

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
Monday, June 24, 2013
Work Session**

The regular work session meeting of the Mansfield Township Planning Board held on the above shown date was called to order at 7:15 p.m. with the following in attendance: Douglas Borgstrom, LaVerne Cholewa, John Kampo, Scott Preidel, Arthur Puglia, Robert Semptimphelter and Michelle L. Gable, Secretary. Robert Higgins, Gary Lippincott and Douglas Walker were absent. Also present were Charles Petrone, Harry McVey, Robert Stout and Al Litwornia. Nicholas Borgstrom was present to earn a Boy Scout Badge.

The following agenda items were discussed:

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

The Board professionals reviewed this application specifically noting that completeness has not been met, as drainage has not been addressed. Mr. McVey commented that this property previously received subdivision approval in 2008 and looking at the ordinance there is a 10-year rule as to prevent creeping major subdivisions.

Application Number 2013-04PFSP, V: Manheim Remarketing, Inc., Block 3, Lot 2: Application for Preliminary and Final Site Plan and 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 located at 155 Aaronson Road in the C-2 Highway Commercial Zoning District.

The Board professionals and Board members agreed that this application was ready to deem complete and to move forward with a public hearing.

There being no further discussion, the work session was closed and the regular meeting was called to order.

Regular Meeting

The regular meeting of the Mansfield Township Planning Board was called to order by Chairman Preidel on the above shown date 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, Scott Preidel, Arthur Puglia and Robert Semptimphelter. Robert Higgins, Gary Lippincott and Douglas Walker were

absent..

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

Public Comments:

Chairman Preidel opened the public comments portion of the meeting on non-agenda items.

Robert Harrison commented on the location of the new Township Building signs asking that they be moved as they are in the sight triangle. He also commented that since we are in a new building they should consider purchasing a projector to project applications on the walls so that the public has a better idea of what is being presented before the Board. **Mr. Puglia** said both of these items need to be addressed at a Township Committee meeting.

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

MATTERS TO BE CONSIDER BY THE BOARD:

COMPLETENESS & PUBLIC HEARING:

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

Chairman Preidel 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.

Patrick McAndrew was present as legal counsel for the applicant noting his understanding was the first issue the Board wants to address is completeness.

Chairman Preidel turned the discussion over to the Charles Petrone, Solicitor to comment regarding major and minor subdivisions.

Solicitor Petrone said this project received minor subdivision approval in 2008 and is here again to further subdivision. There is a provision in the ordinance that is a 10-year look back, which is to prevent creeping major subdivisions. This Board has never relaxed the requirements of a minor versus major with respect to the 10-year time frame. Because it is within the 10-year period the number of lots that were created on the 2008 subdivision together with the number of lots proposed for this subdivision would have resulted in a requirement that a major subdivision application be filed. The applicant has a filed for a minor subdivision and that is his opinion is where the deficiency lies and that an application for major subdivision would have to be filed. The applicant would be within its right to request waivers from checklist items for submission and completeness but the application filed for tonights hearing is for a minor subdivision that they cannot proceed and request the applicant, if they want to move forward, submit as a major and whatever other relief it deems necessary for the applicant to move forward. The other item being a major comment in the review letters has to do with drainage and would recommend the applicants engineer discuss with the Boards engineer if there are any drainage issues. It does not appear in 2008 that any stormwater issues were addressed at that time nor was there anything submitted with respect to this application and it should be addressed prior to this moving forward.

Mr. McAndrew said they have discussed this and have seen the review letters which have raised a similar concern and they were trying to go with the minor and waiving down some of the requirements but what is being said it would be preferred based on past practice it is a major and ask for submission waivers.

Solicitor Petrone said based on past practice of this Board and not waiving the 10 year requirement as well as it provides further protection to an applicant that procedurally the Board went the correct and legal way under its ordinance.

Mr. McAndrew asked under those circumstances that the Board carry this application into July, they will re-notice as a major, will resubmit an application for a major and they will rely on the same plans.

Solicitor Petrone said if the Board is fine with the applicants request to carry this to the next meeting they can make a motion to that affect.

