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Township of Mansfield

- County of Burlington -
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**MANSFIELD TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
Monday, November 4, 2013
WORK SESSION**

WORK SESSION MEETING: Mr. Tahirak opened the work session at 7:00PM.
Mr. Blackwell made a motion to reverse the agenda to hear Homestead Plaza II Corp first and Tri-State Petro, Inc., second and Mr. Wainwright seconded.
Mr. Blackwell made a motion to adjourn the work session and Mr. Tarantiono Seconded.

REGULAR MEETING

CALL TO ORDER: Meeting called to order at 7:12PM

FLAG SALUTE:

ROLL CALL:

Board Members:

Present: Randy Allen, James Blackwell, Robert Harrison, James Soden, William Tahirak, Richard Tarantino, Ralph Wainwright, Alfred Vardalis.

Professional Staff:

Present: Thomas J. Coleman, III, Solicitor; Charles Petrone, Solicitor; Louis Glass, Planner; Harry McVey, Planner; Mark Malinowski, Engineer; Al Litwornia, Traffic Engineer

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 Zoning Board on January 7, 2013 with amended notice being published in the Burlington County Times on Wednesday, June 12, 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.

PUBLIC COMMENTS:

Mr. Tahirak opened the meeting to the public.
Hearing nothing Mr. Wainwright made a motion to close the public portion and Mr. Allen Seconded.

MATTERS TO BE CONSIDERED BY THE BOARD:

NEW BUSINESS

Application ZB09-07MSP-13: Homestead Plaza II Corp – Blk.4230, Lot 151

Application for Amendment/Revision to an Approved Site Plan for Homestead Plaza II for addition of drive-thru to stand alone commercial retail on pad site in (C-1) Zoning District.

Location: 23205 Columbus Road
Zoning District: C-1 Neighborhood Commercial
Application Filed: October 15, 2013
Public Comments
(Formal official action may be taken)

Mr. Petrone, Board Attorney explained the use variance granted. He also stated that the applicant submitted revised plans with a drive thru window.

Brian Muhlbaier, attorney for the applicant with Mike Laino, Principal Attorney. Mr. Muhlbaier stated that permission had been granted for building at an earlier time but without a tenant, now they do have a tenant. Mr. Muhlbaier also stated that the applicant will comply with recommendations of board professionals.

Mark Malinowski; Board Engineer, discussed his review letter dated Oct 29, 2013. Mr. Malinowski stated that many items had already been submitted a few years ago, they supplemented the information for this particular site. The applicant requested a number of waivers because they were submitted before. Mr. Malinowski had asked for colored rendition and floor plan and they submitted colored pictures. Mike Laino was sworn in By Charles Petrone. Mr. Laino distributed pictures of a Dunkin Donuts prototype. This will be a 2000 square foot building. Mr. Malinowski referred to #3 of his review letter and wanted testimony about exterior finish. Mr. Laino stated that it looks like painted like siding, same color as building so it will blend in. It is where lot of shrubbery and probably won't see much of it.

#4, Concrete area. Original approval showed it to be landscape. However, they plan to use it for outdoor seating. Mr. Laino stated that tenant said they may not do this and, if so, it will be about 2 tables.

#5. Loading area needs testimony. Mr. Malinowski spoke with the applicant's engineer and was told there is a concrete drive. Mr. Laino said nothing more than box truck making deliveries. Deliveries will be every day during the time they are open.

#6. Decibel levels of menu board. Applicant provided a letter from 3M Building and Commercial dated January 7, 2008. Mr. Malinowski stated that he will defer this item to Mr. Litwornia.

#7. Behind menu board, applicant proposes 6 foot high wall. Needs testimony to know purpose of wall. Mr. Laino testified that the masonry wall will be the same color as building and will be to prevent sound.

#8. Loading area – already discussed

#9 Dumpster areas. Mr. Laino stated that the trash will be picked up by trucks similar to other stores. The trash area will have closed gates. The area is wide enough for truck to make a turn. The trash will be picked

up between 10am and 2pm. The opening of the dumpster area faces parking lot so walls around the back of it are decorative and will be completely shrubbed.

Mr. Malinowski is concerned about gates to enclosure which are 10 feet wide, If left open will impede traffic flow. Mr. Malinowski asked how they will control this. Mr. Laino said that he made clear that they will keep them closed, and this is part of Collection Company's obligation.

