

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
REGULAR MEETING
Monday, December 27, 2017**

The Regular Meeting of the Mansfield Township, Planning Board was held on the above shown date with the following in attendance: Chairman Scott Preidel, Vice Chairman Douglas Borgstrom, Mayor Sean Gable, John Kampo, and Randy Allen. Attorney Chuck Petrone, Engineer Robert Stout, Planner Barbara Fegley, Traffic Engineer Alexander Litwornia, and Secretary Ashley Jolly were also present. Gary Lippincott and Dalpat Patel 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 23, 2017. 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, 2017.

APPLICATION PB2017-7PMSD- Diocese of Trenton Preliminary Major Subdivision

Chairman Preidel stated that this application is for Block 25, Lot 6 – Corner of Mansfield Road East and Island Road. Attorney for the applicant Dave Roskos introduced himself. He stated that noticed for this hearing was properly given. He introduced his two witnesses, Julia Algeo, Licensed Engineer from Maser Consulting and Michelle Brickenoff, Traffic Engineer with Maser Consulting; both were sworn in by Attorney Petrone. **Ms. Algeo** gave her credentials which were accepted. She stated she is familiar with the site and the townships zoning ordinance.

Ms. Algeo stated this is a 29.95 acre property on the Southwest side of the intersection of Mansfield Georgetown Road and Island Road. Both roadways are municipal roadways and classified as minor collective roadways in the Township’s Master Plan. To the north of the site are single family residential lots. The west side has a residential subdivision. The east side is agricultural land and on the North West side is the high school. The property is currently partially wooded and partially farmed. There are no streams or flood plains located on the property, however there are wetland areas located on the northwest side and a pocket of wetlands on the middle of the tract along the frontage.

Ms. Algeo stated that they have received a letter of interpretation from the NJDEP. The wetlands have a 50ft buffer. Overall the site contains about 6acres of wetlands and 24acres of uplands. It is located in the R-1 residential district. There is a cluster option which is permitted in this zone; as long as the density doesn’t exceed .33 units per acre. It requires that the yield plan be submitted, to demonstrate the numbers of lots are feasible under a conventional subdivision design. The plan was submitted, sheet 2 which confirm 8 lots are feasible under the conventional zoning which is a 3 acre minimum.

Ms. Algeo explained that they are proposing a major subdivision with 8 single family lots using the cluster provision of the Ordinance. A density of .27 unit per acre is being provided. In the R-1 cluster option, there is a minimum lot size of 40,000sqft in non-sewer areas. There are no sewers available in this area. She stated they are proposing 7 lots that would average 1.5 to 2.2 acres and one very large lot that is 16.8 acres. All of these lots fully conform to minimum and maximum requirements for lot frontage, depth, coverage, and setbacks. The majority of the lots would be 150ft wide and are over 400ft depth. The ordinance allows lot coverage of 25% maximum. There is no bulk variances proposed.

Ms. Algeo stated they are proposing a low impact development design. There will be no new roadways so impervious coverage is minimized and storm water detention basin is not required; therefore, a large amount of open space can be preserved. Six of the proposed lots will be fronting on Island Road and there are two proposed lots fronting on Mansfield Road East. It is anticipated that the residential dwellings will be constructed individually and will be custom type homes. The lots are laid out with septic system fields to make sure everything will adequately fit on each lot. Most likely, it will be 4 bedroom homes with two car garages. The layout is designed so the houses are setback farther from Island and Mansfield Road; 100ft setback is provided where 35ft setback is allowable as per the Cluster Ordinance.

Ms. Algeo further explained that with the two car garage and driveway combination under the residential site improvement standards, that there are 3.5 parking spaces per unit; they are proposing 28 spaces just with the two car garages and driveway. For 8 single family lots at 2.5 spaces per unit, 20 spaces are required; therefore they have already exceeded that requirement. With driveways being longer and setback 100ft, they believe the space could accommodate at least an additional 8 cars in addition to the two car garage. They believe parking has been adequately addressed. **Attorney Roskos** stated that RSIS has been met and they are exceeding it by a significant number. **Ms. Algeo** confirmed.

Attorney Roskos brought up sidewalks as there has been some confusion on the subject. He stated that sidewalks are proposed on Island Road. **Ms. Algeo** stated that yes there will be 4ft wide sidewalks along the entire frontage on Island Road. **Attorney Roskos** stated they are not proposing sidewalks on Mansfield Road; instead they will make the contribution for sidewalk installation. **Ms. Algeo** explained the reasoning for not putting a sidewalk on Mansfield Road because there are wooded areas and wetlands, so the sidewalk would serve very little purpose in addition it would require the destruction of wooded vegetation as well as, wetlands. **Attorney Roskos** stated the applicant would make the contribution on Mansfield Road and install the sidewalks along Island Road.