Robert Semptimphelter asked if they would be addressing the drainage issues. **Mr. McAndrew** said yes, that is between the engineers.

Arthur Puglia advised that research of Township records show that in 1992, it was asked to go from a major to a minor and it was turned down. They could not find a precedence for it and do not want to start one.

Mr. McAndrew said 10 years is unusual, it is normally 3 years but he does appreciate that it is a significant requirement by the Board.

William Stricker, 336 Island Road, Columbus, NJ has been a life long resident noted they have applied for this and he realizes this is shorter than 10 years but it is a financial position that he is in that he is doing this. The applicant did not come to see him, they are helping him out. It is in his family's interest to get rid of this property at this point and anything the Board can do to help him out he would appreciate it.

MOTION TO CARRY APPLICATION:

A motion was offered by **Robert Semptimphelter** and duly second by **Douglas Borgstrom** to carry **Application Number PB13-03MNS, V: Great Northeastern Enterprises - Block 22, Lot 7.02** to the July Regular Planning Board meeting. Motion carried.

COMPLETENESS & PUBLIC HEARING:

Application Number 2013-04PFSP, V: Manheim Remarketing, Inc., Block 3, Lot 2:

Chairman Preidel introduced this Application for Preliminary, Final Site Plan, and 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.

TESTIMONY:

Michelle Lamar was present as legal counsel for the applicant. She confirmed that notice was sufficient. The property that is subject of the application is located in the C-2 Zoning District and it is located at 155 Aaronson Road in the Township of Mansfield designated on the Township Tax Map as Block 3, Lot 2. The applicant operates a wholesale motor auction business on the property as was stated. The applicant seeks preliminary and final major site plan approval to reconstruct an addition that is smaller than the portion of the existing building that has been demolished in conjunction therewith any and all required variances, submission waivers and/or design exception or waivers from the applicable zoning and/or site plan standard necessary to construction the addition including but not limited to a variance to permit one a maximum lot coverage of 100%, which is a pre-existing condition whereas pursuant to the Township of Mansfield's ordinance Schedule of Area & Bulk regulations maximum lot coverage is limited to 70%. In reviewing the plan the Board Engineer noticed the applicant had requested proposed parking spaces that were to be 9 feet wide by 18 feet in length and he noted if that were the case that a variance would be required for that. Mr. Nicholson will be providing testimony, in that they will not be doing that, the applicant will build the parking spaces in accordance with the ordinance, which is 9 ½ feet by 18 feet. She then introduced William Nicholson of William H. Nicholson Associates, Regan Young of Regan Young England Butera Architects and Bradd

Devereux representing the applicant.

Solicitor Petrone swore in William Nicholson, Regan Young and Bradd Devereux to give testimony on this application.

William Nicholson's is with the Firm William H. Nicholson Associates, 4 Rancocas Blvd., Mt. Laurel, NJ. He has a Bachelor's of Science in Civil Engineering. **Solicitor Petrone** said the Board may be able to dispense with Mr. Nicholson's credentials as he has been recognized previously by this Board. **Vice-Chairman Semptimphelter** advised the Board will accept Mr. Nicholson as a professional.

Mr. Nicholson prepared/supervised the site plans dated May 6, 2013 and submitted Exhibit A-1 – Sheet 1 of Site Plan submitted with the application. They propose to demolish approximately 17,000 square feet of existing building in the front of the old auto auction, reconstruct 3,000 +/- square foot addition in its place, repave the parking areas adjoining the building and recreate the area with paving and the new building.

Mr. Nicholson has reviewed Robert Stout's memo dated June 14, 2013 and advised that they will comply with Mr. Stout's review comments. The applicant will not comply with the parking bumpers as they are installing landscaping as requested by the Board Planner. As far as outside storage there are existing trash compactors that constitutes storage on site, they are located on sheet 2 of the site plan, which are to the southwest and they will remain. There is existing lighting in the parking areas, which were recently updated by the applicant and there will be some lights at the doors. There will be no extension to the existing lanes. The gutters and downspouts all discharge to the pavement grade and they propose to do the same with the new addition. They will provide a signature block on the site plan, asked for a waiver from Item 9 of the engineers comments as they do not have a survey in sealed condition and asked for a waiver of Item 16 as the Municipal Clerk does not have any involvement in this approval but will do it if the Board wishes, and he does not have any other problems with the other comments being a condition of approval.