#10. Dumpster Gates. Mr. Malinowski stated that the dumpster gates should be constructed with solid panels. Mr. Laino said gate are chain line with slats, but will put wooden ones on if the Board says so. Mr. Laino stated that the

wooden ones would be heavier. Mr. Malinowski said he has no problem with vinyl slats and want it detailed on the plan.

#11. Lighting. There no additional area lighting on plans. Also it appears one of poles near pad site will have to be relocated. Mr. Laino said original plan included lighting. The one pole Mr. Malinowski spoke of moving has been moved.

#12. ADA requirements. Asked for additional spot elevations. Mr. Malinowski stated that the Applicant's Engineer confirmed.

#13. Handicap detail. Length of the ramps. Applicant's engineer will address.

#15. Note all construction details. Applicant will comply.

#16. Signs. Directional sign to drive through are 36 inches high. Landscaping has to be kept down to 30 inches. Mr. Malinowski has concerns with site visibility for those turning out or coming in from Fieldcrest Drive. The applicant's Engineer will try to lower sign to 30 inches. Mr. Laino said they are pre-constructed signs; they can put the signs in at 30 inches.

#17. Signage and landscaping, defer to the planner

#18. Fire lanes, coordinate with fire official

#19. Mr. Malinowski stated that the applicant comply with all outside agencies' for approvals needed.

Al Litwornia, Traffic Engineer- Reviewed his letter dated October 22nd 2013. Mr. Litwornia stated that he received a response from the applicant dated October 30, 2013 stating that they would agree to most of the comments. Mr. Litwornia requested larger concrete apron, and the applicant is requesting a waiver and Mr. Litwornia agreed.

Mr. Litwornia highlighted things they agreed to, outdoor seating, additional signage, apron and detail of breakaway sign supports.

Mr. Petrone stated that some of Mr. Litwornia's comments were addressed in Mr. Malinowski's report. Mr. Litwornia testified that the entire pad site was reviewed before and one of the changes was the parking changed from perpendicular parking to angular parking.

Lou Glass, Planner, Oct. 25th report. Mr. Glass testified that he has been working with the applicant for 4-6 weeks, and requested that the applicant submit colored pictures.

#2. Sign dimensions, Mr. Glass requested signage detailed. Also provided standard drive thru menu.

Building Architecture. Mr. Glass stated that this building is one of the newer prototypes. One issue was every board changes color, shows color combinations.

#3 The Dunkin Donuts words will be same size as the cup of coffee on the facade. There will be two of these. They are proposing three awnings; the width varies according to location.

They want to put a logo on the awnings. Need from applicant indication of which awning it is going to be. Everything else complies.

Mr. Petrone read that one awning has script writing the other two don't.

Mr. Allen asked hours of operation. Mr. Laino stated that the original approval was 5 to 11. Mr. Malinowski stated that they are 5am to 11pm.

Mr. Tahirak asked where the front of building will be facing. Mr. Laino stated that it would be facing the bank with the drive through on the Fieldcrest Road side. Mr. Tahirak also asked about screening. Mr. Laino stated he wanted to continue flowering trees that already exists, like decorative trees. He wants to put them although not on plan at this point.

Open to the public

Mr. Tahirak opened the meeting to the public.

Mr. Cusato spoke that this project is near his house. When his family moved in 2005, this was his opinion that there will be no fast food. He asked how this can happen in a nice town like this especially with all the kids. Mr. Cusato felt that trees will take a long time to grow.

Mr. Soden, felt Mr. Laino was good neighbor and hopes he will continue to be. Mr. Laino stated that they made every effort to make project improvements and will do everything he can to make it a nice project.

**Mr. Wainwright made a motion to close to the public and Mr. Blackwell seconded.
Motion passed with a unanimous voice vote.**

Mr. Soden made a motion to grant the changes to the preliminary site plan and Mr. Allen Seconded

Voted in the Affirmative: Randy Allen, Robert Harrison, James Soden, William Tahirak, Richard Tarantino, Ralph Wainwright, and Alfred Vardalis.

Application ZB13-03PFSP, V: Tri-State Petro, Inc., Block 1, Lots 1 & 2, 3372 Route 206

Application for Preliminary and Final Site Plan Approval and Variance Relief to permit demolition of the existing gasoline service station and construction of a new gasoline fueling canopy, truck fueling canopy, convenience store, and related site improvements.

