

MANSFIELD TOWNSHIP

ZONING BOARD

REGULAR MEETING

Monday, January 5, 2015

The regular meeting of the Mansfield Township Zoning Board was held on the above shown date with the following in attendance: James Soden, William Tahirak, Robert Harrison, Ralph Wainwright, John Beckes, Barry Winn, Robert Gawron and Secretary's Ashley Jolly and Barbara Crammer. Richard Tarantino was not in attendance.

The meeting was called into executive session with a motion made by Mr. Tahirak and seconded by Mr. Harrison. Motion carried on a Roll Call Vote recorded as follows:

AYE: Soden, Tahirak, Harrison, Wainwright, Beckes, Winn, Gawron
NAY: None **ABSTAIN:** None **ABSENT:** Tarantino

The meeting was called out of executive session with a motion made by Mr. Beckes and seconded Mr. Tahirak. Motion carried on a roll call vote recorded as follows:

AYE: Soden, Tahirak, Harrison, Wainwright, Beckes, Winn, Gawron
NAY: None **ABSTAIN:** None **ABSENT:** Tarantino

Meeting was called to order by Mr. Soden., followed by the flag salute and 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 Zoning Board on January 5, 2015. Said Resolution was published in the Burlington County Times, 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 27, 2015.

Secretary, Ashley Jolly asked for a nomination for Chairman. Mr. Wainwright made a motion to nominate Mr. Soden and Mr. Beckes seconded that motion. Motion carried on a roll call vote recorded as follows:

AYE: Tahirak, Harrison, Wainwright, Beckes, Winn, Gawron
NAY: None **ABSTAIN:** Soden **ABSENT:** Tarantino

Meeting turned over to Chairman Soden who asked to change the agenda to appoint the professionals first. All board members agreed.

**MANSFIELD TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Resolution Number 2015-01-02
APPOINTMENT OF ZONING BOARD PROFESSIONALS**

WHEREAS, there exists a need for a Zoning Board Solicitor, a Zoning Board Engineer, a Zoning Board Planning Consultant, and a Zoning Board Traffic Consultant; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-et seq) Resolution authorizes the award of contracts for 'Professional Services' without competitive bids must be publicly advertised.

NOW THEREFORE BE IT RESOLVED by the Zoning Board of the Township of Mansfield, County of Burlington, as follows:

1. The Chairman and Secretary of the Zoning Board are hereby authorized and directed to execute agreements with:

THOMAS J. COLEMAN, III, Esquire from the Firm of Raymond Coleman Heinold & Norman, LLP, 325 New Albany Road, Moorestown, NJ for services as Solicitor for a term of January 1, 2015 to December 31, 2015, and

STOUT & CALDWELL ENGINEERS, LLC, 705 Route 130 South, Cinnaminson, NJ for Engineering services for a term of January 1, 2015 to December 31, 2015, and

ENVIRONMENTAL RESOLUTIONS, 525 Fellowship Road, Suite 300, Mt. Laurel, NJ for services as Planning Consultant for a term of January 1, 2015 to December 31, 2015, and

LITWORNIA ASSOCIATES, 3 Trading Post Way, Medford, NJ for services as Traffic Consultant for a term of January 1, 2015 to December 31, 2015

2. These contracts are awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law because of the specialized nature of the work.
3. A copy of this resolution shall be published in the Burlington County Times as required by law within 10 days of its passage.

Chairman Soden asked for a motion to adopt Resolution 2015-01-02. Motion made by Mr. Beckes and seconded by Mr. Tahirak. Motion carried on a roll call vote recorded as follows:

AYE: Soden, Tahirak, Harrison, Wainwright, Beckes, Winn, Gawron
NAY: None **ABSTAIN:** None **ABSENT:** Tarantino

Newly appointed Zoning Board Planner Barbara Fegley from Environmental Resolutions thanked the board for the appointment, however she had to leave early because she had another meeting to attend.