Attorney Roskos referenced the November 22nd review letter from Stout and Caldwell. He stated that they would be returning to the board for final approval at a later date. The variance waiver relief comment mentions requesting a waiver from constructing the frontage along Mansfield Road East. There has been a calculation placed into the memo with an assessment of \$21,664 the applicant will agree to make that payment. The next comment is the 10% open space requirement under the Ordinance where developments are 4 or more dwelling units. **Ms. Algeo** explained that the ordinance requires that 10% to be set aside for open space and active recreation. 10% of the lot area would be 3 acres and they are provided 8.4 acres of open space that would be preserved in a conservation easement. The conservation easements are proposed on the large lot, 6.08 also a conservation easement along the frontage of Mansfield Road East and conservation of the vegetated areas along the south side of lot 6.08. **Attorney Roskos** stated that the Legends development would benefit from the conservation easement. **Engineer Stout**

stated that he agrees with the calculations the only difference is that it's technically supposed to be dedicated to open space, in this case there is no Homeowners Association, and no dedicated area, and it's preserved. Based on the intent of the plan he is in agreement that it satisfies. **Attorney Roskos** stated that as a Township attorney and he understands the Township does not want any more open space to maintain. He believes they are accomplishing the objective of the ordinance which is to preserve the area against future development without putting an obligation on township services. **Chairman Preidel** asked if it was 6 acres of open space. **Attorney Roskos** stated that its 8.4 acres instead of 2.9. **Engineer Stout** explained that it is actually two areas; there is a larger area to the West that backs up to Legends and another section between the two larger lots in the back on Mansfield Road East and another 1 acre there. **Chairman Preidel** stated that there is no way someone can subdivide a lot there in the future. **Engineer Stout** stated that no and they could deed restrict that large lot from any future development. **Attorney Roskos** stated that they would agree to that.

Engineer Stout stated that he added street lighting to his review just as a discussion item for the board. He explained that if the board wanted something done, the applicant can put them in but obviously the township would be responsible to maintain it. He stated that he is in discussions with the applicants engineer regarding stormwater and drainage. They are in agreement to put some things together and also to acquire DEP permits. DEP permit will include all of the stormwater and grading. This permit will be acquired before they return for final approval.

Engineer Stout explained that by doing the driveways the way it's laid out is a very nice setup, however it is shown as gravel. Most likely homeowners will be paving them eventually; therefore there is a water quality issue that both engineers will have to work out. There is a trunk line on Mansfield Road that is not allowed to be tapped. There are three ways to remedy and one is to extend the water main down to service the two houses, however he doesn't think this is a good option. He stated an easement could be added across a couple of the smaller lots to allow each of the homes to have a separate feed. The other option would be to have well water. The public water would be subject to NJ American Water approval. **Attorney Roskos** stated they would go to NJ American Water and bring two laterals between two of the lots on Island Road with an easement to provide the water service to the two lots on Mansfield Road. **Chairman Preidel** questioned the existing lane that appears to have a ditch that went along the road, and possibly a pipe; that could be why it backs up with water in that area. He explained that when it rains all the water comes down the hill and forms a pond like it wants to continue to migrate through the wetlands but it has no way to get to the other side of that lane. He stated that he believes that's why water ponds there. **Engineer Stout** agrees and stated that looking at the grades from the old farm lane, it drives down about 10ft flattens out and comes back up. The problem is there is two isolated wetlands pocket a large 6acre one and a smaller 1.1 acre piece. So he suggests putting a culvert underneath so the water can go from one side to the other and it doesn't flood out. He stated that since they're going to DEP it shouldn't be a problem to put a culvert across it, which has to be just enough to relieve the pressure from the 1acre wetlands to the 6acre wetlands. **Attorney Roskos** stated that they agree on the culvert, but they have to get DEP to agree as well. **Engineer Stout** added that they also asked for additional grading along Island Road.

Planner Fegley referenced her review letter from November 21st. She asked if there were any comments that the applicant didn't agree with. She stated that they had questions regarding the street trees. The street trees would be at 40ft spacing along Island Road and she does not

think this is an unreasonable request. There is existing vegetation along Mansfield Road East and Island Road and she thinks a lot will be removed, most likely more than anticipated.

