

**TOWNSHIP OF MANSFIELD  
PLANNING BOARD  
Monday, July 22, 2013  
Regular Meeting**

The regular meeting of the Mansfield Township Planning Board was called to order by Vice Chairman Semptimphelter on the above shown date at 7:30 p.m. followed by the Flag Salute and the following opening statement:

The notice requirements provided for in the 'Open Public Meetings Act' have been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Planning Board on January 28, 2013. Said resolution was published in the Burlington County Times on February 1, 2013, e-mailed to the Burlington County Times, Trenton Times, and Register News, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body, and mailed to each person who has requested copies of the regular meeting schedule and who has prepaid any charge fixed for such service. All the mailing, posting and filing having been accomplished on January 29, 2013.

Amended notice was published in the Burlington County Times on Friday, June 7, 2013 as well as notification via e-mail to the Burlington County Times, Trenton Times, the Register News, the Clerk of the Township of Mansfield, the members of this body, each person who has requested copies of regular meeting schedules, posted on the official bulletin board at the Municipal Complex and to anyone who has prepaid any charge fixed for such service with all the e-mailing and posting being accomplished on June 5, 2013.

**ROLL CALL:**

**Board Members:** Douglas Borgstrom, LaVerne Cholewa, John Kampo, Arthur Puglia and Robert Semptimphelter. Robert Higgins, Gary Lippincott, Scott Preidel and Douglas Walker were absent..

**Professional Staff:** Charles Petrone, Solicitor; Louis Glass and Harry McVey, Planners; Al Litwornia, Traffic Engineer and Robert Stout, Engineer.

**Public Comments:**

**Vice Chairman Semptimphelter** opened the public comments portion of the meeting on non-agenda items.

Hearing no further public comments **Vice Chairman Semptimphelter** closed the public comments portion of the meeting.

**MATTERS TO BE CONSIDER BY THE BOARD:**

**OLD BUSINESS:**

**Application Number PB13-01PSP,GDP, V: NAK Realty c/o American Properties Realty, Inc., Block 3, Lots 5.01 & 10.01 and Block 4 Lots 6.01 & 7:**

**Vice Chairman Semptimphelter** introduced this application for Preliminary Site Plan, General Development Plan and Variance to develop on both sides of Route 206, to contain a total of 398,930 square feet (SF) of retail space within several buildings. Development to the east of Route 206 will consist of approximately 362,335 SF of retail space, with the remaining 31,826 SF of retail space and 4,769 SF convenience store with gas station located west of Route 206 located at Route 206 and Aaronson Road in the C-2 Highway Commercial Zoning District.

**MOTION TO ADJOURN TO AUGUST 26, 2013 PLANNING BOARD MEETING:**

**Michael J. Gross** from the Firm Giordano, Halleran & Ciesla was present representing the applicant requesting an adjournment of this matter to the August meeting. They did notice, they did provide proof of notice and would like the Board to adjourn the matter to August. The reason they are requesting an adjournment is they have met with the neighbors, primarily along Aaronson Road, they have heard their concerns, they need some time to address those concerns and they also had some technical revisions to the plans, which will be filed probably this week. Normally when they file new plans and there are no additional variances or waivers he just asked

that the matter be continued without further notice but if the Board wants them to re-notice they will do so.

A motion was offered by **Arthur Puglia** and duly second by **John Kampo** to adjourn this matter to the August 28, 2013 Planning Board meeting with no further notice. The motion carried on a roll call vote taken as follows:

**Aye:** Borgstrom, Cholewa, Kampo, Puglia, Semptimphelter

**Naye:** None

**Absent:** Higgins, Lippincott, Preidel, Walker

#### **NEW BUSINESS:**

##### **Application Number PB13-05PMJ: Sta-Seal, Inc – Block 66, Lot 8:**

**Vice Chairman Semptimphelter** introduced this application for Preliminary Major Subdivision to subdivide to separate the existing office and garage onto a new lot located at 5205 Route 130 in the Highway Industrial Zoning District.

#### **MOTION TO ADJOURN TO AUGUST 26, 2013 PLANNING BOARD MEETING:**

**Michael J. Gross** from the Firm Giordano, Halleran & Ciesla was present representing the applicant requesting this matter be listed on the August agenda, as proper notice was not given.