Location: 3372 Route 206
Zoning District: C-2 Highway Commercial
Application Filed: August 26, 2013

Michael Angelastro, engineer for the applicant.

Kevin J Moore, Attorney for the applicant reviewed the notices.

Mr. Moore reviewed that the applicant is proposing to demolish the existing gasoline service station and construct on the property a new 2,880 SF gasoline fueling canopy; 1,100 SF truck fueling canopy; 3,950 SF convenience store; and related site improvements needs use and cond. use plus.

Charles Olivo, Professional Engineer for the applicant.

Mr. Olivo spoke about **Exhibit A-1**, Colorized version of overall site plan.

The property is 7.21 acres. The proposal is to demolish existing structure and provide a modern convenience store and gas station and truck parking.

Exhibit A-2: Existing features on the site, aerial exhibit. Mr. Olivo explained that this is the current features.

The applicant proposes is a 3,996 SF convenience store. To the south of the convenience store will be fuel pumps. There will be 12 fueling positions for vehicles and also provisions for 2 tractor trailer fueling positions.

The access to site will be along old York Road with an ingress and egress on Route 206 with connector road providing access to a gated area for 19 truck parking spaces and 10 vehicles. This area will be for the applicants use only. The applicants Engineer will work with board's professionals for the location of gates. The design of access points to Route 206 meets the requirements of DOT.

There will be 35 parking stalls to support convenience store operation. This is not included with the other parking.

There will be removal of existing tanks in accordance with DEP standards, also other agencies such as County, DOT, DEP, etc. The applicant proposes to install 5, 12 thousand gallon storage tanks per DEP standards.

Mr. Olivo spoke of the front part of the property located near Route 206 of lot being flat, and then sloping off toward creek. The applicant has complied with all DEP requirements about wetlands and this project does not encroaching into wetlands.

The applicant proposes a heavy landscaping plan around Old York Road and Route 206.

Mr. Olivo stated that the plan meets requirements for lighting. There will be LED fixtures that will be in accordance with modern standards.

The proposed septic system field is within 10 feet of stream line will require a variance. They have reached out to Bordentown to see if the applicant could tie into the sewer management system and they denied the request and also reached out to other neighboring towns and were also denied. So with that, the proposed needed septic system will be located at North West part of site.

The site does comply with many requirements, in regard to lot coverage, under maximum coverage. Also meets building height requirement and core area ratio.

The plan does meet the DEP requirements for drainage and storm water but needs a need waiver for recharge.

There is an existing well that will be abandoned and a new well will be drilled for water service on the site.

There will be a free standing sign just up from access driveway.

Exhibit A-3, Oct. 30, 2013. Environmental Exhibit. This exhibit addressed the wildlife habitat. Most of them are located to the north and west of turnpike and not on this site. The development of this site is far from endangered species. This application received an LOI stating no endangered species are on this site and not expected to have adverse impact.

Mr. Olivo stated that this application is subject to DOT review and needs a new access permit for the project. A traffic study was performed and found minimal increase of traffic.

In terms of interior of site, there are 35 parking stalls. The applicant needs to address Litwornia's concern about adequacy of parking and will work with him on that issue. A parking variance needed given ordinance requirements. Mr. Olivo stated that they have extra 10 parking spots not included as

part of 35 original parking spaces.

Hours of operation will be 24 hours, 7 days a week. The maximum number of employees will be 5. There will be no eating facility. Delivery will be as needed.

The loading of convenience store would take place through front door but can use hatched area behind the store, trucks can go on by-pass area and travel into the loading zone, and will work with Litwornia about the loading area.

David Barger, Architect, sworn in said was expert in architect.

Exhibit A-4, color rendition of site. Mr. Barger stated that the applicant is planning to have three structures. A kiosk will separate from the convenience store building, 2 fueling canopies, with height based on standard designs.

The building will red or brown brick and stucco. The roof will be grey.

Mr. Barger stated that the signage is minimal, below what they would like to see. There will be one 6x6 7-11 sign in front. The Valero signs are proto-type.

Mr. Barger referred to sheet A-1, dated 8-19-13. Footprint of building, there are six boxes on north side that are HVAC, refrigeration units, they will be screened as suggested by professional.

Norman Dottie, Consulting Acoustical Engineer.

Exhibit A-3. Mr. Dottie stated that the sound sources are HVAC and refrigerator motors. He testified that at distance of 200 feet, the noise would meet state night time limit. The closest residential is 3,000 feet away meaning the residents won't hear it. As far as traffic, it already exists. Everything around the site is commercial, and there is the turnpike also.