Planner Fegley referenced page four of her review number 3, 4, & 5. This deals with active recreation and there is none proposed. **Attorney Roskos** explained that they could put some kind of walking path through the site, but it made more sense to make a contribution. He stated that he does not know what that contribution is. It seemed once you go to four lots you make a contribution for each lot in excess of three and he thought it was \$1,000 contribution. He stated they would be willing to make a \$5,000 contribution.

Planner Fegley mentioned her general comments numbers 8, 9, 10, & 11 which deal with wetland buffer and encroachments as well as the conservation easement. **Attorney Roskos** stated that they agree to all of those comments. They will work with the planning office and DEP to satisfy. **Attorney Roskos** stated that regarding comment number 12, a study of the site was done, but he questioned if what they were being asked to do was test the soil around the old barn, that will be done. **Planner Fegley** explained that they went right to the sampling for prior agricultural, usually a phase 1 or preliminary assessment would be done to identify potential areas of concern. The fact that there is a barn and a silo and other things, there could be other issues so she does not recommend just testing around the barn. **Chairman Preidel** stated that there was an old house there, so there could be an old oil tank there. **Attorney Roskos** stated that they do not have a problem with testing around where the old barn and house were located. They agree to do that, however they do not want to comb over the entire 29 acres. He is trying to understand what to tell the environmental consultant. **Planner Fegley** explained that they do a preliminary assessment, phase 1 to find out through the database search, the aerial photos, what the potential areas of concern are; they may not identify any but they may identify the potential underground storage tank and other ones. She is looking for a phase 1 study which would identify potential areas of concern and she thinks any person purchasing the lot would want that done as well. **Attorney Roskos** stated that he misunderstands because he thought what they did was satisfy what the ordinance requirement was, and he thought they were being asked to do additional testing around the old barn and house which they were saying yes too. However, if the professionals are asking everyone who comes in to do a phase 1 or preliminary assessment, it should probably be in the ordinance. If the professionals are asking for a preliminary assessment they will do it.

Planner Fegley mentioned street trees planted along Island Road about 40ft spacing since much of the vegetation will be removed. **Attorney Roskos** asked if they could work with the planner on items 17 & 18 of her letter since this is only preliminary approval at this time. **Planner Fegley** stated that she is only asking them to average 40ft not exactly every 40ft. **Attorney Roskos** asked if the two Planners could please work it out instead of agreeing to a tree at every 40ft. **Planner Fegley** agreed. **Attorney Roskos** stated that they conditional approval from the County. **Chairman Preidel** stated that he want to keep the site triangles open on the lots. **Attorney Roskos** confirmed that they are not putting curbing or street lighting in.

Traffic Engineer Michelle Brihoff stated her qualifications which were accepted. She stated she is familiar with the site and the proposed subdivision. **Ms. Brihoff** stated that she believes the applicant is doing everything to ensure the safety of each individual lot is satisfied. As far as, providing turn around areas to make sure the cars are able to turn around within the driveway. They are consistent with the other residents along both roadways. **Attorney Roskos** stated that the board members have some concerns with the intersection on Island Road and

Mansfield Road and some proposed plantings in there. Would it be safer to pull the plantings back further from Mansfield Road to allow for greater site distance? **Ms. Brihoff** stated as long as it's not within the site distance triangle, it's acceptable. If the board feels that for some reason it would benefit a driver we would not be opposed to that. **Attorney Roskos** stated that the applicant is willing to work with the Traffic Engineer, Planner, and Engineer to revise the planting scheme in that area to ensure maximum site distance down Mansfield Road.

Attorney Roskos mentioned Litwornia's (traffic engineer) concern over adequate parking. **Ms. Brihoff** stated the RSIS requirement is 20 spaces, which is 2.5 per unit. The applicant is providing a combination of 2 car garages and a 2 car driveway. This counts as 3.5 spaces under the RSIS; therefore the applicant is in compliance. The driveways are also very long at 100ft. **Chairman Preidel** asked about the driveway width. **Attorney Roskos** stated they would be 12-15ft wide.

Attorney Roskos asked if there was any need to change the subdivision for traffic safety to create some kind of internal loop road. **Ms. Brihoff** stated that the traffic generation for an 8 lot subdivision is very minimal, that to create another separate roadway is a bit excessive. She believes given the minimal trip generation per unit that there is not a need to create a secondary roadway for those units. **Attorney Roskos** asked if Island Road operates at a safe level of service presently. **Ms. Brihoff** stated that they did not look at the levels of service at the intersection, however, from visiting the site, it doesn't seem like there is significant traffic traveling on either roadway and the levels of service are more than adequate. The 8 lots will not generate a significant amount of traffic. It is **Ms. Brihoff's** opinion that this is a safe and effective subdivision from a traffic standpoint.