A motion was offered by **John Kampo** and duly second by **Arthur Puglia** to list this matter on the August agenda. The motion carried on a roll call vote taken as follows:

**Aye:** Borgstrom, Cholewa, Kampo, Puglia, Semptimphelter

**Naye:** None

**Absent:** Higgins, Lippincott, Preidel, Walker

#### **OLD BUSINESS**

##### **PUBLIC HEARING:**

##### **Application Number PB13-03MNS, V: Great Northeastern Enterprises - Block 22, Lot 7.02:**

**Vice Chairman Semptimphelter** introduced this Application for Minor Subdivision to create three (3) lots for two (2) new homes and for one (1) existing home and Variances for lot depth (200' required; 186.34' proposed) and lot area (3 acres required; 2.756 proposed for one of the new lots). (Note: The remainder lot of 6.003 acres will be restricted against further subdivision for new building lots in order to maintain an average lot size well in excess of the three (3) acre minimum) located at 336 Island Road in the R-1 Residential Zoning District.

#### **TESTIMONY:**

**Patrick McAndrew** was present as legal counsel for the applicant Jack Asay, Principal – Great Northeastern and Michael Avila, Applicant Engineer.

**Solicitor Petrone** swore in Jack Asay and Michael Avila to give testimony on this application

**Mr. McAndrew** said at the last meeting it was determined that this application would proceed as a major because it was subdivided about eight years ago and it falls within the ten year time frame requirement. Therefore, the application was amended as a major and re-noticed same as a major. He then asked Michael Avila to proceed with his testimony.

**Michael Avila** is with the firm of Avila Engineering, approximately 20 years of experience in engineering and plan development, has been before various Boards in Burlington, Camden and Gloucester County and accepted by a professional before Boards within those counties. The Board accepted Mr. Avila as a professional.

**Mr. Avila** described this three-lot subdivision out of about 13 acres. Exhibit A-1 – Sheet

3 of original submission – Grading Plan dated 5/6/13. This is a subdivision that is being proposed at the intersection of Mt. Pleasant Road and Island Road, it is approximately 13.45 acres in the R-1 Zoning District. It is surrounded by residential development and to the far east Farmland Preserved land. They are proposing a three-lot subdivision requiring two variances, which one is an existing non-conforming for lot depth and the other is for lot area. They also have submissions to the Burlington County Soil Conservation District and they also applied and made application to the DEP to able to cross the ditch that fronts Island Road and to also to fill some wetlands. The lot variances are located between the two proposed lots as indicated on Exhibit A-2 – Layout drawing of subdivision indicating two new lots that are being created. Lot 7.07 is at the intersection of Mt. Pleasant Road and Island Road and Lot 7.08 is an interior lot and that is adjacent to the remainder lot 7.02. The diagram shows lot 7.07 comes to an angle point, that is where the lot depth is occurring but as stated in the review letters this variance was created in the 2005 subdivision so it is existing non-conforming. In addition to that, the lot depth does not affect the development of this particular lot impartial because the house and everything has to be situated to the south of that particular angle point. He believes it is a C-1 variance because it exists, it is an odd shaped lot, it is irregular but at the same time, it does not affect the full development of the lot. Were they located the house it will be 200 feet deep or more. The ordinance in R-1 require the minimum lot size be 3 acres for each lot. The variance they are asking for is for two reasons the parent/remainder lot will remain a farm-assessed parcel. They believe that is promoting the use of language on the special reasons and right to the east of it is the Farmland Preservation parcel. They are not creating more houses than can be put on the lots. The undersized lot is about 2.75 acres, which is still big enough to build a nice house on it noting they meet all the setback requirements except for the lot area. If the Board were to grant the variances for lot area with the deed restriction of further subdivision and the lot depth, which is existing there would be no negative impacts to the surrounding community/neighborhood or the zone and there would be not be creating an adverse affect as it is an interior lot. A drainage report was submitted regarding best management practices to Robert Stout’s office and he asked that they use the information with paved driveways, which they did and were able to meet the run off rate criteria and they also addressed ground water recharge, which they also met the criteria. In regards to stormwater quality, they propose swales at about 1% and whatever impervious coverage that would be generated from the roof are being directed to infiltration trenches.