Chairman Soden asked for a nomination for Vice Chairman. Ralph Wainwright made the motion to nominate Mr. Tahirak which was seconded by Mr. Beckes. Motion carried on a Roll Call Vote recorded as follows:

AYE: Soden, Harrison, Wainwright, Beckes, Winn, Gawron
NAY: None **ABSTAIN:** Tahirak **ABSENT:** Tarantino

Chairman Soden asked for a nomination for Zoning Board Secretary. Mr. Wainwright made the motion to nominate Ashley Jolly and Mr. Tahirak seconded that motion. Motion carried on a roll call vote recorded as follows:

AYE: Soden, Tahirak Harrison, Wainwright, Beckes, Winn, Gawron
NAY: None **ABSTAIN:** None **ABSENT:** Tarantino

**MANSFIELD TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Resolution Number 2015-01-01
ANNUAL MEETING NOTICE**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., requires the adoption by a public body of a schedule of the regular meetings to be held during the calendar year; and

WHEREAS, upon proper notice pursuant to the act, no further notice of those meetings will be necessary, and

NOW, THEREFORE BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Mansfield, assembled in a public session on January 5, 2015, as follows:

The Zoning Board of Adjustment hereby designates the following dates as the dates of its regular meetings until the next reorganization meeting to the Zoning Board of Adjustment on Monday, January 4, 2016, and unless otherwise modified by Resolution of the Zoning Board of Adjustment, there will be work session meetings beginning at 7:00 P.M. followed by the regular meeting. All meetings shall be held in the Mansfield Township Municipal Complex, 3135 Route 206 South, Columbus, New Jersey.

February 2, 2015	August 3, 2015
March 2, 2015	Tuesday, September 8, 2015
April 6, 2015	October 5, 2015
May 4, 2015	November 2, 2015
June 1, 2015	December 7, 2015
July 6, 2015	Tuesday January 5, 2016- Reorganization & Regular

Chairman Soden asked for a motion to adopt Resolution 2015-01-01 Annual Meeting Notice. Mr. Wainwright made the motion which was seconded by Mr. Beckes. Motion carried on a roll call vote recorded as follows:

AYE: Soden, Tahirak Harrison, Wainwright, Beckes, Winn, Gawron
NAY: None **ABSTAIN:** None **ABSENT:** Tarantino

**MANSFIELD TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Resolution Number 2015-01-03
DESIGNATION OF OFFICIAL NEWSPAPERS**

NOW, THEREFORE, BE IT RESOLVED, by the Mansfield Township Zoning Board of Adjustment, of the County of Burlington, State of New Jersey that the following are designated as the official newspapers until December 31, 2015:

Primary: Burlington County Times
Secondary: Trenton Times
Bordentown Register-News

Chairman Soden asked for a nomination to adopt Resolution 2015-01-03. Mr. Tahirak made the motion which was seconded by Mr. Beckes. Motion carried on a roll call vote recorded as follows:

AYE: Soden, Tahirak Harrison, Wainwright, Beckes, Winn, Gawron
NAY: None **ABSTAIN:** None **ABSENT:** Tarantino

ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MANSFIELD

RESOLUTION NO. 2014-12-9

**CONCERNING THE APPLICATION OF
LIBERTY LAKE DAY CAMP, INC.
FOR
VARIANCE AND AMENDED SITE PLAN APPROVAL**

WHEREAS, Liberty Lake Day Camp, Inc., has applied to the Zoning Board of Adjustment of the Township of Mansfield for Variance and Amended Site Plan Approval for property located at 1195 Florence-Columbus Road, known as Block 47.01, Lot 10.01 on the Official Tax Map (the "Property"), for the purpose of installing a 10 foot by 46 foot office/storage trailer and making other changes to a prior approval granted by the Board in December, 2012; and

WHEREAS, by Resolution No. 2012-12-12, the Board granted Use Variance and Site Plan Approval to the Applicant for the installation of a 50 foot by 60 foot inflatable tent and to host the Renaissance Faire each weekend in September, as part of an expansion to its primary business operation of a summer day camp; and