Traffic Engineer Litwornia stated that in the past the township has had a loop road put in to cut down on the traffic going in and out of the driveways, so he added that to his memo for the board to consider. He believes it is safer to have one entrance off the main roadway into the subdivision. Also, he wanted to have dedicated site triangles and the applicant agreed to that. He mentioned whether or not the driveways would be paved and adding a gravel roadway in during construction for emergency vehicle access. He asked the board if they would consider at minimum 10-20ft of the driveway be paved so that rocks will not be carried into the roadways. **Mr. Litwornia** also mentioned adding lighting possibly to the end of the driveways.

Attorney Roskos stated that he agrees to put a deed restriction that the turnarounds be maintained. In terms of a construction road, he stated that they are building along the street except for the one large lot. **Chairman Preidel** stated that he thinks all Mr. Litwornia is asking for is a stone driveway into the large lot in case of emergency. **Attorney Roskos** stated that agree to the stone construction driveway. He stated that they do not want to light up the mouth of every driveway. **Mr. Litwornia** said they are not talking about a large light post, just a normal residential light. **Attorney Roskos** stated that they agree with the site triangle easements and will make sure they are recorded and protected. He explained that they are okay with the 10ft pavement when you first come off the road; however he would like to work the paving of the driveways out with Mr. Stout's office. **Attorney Roskos** also agreed to 15ft of pavement on the driveways facing Mansfield Road.

PUBLIC COMMENT:

Scott Hubbard, 655 Island Road – stated that his property is 2 properties south on Island Road. He is questioning the water runoff. There are problems there already with standing water (see exhibit E-1 series of 4 photos). Since there will now be foundations and driveways going in

all water will be running straight to his property. Though a water basin is not required, he is hoping the water problem can be addressed for not only him but the new residents. **Mr. Stout** stated that there are water problems out there, but the applicants calculations stated that there is less runoff involved with the site even with the new houses. He does agree that there needs to be additional grading in that section. He further explained that this is only preliminary so they have a lot of time to come up with a solution. **Chairman Preidel** asked if there was a way to get a swale. **Mr. Stout** stated that yes, that's what they are thinking. **Mr. Hubbard** asked if there would be something to catch the water at the south end of the site. **Mr. Stout** explained that is what they asked them to do and they will take a look at that. **Attorney Roskos** stated that they will stay in contact with Mr. Hubbard and will let him know before the final hearing takes place.

Bob Tallon, 2454 Axe Factory Road – stated that he had concerns with the wetlands especially the one close to the road. He said it is a very high breeding ground for frogs. He would hate to see it drained and they those it. He said once it drains they won't breed there anymore because it's not safe. **Chairman Preidel** clarified that they were not going to drain it but they wanted to let the water slowly migrate out of there. **Engineer Stout** added that they aren't going to dig it deeper, but to build the road above that so it connects. He said the concern is that if it fills up and goes across the road which it can do he doesn't want the roadway flooding out. So they want to keep the grade, and put in a small pipe and there won't be a problem. **Chairman Preidel** stated that it will let the water migrate from one side to the other.

Engineer Stout made one last comment about the setback for the front of any house to be 80ft. **Attorney Roskos** agreed to that.

Attorney Petrone explained that a motion would be to approve the application was submitted for preliminary major subdivision for 8 lots. Recognizing the grant of a variance for the non dedication of open space of 3.0 acres which would be required with this project. Mitigated by the preserved open space of 8.6acres. Subject to the testimony of the applicant witnesses. Subject to the comments of the review letters accept as modified therein. All other agency approvals required. Revised plans submitted. Site triangle easements required for each lot. At the time of construction all driveways would be gravel for emergency vehicle access, deed restrictions for the turnarounds that the ultimate homeowner cannot remove the turnarounds. The driveways along Island Road, there will be an apron; the sidewalk plus 10ft of additional paving, and the two driveways along Mansfield Road will have 15ft of paving from the edge of the road in. The applicant will on its applications to be filed with the DEP will correspond that this what the local municipality has required, so they understand the safety precautions that are mandated by this approval that hopefully the DEP sees fit to agree with. That the front of the house will be no closer to the right away than 80ft. Notifying the applicant that any field drains that are damaged during the construction process will be required to be repaired. The applicant's professionals will continue to work with the boards professionals to address the outstanding comments. Also, they will meet with Mr. Hubbard and notice him of an application of final approval. There is also a deed restriction on the largest lot to prohibit any further subdivision on that lot.