## **PROFESSIONAL COMMENTS**

**Harry McVey** referred to his report dated June 17, 2013. They did resubmit an application, they made no changes to the plans, and therefore they did not issue a new letter. They talked about variances, he would agree to lot depth. He asked Mr. Avila to put onto the record some indication why they cannot move the line between lots 7.07 and 7.08 in order to pick up additional acreage. **Mr. Avila** in order to satisfy the DEP and the Burlington County Health Department proposed lot 7.08 cannot be increased to 3 acres because shifting of the proposed lot line would reduce the well and separation to less than 100 feet. **Mr. McVey** said shade trees are required on both street frontages, a sidewalk is required along both street frontages but since there are no sidewalks in the immediate area he will not suggests they build the sidewalks but rather see an in lieu of contribution to the Township Trust Fund. The drainage ditch alongside the road in order to protect the ability to put in a sidewalk or some sort of walkway in there they need a pedestrian easement on the other side of the ditch so it is protected; utilities easement for a waterline or part of the waterline along Island Road that is required; required Affordable Housing fees are due and payable for the two new lots that are being proposed, which payment is due in conjunction with the building permit process when and if that occurs. He would recommend that the 6 acre parcel be deed restricted, which spells out no

further subdivision and the what potential future uses of the property will be allowed and that can mimic the cluster subdivision ordinance.

**Al Litwornia** referred to his report dated June 19, 2013. They looked at the sight distances and would like the sight easements shown on the plan with a note that they are going to be maintained with no trees to be placed inside the easement. The easement might have to be on the adjacent property and they would like to show them on the plan before they are subdivided otherwise you cannot put an easement on the property after it has been subdivided. The driveways are going to be paved, 12 feet in width and asked that they are maintained another three feet on either side so that fire equipment can get in and out. It would be a total of 18 feet for the driveway. On Mt. Pleasant Road under the previous smaller subdivision, the right of way was expanded so that there is ample right of way on that side that was donated to the County and the property line was moved so there is no other requests for modifications of the boundary lines or right of ways expansion. A traffic report is not needed.

**Robert Stout** referred to his report dated June 14, 2013, which was done on the original application, most of the items the applicant has testified to but there are a couple of items still open. The first item they are recommending this subdivision be filed by plat for the final subdivision because there are an extensive amount of easements, wetlands dedications and restrictions along with some sidewalk easements. The second item there is a question on the wells. The ordinance requires that well separation be 200 feet although the County is 100 feet so that is a variance that is required noting that they have granted this type of a variance in the past. He commented Mr. McAndrew did bring up a question regarding the sidewalk contribution and the sidewalk contributions have been calculated out. **Mr. McAndrew** said if they put them on site it would cost less and since they are saying they do not want them on site they would like to trade off their costs if they were to put them on the site. **Mr. Stout** said that is a question for the Board, historically they have used \$4.00 per square foot for each applicant that has come before the Board. He said they take a bonded rate, which is a little higher. It was noted that the square footage is 6,100 on Island Road and 1,280 on Mt. Pleasant Road and the Bond requirement would be \$29,760 for the sidewalk. **Mr. McAndrew** said it would cost the applicant about \$2.50 a square foot to put in the sidewalk himself. **Mr. Stout** said \$2.50 sounds light even from a standard and \$3.00 is closer to a realistic price. The applicant agreed to \$3.00 per square foot. **Mr. Stout** then referred to his report dated July 19, 2013, which is in response to the applicant sending them the additional stormwater management. They did testify to all the applications and the requirements that he has asked for, they did ask for the paved driveways, not that they are doing it today but some resident down the road is going to want to pave their driveway so they asked them to do that. He is okay with all the comments and the testimony they have provided so he is satisfied with the answers.

#### **PUBLIC HEARING:**

**Vice Chairman Semptimphelter** opened the public hearing on this application.

Hearing on public comments the public hearing was closed.

#### **BOARD COMMENTS:**

There were no Board comments.