WHEREAS, the Applicant is now proposing to eliminate the inflatable tent and to move the Renaissance Faire from September to up to four (4) weekends over the months of May and June; and

WHEREAS, the Property is located in the ODL zone and day camps are not listed as a permitted use; and

WHEREAS, the day camp use is a non-conforming use on the Property and the proposed office/storage trailer is an expansion of the non-conforming use, requiring a variance pursuant to N.J.S.A. 40:55D-70(d); and

WHEREAS, the present application was deemed complete on December 1, 2014; and

WHEREAS, a public hearing to consider the application for Variance and Amended Site Plan Approval was held by the Zoning Board on December 1, 2014, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Mansfield and the statutes of the State of New Jersey; and

WHEREAS, the Applicant presented evidence to the Board through testimony, plans, reports and other evidence; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for Variance and Site Plan Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property, located in the ODL – Office Distribution Laboratory Zoning District.
2. The Applicant has submitted an application for Variance and Amended Site Plan Approval, providing the Board with a proposed set of plans and testimony.
3. The taxes on the Property are current or exempt.
4. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.

5. Proper notice of the application for Variance and Site Plan Approval has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.

6. The Property is currently utilized as a summer day camp with picnics, corporate events and special events held on weekends. The Property is improved with various buildings and structures used for the day camp and weekend activities.

7. The Applicant received approval from the Board in December, 2012, to erect a 50 foot by 60 foot inflatable tent and to host a Renaissance Faire each weekend in September.

8. The Applicant is now proposing to install a 10 foot by 46 foot office/storage trailer, move the Renaissance Faire from September to up to four (4) weekends in May and June and to eliminate the inflatable tent. The proposed office/storage trailer is an expansion of the non-conforming day camp use requiring a variance pursuant to N.J.S.A. 40:55D-70(d)(2).

9. Patrick McAndrew represented the Applicant at the December 1, 2014 Public Hearing. Andy Pritikin testified at the Public Hearing on behalf of the Applicant.

10. Mr. Pritikin testified as follows:

- a. He has owned the Property since 2005;
- b. He started a summer day camp at the Property in 2002;
- c. In addition to the summer day camp, weekend picnics and corporate events not opened to the public have been held at the Property since before he became owner;
- d. Special Events that have occurred at the Property that have been "open to the public events" include The Renaissance Faire, Earth Day Celebration, Concerts, Fund-raisers, Oktoberfest Festivals, Community Health Day and similar events;
- e. He is a partner in the Renaissance Faire entity;
- f. The inflatable tent approved in 2012 will no longer be part of the site and is permanently eliminated;
- g. The office/storage trailer is 10 feet by 46 feet and is required to provide a functional office for the Renaissance Faire and to provide an area for the Faire to store equipment;
- h. The Renaissance Faire is being moved from its September weekends so that it does not conflict with the Pennsylvania and New York renaissance faires that are held in September;
- i. There will be no traffic or operational issues with moving the Renaissance Faire from September to May and June;
- j. The site has been improved in accordance with the 2012 Approval with the parking area and trash enclosure constructed, lighting and landscaping improved, new lighting added at the front entrance and the sign changed at the front entrance;
- k. For the Renaissance Faire, additional port-a-potties will be added and an existing shed relocated to the creek next to the turnpike;
- l. A parking service will be retained to park cars and police assist people leaving the Faire at the end of the day;
- m. The office/storage trailer will be permanent with electricity and will remain in place until such time as the Applicant has the funds required to build a permanent structure.

11. The Board Engineer and Planner reviewed the plans submitted by the Applicant and have provided review letters for the Board's consideration.

12. As a result of the limited improvements proposed by the Applicant, the Board's professionals have not objected to the waivers (as enumerated in their respective review letters) requested by the Applicant for the submission of certain information required by the Application Checklist.

