

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
REGULAR MEETING
Monday, July 25, 2016**

The Regular Meeting of the Mansfield Township, Planning Board was held on the above shown date with the following in attendance: Chairman Scott Preidel, Arthur Puglia, Robert Semptimphelter, John Kampo, and Barry Winn. Attorney Tom Coleman, Planner Barbara Fegley, Traffic Engineer Al Litwornia, and Secretary Ashley Jolly. Douglas Borgstrom, Randy Allen, Gary Lippicott and Alan Abramowitz were absent.

The meeting was called to order by Chairman Preidel 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 25, 2016. Said Resolution was published in the Burlington County Times, e-mailed to the Burlington County Times, and Trenton Times, 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, 2016.

DISCUSSION:

Ed Fox, with the Burlington County Bridge Commission, said he was there to see if the documents he submitted regarding the Master Plan, were sufficient as per the board's requests. He said they have been discussing this since October of last year. They have tinkered with the Land Use Plan Element and the TDR Parcel Map. The May 26th letter he sent itemized all the changes that were made. All of these changes have been discussed in the past. He said they took out some lots, specifically the NJ Turnpike Authority lots that were previously listed. As well as, the NJ American Water Company lots. He said tonight he wanted to see if the board had any questions. He also wanted to discuss when the board would like to hold the hearings on the documents.

Chairman Preidel asked if any of the board members had any questions. **Mr. Semptimphelter** said they have clearly made the requested adjustments, therefore he is comfortable with what is being presented. **Mr. Fox** said there has been some discussion on what would happen to the old municipal property and one use that's been discussed is adult and child daycare. So he suggests that they are added as permitted uses in the C-1 (downtown Columbus) commercial district. **Chairman Preidel** asked if any of the board members had any problems with that. There were none. **Chairman Preidel** told **Mr. Fox** to go ahead with that.

Chairman Preidel asked if all the documents could be heard in one night. **Attorney Coleman** said he thinks we could get it all done in one night, but if we did more than one, we do not have to re-notice. **Chairman Preidel** asked when they would hold the public hearing. **Mr. Fox** said September. **Attorney Coleman** explained that they only notice is the one in the paper. Properties (even the properties being re-zoned) will not be notified by mail. **Mr. Puglia** asked if other towns have ever notified the property owners. **Planner Fegley** said she has never experienced that with the Master Plan. **Attorney Coleman** said he has never done that either. **Mr. Puglia** said that was fine, he just wanted to be sure. **Chairman Preidel** said it would be on for September.

MEMORIALIZE RESOLUTION 2016-6-9:

**RESOLUTION NO. 2016-6-9
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD,
CALTON HOMES, INC.
EXTENSION OF GENERAL DEVELOPMENT PLAN APPROVAL
EXTENSION OF PRELIMINARY MAJOR SUBDIVISION APPROVAL
EXTENSION OF FINAL MAJOR SUBDIVISION APPROVAL – SECTIONS 7 & 8**

WHEREAS, Calton Homes, Inc. has applied to the Planning Board of the Township of Mansfield for an Extension of General Development Plan Approval, Extension of Preliminary Major Subdivision Approval and Extension of Final Major Subdivision Approval – Sections 7 and 8, for property known as Block 41, Lots 2.01 and 4.01 and Block 42, Lot 1 on the Official Tax Map of the Township of Mansfield (the “Mansfield Crossing Subdivision”); and

WHEREAS, the Planning Board granted General Development Plan Approval for the Mansfield Crossing Subdivision on December 22, 1997, as memorialized by Resolution No. 1997-12-18 adopted on February 23, 1998; and

WHEREAS, the Planning Board granted Preliminary Major Subdivision Approval for the Mansfield Crossing Subdivision on September 28, 1998, as memorialized by Resolution No. 1998-10-14 adopted on October 26, 1998; and

WHEREAS, the Planning Board granted Final Major Subdivision Approval for Sections 7 and 8 of the Mansfield Crossing Subdivision on May 24, 1999, as memorialized by Resolution No. 1999-05-11 adopted on June 28, 1999; and

WHEREAS, General Development Plan Approval was for a period of ten (10) years from the date upon which Final Approval for the first section of the Planned Development was granted; and