#### **SOLICITOR COMMENTS:**

**Solicitor Petrone** said this would be a motion for Preliminary & Final Major Subdivision approval together with variances for lot area for lot 7.08, lot depth for lot 7.07 and well separation of 100 feet where 200 feet is required; subject to the applicant complying with the outstanding comments contained in the three review letters, contribution to the sidewalk fund of \$3.00 per square foot in lieu of putting in the sidewalk; deed restricting lot 7.02 to no further development.

**MOTION FOR APPROVAL:**

A motion was offered by **Arthur Puglia** and duly second by **Douglas Borgstrom** to grant approval to **Application Number PB13-03MNS, V: Great Northeastern Enterprises - Block 22, Lot 7.02** as mentioned above by Solicitor Petrone for Preliminary and Final Site Plan with variances to demolish a portion of the existing building serving the auto auction on the site and to reconstruct a smaller addition located at 155 Aaronson Road in the C-2 Highway Commercial Zoning District.

**Aye:** Borgstrom, Cholewa, Kampo, Puglia, Semptimphelter, Preidel  
**Naye:** None  
**Absent:** Higgins, Lippincott, Walker

Resolution Number 2013-07-10

(A copy of the foregoing Resolution is spread on the following pages.)

**MEMORIALIZATION OF RESOLUTION:**

**Resolution Number 2013-06-09:** Granting **Application Number 2013-04PFSP, V: Manheim Remarketing, Inc., Block 3, Lot 2:** 1. Variance to permit a lot coverage exceeding 70%, but less than the current 100%, in accordance with the landscaping plan to be developed between the Applicant and Board Planner; 2. Submission waivers as identified in the June 14, 2013 Review Letter of Robert Stout, P.E., P.L.S., the Board Engineer and the June 12, 2013 Review Memorandum of Louis Glass, P.P. and Harry McVey, P.P., The Board Planners; and 3. Preliminary and Final Site Plan Approval for the demolition of the Existing 24,000 square foot building and the replace of same with a 3,075 square foot building, together with other site improvements, in accordance with the plans submitted by the Applicant with conditions located at 155 Aaronson Road in the C-1 Highway Commercial Zoning District.

A motion was offered by **Douglas Borgstrom** and duly second by **John Kampo** to memorialize **Resolution Number 2013-06-09**. The motion carried on a roll call vote taken as follows:

**Aye:** Borgstrom, Cholewa, Kampo, Puglia, Semptimphelter  
**Naye:** None  
**Absent:** Higgins, Lippincott, Preidel, Walker

**ACCEPT, RECORD & FILE CORRESPONDENCE:**

**Louis Glass Associates**

Date: July 9, 2013 Re: STA-SEAL, Inc.

**Stout & Caldwell Engineers**

Date: July 11, 2013 Re: STA-SEAL, Inc.

**Litwornia Associates**

Date: July 17, 2013 Re: STA-SEAL, Inc.

**Remington & Vernick Engineers**

Date: July 9, 2013  
Re: NAK Realty – Traffic Engineering Review

**Michael J. Gross**

Date: July 9, 2013  
Re: NAK Realty – Block 3, Lots 5.01 & 10.01; Block 4, Lots 6.01 & 7

**Environmental Soil Sciences**

Re: Application submitted by William Stricker  
Regarding property at: Block 22, Lot 7.02 – 336 Island Road

**BILLS LIST:**

**Litwornia Associates**

Great Northeastern Inv.#12228 \$ 412.50

**Raymond, Coleman, Heinold & Norman, LLP**

NAK Realty Inv.#14945 \$ 231.00

New Cingular Inv.#14946 \$ 308.00

**Louis Glass**

NAK Realty	May 2013	\$1,568.00
New Cingular	May 2013	\$1,176.00

**Stout & Caldwell Engineers**

NAK Realty	MPB-11-003-0003	\$2,758.45
New Cingular	MPB-08-001B-0002	\$1,143.75
Manheim	MPT-08-012B-0001	\$ 255.00

**NEXT MEETING DATE:**

It was noted that the next regular meeting will be held on Monday, August 26, 2013.

**MOTION FOR ADJOURNMENT:**

There being no further business a motion was offered by **Arthur Puglia** and duly second by **Douglas Borgstrom** to adjourn the meeting at 8:03 p.m. Motion carried.

Respectfully submitted,

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Michelle L. Gable, Secretary

Approval      August 26, 2013