Mr. Nicholson has reviewed Lou Glass' memo dated June 12, 2013. The applicant is willing to install additional bollards, a handicap space a referenced in item #4 and comply with item #6. The applicant is prepared to comply with paragraph 5 in regards to landscaping.

Ms. Lamar said to their knowledge drainage is not an issue for this application, the site has continued and will continue to operate well with the revisions to the site being considered and Mr. Nicholson agrees.

Mr. Nicholson commented the entire lot as it exists primarily all covered and what is proposed now with the agreeable change to create some green area around the building is a nature decrease in the amount of impervious coverage on the site, which he thinks is beneficial and can substantiate the reasons for a variance in that it promotes the Land Use Act mainly that it lessens the cost of the development and provides a more efficient use to the land. It would be his testimony that the purposes of the Municipal Land Use Law are advanced by the deviation from the Zoning Ordinance requirement and the variance could granted without any substantial detriment to the public good and as well the benefits of the deviation would substantially outweigh any detriment if one would exist and the variance would not substantially impair the intent and purpose of the zone plan and zoning ordinance. He believes the granting of the approve would benefit the community in that it represents a better zoning alternative.

PROFESSIONAL COMMENTS:

Harry McVey, Planner referred to his report dated June 12, 2013. They have addressed their comments. He had asked for architectural and floor plans, which were submitted. Primarily the new addition is a few small offices, lunchroom, and restroom facilities for the entire site. It is not going to draw traffic, it should be a reduction. He has seen the plans, they are consistent with everything else that is out there so he has not concerns or issues with the

agreement that they will follow up with the rest of the items with revised plans.

Al Litwornia said they received the plans but did not feel that there was any regional traffic impact from this small addition so they did not do a report but asked that as a condition all sight distances be maintained at the driveways on the entire site. The applicant agreed.

Robert Stout, Engineer referred to his report dated June 14, 2013 and as outlined they have went through everything that they have asked for, the one waiver is the bollards to remove due to the fact they are adding new landscaping that the Planner has asked for and he feels it is an acceptable waiver and the rest of the waivers he agrees to as well.

BOARD COMMENTS:

Chairman Preidel asked the direction of the stormwater run off. **Mr. Nicholson** said there are catch basins not close to the building but in the general area. They do one of two things, they go to the storm sewers to Route 206 or there is a stream to the south. **Chairman Preidel** asked if they could have them protected during the demo. **Mr. Nicholson** said they have submitted a plan to Soil Conservation District for the measures to be used during construction to protect against sedimentation and siltation and that included protection

TESTIMONY:

Michelle Lamar submitted Exhibits A-2 Building Elevations and A-3 Architectural Elevations. She then introduced Mr. Young who is a Licensed Architect in the State of New Jersey; he has testified before Boards in the State of New Jersey and has been accepted as an expert witness.

Michelle Lamar asked that the applicant discuss the uses of the portion of the building to be demolished and the uses the proposed building.

Bradd Devereux, 365 Juliustown Road, Columbus, NJ is present on behalf of the applicant. He noted the portion of the building to be demolished is very old and was the original auction lane. When the new auction was built the old auction building was used for administrative offices and since it has so many problems they are demolishing it and replacing it with smaller administrative offices with a break room, restrooms and operations personnel.

PUBLIC HEARING:

Chairman Preidel opened the public hearing on this application. Hearing no comments the public hearing was closed.

SOLICITOR'S COMMENTS:

Solicitor Petrone said this would be motion to approve including a variance to permit lot coverage to exceed the 70% maximum of the ordinance; subject to the testimony provided by the applicant and its agents and representatives here this evening; subject to submission of the revised plans in accordance with this approval; subject to the comments contained in the review letters from the Board Engineer and Board Planner and all sight distances for all driveways will be maintained.

