335-53.D, Section 335-53.G and Section 335-61.

NOW, THEREFORE, BE IT RESOLVED by the Berlin Borough Planning Board that the said application for Preliminary Major Site Plan Approval with submission waivers, parking variance and certain design waivers should be granted, except for the requested design waivers from Section 335-53.D, Section 335-53.G and Section 335-61 as set forth above is hereby granted, subject to the following conditions:

SPECIFIC CONDITIONS OF APPROVAL

1. Except as modified herein, Applicant shall comply with all conditions of the previously granted use variance approval.
2. No hazardous materials or residential occupancy shall be permitted in the storage units.
3. Applicant shall provide code access to the Borough for fire emergency and first responders.
4. No RV and boat storage shall be permitted.
5. Applicant shall comply with any requirements under the Americans with Disability Act (ADA).
6. Applicant shall comply with the recommendations in the July 2, 2026 report of the Planning Board Engineer/Planner, except as modified herein.
7. Security cameras shall be installed for monitoring purposes.
8. Applicant would coordinate with the Borough Fire Marshal concerning emergency access.
9. Applicant shall coordinate with the Fire Marshal regarding the Fire Marshal's comments concerning safety systems and emergency access and shall comply with any requirements of the Fire Marshal, if applicable.

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.

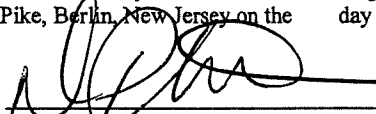
13. Applicant must obtain any and all other construction or other municipal permits required with respect to the relief as granted herein. BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor and Borough Zoning Administrative Officer

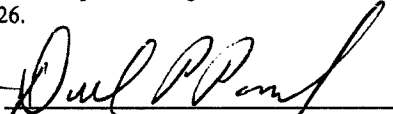
BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor and Borough Zoning Administrative Officer.

RECORD OF VOTE FOR ACTION TAKEN

BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Mayor Rick Miller	X				X	
Councilman Millard Wilkinson	X					X
Chairman Michael McGowen				X		
Dan Pomponio	X					
Ken Ryker				X		
Wayne Hans	X					
Fran Ballak				X		
John Cole				X		
Jeanine Schumacher				X		
Harry Earl	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 day of , 2026.

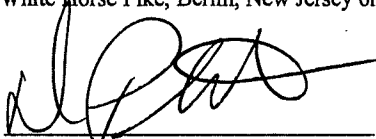

Donna Plute, Secretary

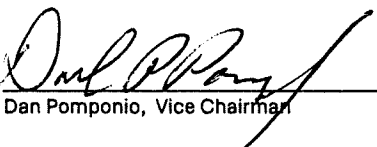

Dan Pomponio, Vice Chairman

RECORD OF VOTE ON RESOLUTION

BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Mayor Rick Miller	X				X	
Councilman Millard Wilkinson				X		
Chairman Michael McGowen			X			
Dan Pomponio	X					
Ken Ryker				X		
Wayne Hans	X					
Fran Ballak			X			
John Cole			X			
Jeanine Schumacher			X			
Harry Earl	X					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 10th day of August, 2026.


Donna Plute, Secretary

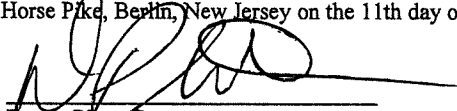

Dan Pomponio, Vice Chairman

RECORD OF VOTE FOR ACTION TAKEN						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Mayor Rick Miller	X				X	

John Cole				X		
Mike Foster	X					X
Ken Ryker				X		
Michael McGowan, Chair				X		
Jeanine Schumacher				X		
Fran Ballak				X		
Council Member Milliard Wilkinson	X					X
Dan Pomponio	X					
Harry Earle	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 11th day of September, 2023.

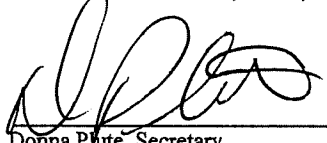

Donna Plute, Secretary


Dan Pomponio, Vice Chairman

RECORD OF VOTE ON RESOLUTION						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second

Mayor Rick Miller				X		
John Cole			X			
Mike Foster	X				X	
Ken Ryker	X					
Michael McGowan, Chair	X					
Jeanine Schumacher	X					
Fran Ballak	X					
Council Member Milliard Wilkinson				X		
Dan Pomponio	X					
Harry Earle	X					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 13th day of November, 2023.


Donna Plute, Secretary


Dan Pomponio, Vice Chairman