13. The December 1, 2014 Hearing was opened to the public without comment.

AND WHEREAS, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. The Applicant has submitted a Complete set of plans and reports and testimony in connection with its application so that the Board has the necessary information to make a decision on the application.
2. This application relates to a specific piece of property and the purposes of the Zoning Laws of the State of New Jersey and the Township of Mansfield will be advanced by the deviation from the ordinance requirement as specific herein for the expansion of a non-conforming use as requested by the Applicant.
3. The benefits of the deviation from the ordinance requirement as specified herein would substantially outweigh any detriment to the public good by this deviation, as variance approval would allow for the development of the Property as proposed by the Applicant and otherwise promote the safety, health and general welfare of the community.
4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Mansfield.
5. Waivers as enumerated in the review letters of the Board Engineer and Planner are appropriate as the Applicant is proposing to replace a 3,000 square foot inflatable tent with a 400 square foot office/storage trailer and to move the dates of the Renaissance Faire with testimony provided by the Applicant as requested.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Mansfield, on the 1st day of December, 2014, that this Board hereby grants to the Applicant the following:

1. A variance to permit the expansion of a non-conforming use by the installation of a 10 foot by 46 foot office/storage trailer;
2. A change in the dates of the Renaissance Faire from each weekend in September to no more than four (4) weekends total during May and June;
3. Amended site plan approval for the office/storage trailer and the change in the date of the Renaissance Faire, in accordance with the plans submitted by the Applicant, with all approvals subject to the following conditions:
 - a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval and Burlington County Soil Conservation District approval. Copies of all other approvals shall be submitted to the Township upon receipt.
 - b. Subject to the comments of compliance by the Applicant and its agents and representatives at the December 1, 2014 Public Hearing.
 - c. Subject to the submission of revised plans complying with the comments of the Board's professionals and with this Site Plan Approval, as may be required, including a site plan that includes all of the improvements proposed by the current Application and all of the improvements installed in accordance with the December, 2012 Site Plan Approval.
 - d. Subject to the comments of the Board Planner as contained in the November 18, 2014 Memorandum of Louis Glass Associates by Harry W. McVey, PP.
 - e. Subject to the comments of the Board Engineer as contained in the November 18, 2014 Correspondence of Stout & Caldwell Engineers, LLC, by Mark Malinowski, PE.
 - f. Subject to no more than four (4) Renaissance Faires being held at the Property between the months of May and June with no other Renaissance Faires permitted without prior Board approval.
 - g. Subject to the Applicant continuing to comply with Resolution No. 2012-12-12, except as modified herein for the office/storage trailer, the change in the dates of the Renaissance Faire and the elimination of the inflatable tent.

Chairman Soden asked for a motion to memorialize Resolution 2014-12-9 Liberty Lake, Variance Relief for a 10' by 40' office and storage trailer, and to allow the Renaissance Faire to be held up to 4 weekends in May and June. Mr. Tahirak made the motion which was seconded by Mr. Harrison. Motion carried on a roll call vote recorded as follows:

AYE: Soden, Tahirak Harrison, Wainwright, Beckes, Winn, Gawron

NAY: None **ABSTAIN:** None **ABSENT:** Tarantino

Chairman Soden opened the meeting for Public Comment. Seeing none Chairman Soden asked for a motion to come out of Public Comment. Mr. Beckes made the motion which was seconded by Mr. Wainwright. Motion carried on a roll call vote recorded as follows:

AYE: Soden, Tahirak Harrison, Wainwright, Beckes, Winn, Gawron

NAY: None **ABSTAIN:** None **ABSENT:** Tarantino

Chairman Soden asked for a motion to approve the minutes from December 1, 2014 meeting. Mr. Tahirak made the motion which was seconded by Mr. Wainwright. Motion carried on a roll call vote recorded as follows:

AYE: Soden, Tahirak Harrison, Wainwright

NAY: None **ABSTAIN:** Beckes, Winn, Gawron **ABSENT:** Tarantino

Chairman Soden asked if there were any comments from the board. Seeing none Chairman Soden asked for a motion to adjourn the meeting. Mr. Harrison made the motion which was seconded by Mr. Beckes. All ayes. Motion carried.

Respectfully Submitted:

Date Approved:

Ashley Jolly, Secretary

May 4, 2015