MOTION FOR APPROVAL:

A motion was offered by **Arthur Puglia** and duly second by **Robert Semptimphelter** to grant approval to **Application Number 2013-04PFSP, V: Manheim Remarketing, Inc., Block 3, Lot 2** 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 2013-06-09
(A copy of the foregoing Resolution is spread on the following pages.)

APPROVAL OF MINUTES:

A motion was offered by **Douglas Borgstrom** and duly second by **Arthur Puglia** to approve the minutes of **May 28, 2013 Regular**. Motion carried.

MEMORIALIZATION OF RESOLUTION:

Resolution Number 2013-05-08: Granting Application Number 2013-02CU,PFSP: New Cingular Wireless PCS, LLC (AT&T), Block 45.01, Lot 2.02 (i) Submission waivers as identified in the May 10, 2013 Review Letter of Robert S. Stout and the May 8, 2013 Review Memorandum of Louis S. Glass and Harry W. McVey; (ii) Conditional Use Approval for the installation of three (3) additional wireless telecommunication antennas to the existing 220 foot high telecommunications lattice tower and (iii) Preliminary and Final Site Plan Approval for the installation of the three (3) wireless telecommunication antennas on the existing telecommunications lattice tower and the installation of two (2) additional equipment cabinets at the base of the tower, in accordance with the plans submitted by the Applicant, which are subject to conditions located at 22295 Columbus Road in the ODL Zoning District.

A motion was offered by **Chairman Preidel** and duly second by **Robert Semptimphelter** to memorialize **Resolution Number 2013-05-08**. The motion carried on a roll call vote taken as follows:

Aye: Borgstrom, Cholewa, Preidel, Puglia
Naye: None
Absent: Higgins, Lippincott, Walker
Not Voting: Kampo, Semptimphelter

ACCEPT, RECORD & FILE CORRESPONDENCE:

A motion was offered by **Arthur Puglia** and duly second by **Robert Semptimphelter** to accept, record and file the correspondence as submitted. Motion carried.

Louis Glass Associates

Date: June 17, 2013
Re: Great Northeastern Enterprises
Block 22, Lot 7.02 – 336 Island Road
Major Subdivision

Date: June 12, 2013
Re: Manheim Remarketing, Inc.
Block 3, Lot 2 – 155 Aaronson Road
Preliminary & Final Major Site Plan

Litwornia Associates

Date: June 19, 2013
Re: Great Northeastern Enterprise
Block 22, Lot 7.02 – 336 Island Road
Review for Preliminary & Final Subdivision

Stout & Caldwell Engineers

Date: June 14, 2013
Re: Great Northeastern Enterprise
Block 22, Lot 7.02 – 336 Island Road
Preliminary/Final Subdivision with Variances
Date: June 14, 2013
Re: Manheim Marketing, Inc.
Block 3, Lot 2 – 155 Aaronson Road
Preliminary/Final Site Plan with Variance

Burlington County Planning Board, Mia C. Baker, Secretarial Assistant, Secretary to Planning Board

Date: June 6, 2013

Re: McConagly Subdivision
Release of Maintenance Guarantee
Block 51.01, Lot 4.03 & 4.04

Burlington County Soil Conservation District

Date: June 6, 2013
Re: Block 22, Lot 7.02 – Island Road Subdivision
Certified Soil Erosion and Sediment Control Plan

Remington & Vernick Engineers

Date: June 10, 2013
Re: Mansfield Retail Wastewater Management Plan Amendment

NEXT MEETING DATE:

It was noted that the next regular meeting will be held on Monday, July 22, 2013.

MOTION FOR ADJOURNMENT:

There being no further business a motion was offered by **Arthur Puglia** and duly second by **LaVerne Cholewa** to adjourn the meeting at 8:10 p.m. Motion carried.

Respectfully submitted,

Michelle L. Gable, Secretary

Approval August 26, 2013