WHEREAS, *N.J.S.A. 40:55D-49* provides a three year period of protection for preliminary major subdivisions, commencing on the date the Resolution approving the subdivision is adopted and *N.J.S.A. 40:55D-49(c)* gives a Planning Board the discretion to grant two (2) one year extensions to the period of protection for preliminary major subdivisions upon application made by an applicant and subject to current design standards; and

WHEREAS, *N.J.S.A. 40:55D-52(a)* provides a two year period of protection for final major subdivisions, commencing on the date the Resolution approving the subdivision is adopted and further gives a Planning Board the discretion to grant three (3) one year extensions to the period of protection for final major subdivisions upon application made by an applicant and subject to current design standards; and

WHEREAS, *N.J.S.A. 40:55D-52(b)* would allow a Planning Board to grant a longer than the two (2) year period of protection and a longer extension for certain subdivisions based on the number of dwelling units, the economic conditions and the comprehensiveness of the development; and

WHEREAS, the Permit Extension Act of the State of New Jersey, *N.J.S.A. 40:55D-130 et seq.*, has tolled the running of the period of protection for certain approvals until December 31, 2015; and

WHEREAS, the Permit Extension Act is applicable to the General Development Plan, Preliminary Major Subdivision and Final Major Subdivision Approvals granted to the Applicant and extends the period of protection until June 30, 2016; and

WHEREAS, the Applicant has requested two (2) one year extensions to the approvals in accordance with *N.J.S.A. 40:55D-49(c)* and *52(a)* to commence on June 30, 2016; and

WHEREAS, the Board after carefully considering the Applicant’s request for an extension to the period of protection for the General Development Plan, Preliminary Major Subdivision and Final Major Subdivision Approvals, has made the following findings of fact:

1. The General Development Plan Approval granted to the Applicant consisted of 414 residential dwelling units to be constructed on 478 acres on the east and west sides of Petticoat Bridge Road.

2. The taxes on the Property are current or exempt.

3. The Applicant's escrow account is current.

4. The period of protection applicable to the Applicant's General Development Plan Approval, Preliminary Major Subdivision Approval and Final Major Subdivision Approval for Sections 7 and 8 in accordance with *N.J.S.A. 40:55D-49*, *N.J.S.A. 40:55D-52* and *N.J.S.A. 40:55D-130* will expire on June 30, 2016 and the Applicant requested the two (2) one year extensions of the period of protection in accordance with *N.J.S.A. 40:55D-49(c)* and *N.J.S.A. 40:55D-52(a)* and *52(b)*.

5. The Property remains zoned R-1 and the Applicant's proposed use remains permitted.

6. The granting of the two (2) one year extensions is discretionary on the part of the Planning Board.

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

1. It is within the Board's discretion, in accordance with the Municipal Land Use Law of the State of New Jersey, to grant the two (2) one year extensions requested by the Applicant.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, on the 27th day of June, 2016, that this Board hereby grants to the Applicant two (2) one year extensions to the period of protection for the General Development Plan Approval, the Preliminary Major Subdivision Approval and the Final Major Subdivision Approval for Sections 7 and 8 of the Mansfield Crossing Subdivision previously granted to the Applicant, subject to the following:

1. Subject to the Applicant complying with Resolution No. 1997-12-18, Resolution No. 1998-10-14 and Resolution No. 1999-05-11.

2. Subject to the Applicant complying with the current design standards.

3. Subject to the period of protection for the General Development Plan Approval, the Preliminary Major Subdivision Approval and the Final Major Subdivision Approval for Sections 7 and 8 of the Mansfield Crossing Subdivision now expiring on June 30, 2018.

A motion to approve the memorialization of the above was offered by **Mr. Semptimpfelter** and seconded by **Mr. Kampo**. Motion carried on a roll call vote recorded as follows:

AYE: Semptimpfelter, Kampo, Preidel

NAY: None NOT VOTING: Winn ABSTAIN: Puglia ABSENT: Borgstrom, Lippincott, Allen, Abramowitz

APPROVAL OF MINUTES:

June 27, 2016 – **Chairman Preidel** asked for the approval of minutes. All ayes. Motion carried.

ADJOURNMENT:

A motion to adjourn was offered by **Mr. Puglia** and was seconded by **Mr. Semptimpfelter**. All ayes motion carried.

Respectfully Submitted:

Date Approved:


Ashley Jolly, Land Use Coordinator

8-22-16