The board requested that there be no idling with the truck parking.

Jeffrey Martell stated that an environmental report was submitted directly to the fire official.

Roger Greenway, Environmental Expert in Air Quality.

Mr. Greenway stated that he did analysis of emissions that would result at this site. There are two types of emission, delivery of fuels and vehicles and emissions from existing operation. Mr. Greenway testified that there could be a possible increase. Also the carbon monoxide from the vehicles vising the site. He estimated 3 grams per second additional. Benzene increase would be 0.0007 grams per second. The gasoline vapors would be addition emissions of 0.12 grams per second. Mr. Greeway stated that all were relatively insignificant.

Paul Grygiel. Planning consultant expert.

The site in in the C-2 zone. This proposed use is permitted. Gasoline service stations are a conditional use. A use variance is needed for the truck parking area. Some standards for service station are not going to be met. Signage deviations are being sought. Also a C variance for setback, septic facilities, fencing, wall height.

Mr. Moore reviewed the letter dated October 30, 2013 by Remick&Vernick and stated that his client will comply with comments:

Mr. Moore reviewed letter dated Oct. 31, 2013 from Al Litwornia, traffic Engineer and stated that the

applicant will comply with comments and will work with Mr. Litwornia on specific ones. Mr. Litwornia wants to work with applicant to get more parking spaces, Mr. Litwornia wants testimony on fuel positions for trucks, and applicants' Engineer said diesel pumps for two positions. Mr. Litwornia feels the variance for signage is typical.

Opened public hearing

Mr. Soden made a motion to open to the public and Mr. Allen seconded.

1. Lester Dobbs- owns the property next to the site property, sworn in. Doesn't want to get blocked in, specifically with tractor trailers. Concerned about fuel tankers, wants them to be able to turn in properly. Mr. Dobbs also asked about fencing. He is also concerned about run-off, drainage, doesn't want to get blocked visually. Their attorney said they won't block or park on service road during construction. Their attorney said they will put the fence wherever he wants it.

2. Judy Harrison asked the board to hold off a decision until EC submits documentation. She asked where the 19 trucks are stored now. She asked if they would continue with the project without the trucks.

Mr. Tarintio made a motion to close the public portion and Mr. Allen Seconded.

Motion passed unanimously

Mr. Soden made a motion to grant a variance to permit parking for 19 truck and 10 car parking, a variance to conditional use of gas service station, a setback variance for a storm water basin, a variance for the septic system, height variances, sign package, facade sign on convenience store. All subject to complying with professionals review staff, all other agency approvals, work with board professionals, staff, planner, traffic engineer. Ec review, fire prevention review, with no blockage of service road. With a sound report and air quality report submitted, appearance of store as testified, the HVAC to be screened or elevated, a spill prevent plan in place submitted to board professionals, a storm water maintenance plan to be filed at county level, the two lots consolidated into one lot, a access to rear parking lot by fire co., will work with neighboring property owner regarding fencing. Will work with traffic engineer regarding access routes, no overnight parking of vehicles other than trucks. Will work with traffic engineer to determine wither any additional parking spaces can be put on the site. Also, trucks come with no fuel for parking and Mr. Allen Seconded

Voted in the Affirmative: Randy Allen, Robert Harrison, James Soden, William Tahirak, Richard Tarantino, Ralph Wainwright, and Alfred Vardalis.

MEMORIALIZATION OF RESOLUTION

Resolution 2013-10-14:

Application for Variance Relief to permit construction of a detached garage, 25x30x17 Which exceeds the cumulative maximum size by 170 square feet to application ZB13-04V: Scott Bell, Block 42.30, Lot 46, and 12 Cobblestone Court

Mr. Blackwell made a motion to memorialize Resolution 2013-10-14 and Mr. Harrison Seconded.

Voted in the Affirmative: Randy Allen, James Blackwell, Robert Harrison, James Soden, William Tahirak, Richard Tarantino, Ralph Wainwright, and Alfred Vardalis.

NEXT SCHEDULED MEETING: Monday, December 2, 2013

MOTION FOR ADJOURNMENT:

**Mr. Wainwright made a motion to adjourn at 10:47PM and Mr. Allen seconded.
Motion passed unanimously**

Respectfully

Submitted by: Sheri L Hannah