A motion to approve the above as stated by Attorney Petrone was offered by **Mr. Borgstrom** and was seconded by **Mr. Allen**. Motion carried on a roll call vote recorded as follows:

AYES: Borgstrom, Allen, Kampo, Gable, Preidel

NAYS: None **ABSENT: Lippincott, Patel**

RESOLUTION 2017-11-18

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2017-11-18
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD,
CONCERNING THE APPLICATION OF
DR. JAMES AND TERESA ROCKWELL
VARIANCE AND MINOR SUBDIVISION APPROVAL**

WHEREAS, Dr. James and Teresa Rockwell, c/o Mansfield Investments, LLC, have applied to the Planning Board of the Township of Mansfield for Minor Subdivision Approval for property located at 14 Sheffield Drive, known as Block 33.04, Lots 9.01 and 9.23 (the "Property"), for the purpose of increasing the lot area for Lot 9.01; and

WHEREAS, as memorialized by Resolution No. 2012-09-11, the Planning Board granted Variance, Minor Subdivision and Preliminary and Final Site Plan Approval to the Applicants to develop Lot 9.01 with one (1) 15,900 square foot professional office building with related site improvements; and

WHEREAS, the previously approved Minor Subdivision was not perfected in accordance with the requirements of the Municipal Land Use Law of the State of New Jersey and the Applicants are requesting that the Board renew the 2012 Variance and Minor Subdivision Approvals; and

WHEREAS, the current Application for Variance and Minor Subdivision Approval was deemed complete by the Board on November 27, 2017; and

WHEREAS, a public hearing to consider the Application was held by the Planning Board on November 27, 2017, 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 Planning Board after carefully considering the evidence presented by the Applicants in support of their application for Variances and Minor Subdivision 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 Rockwells are the owners of Lot 9.01 and Mansfield Investments, LLC, is the owner of Lot 9.23. The Rockwells each own fifty percent (50%) percent of Mansfield Investments.
2. Lot 9.23 is improved with a professional office-building complex.
3. Lot 9.01 is currently vacant.
4. The Planning Board granted Variance, Minor Subdivision and Preliminary and Final Site Plan Approval to the Applicants to develop Lot 9.01 with one (1) 15,900 square foot professional office building; said Approval memorialized by Planning Board Resolution No. 2012-09-11.
5. The Minor Subdivision approved by the Planning Board in 2012 was not perfected within the time requirements of the New Jersey Municipal Land Use Law and the Township Ordinances.
6. The Applicants have submitted an application for Minor Subdivision and Variance Approval, substantially similar to the variances and minor subdivision previously approved.
7. The taxes on the subject property are current.
8. The Applicants have paid and /or posted all required fees and have agreed to keep their review escrow current.
9. Proper notice of the Application for Minor Subdivision and Variance Approval has been given, as based upon the certified list of property owners provided to the Applicants by the Township Tax Assessor.
10. The previously approved minor subdivision was for a lot line adjustment to increase the lot area for Lot 9.01 an additional 6,706 square feet.
11. The current minor subdivision would increase Lot 9.01's lot area by 6,615 square feet and not the 6,706 square feet previously approved.
12. The Planning Board granted the following variances in connection with the minor subdivision and preliminary and final site plan approvals previously granted:
 - a. Lot frontage variance to permit a 383 foot lot frontage for 9.01 and a 563 foot lot frontage for Lot 9.23;
 - b. Lot coverage variance to permit a lot coverage of 32.5% for Lot 9.01;
 - c. Side yard setback variance to permit a 15 foot side yard setback for the side of the proposed office building adjacent to Lot 9.23;

- d. Variance to permit a 6 foot tall vinyl fence along the property line common with the adjacent residential lots and within the required front yard setback area, [drainage easement and landscape buffer easement](#);
- e. Variance to permit a freestanding identification sign in a zone where same are not permitted; and
- f. Variance to permit the freestanding identification sign to be located within a landscaped buffer [easement](#) area.

13. The Applicants were represented at the November 27, 2017 Public Hearing by Jonas Singer, Esquire. John Kornick testified on behalf of the Applicants.

14. Mr. Kornick provided the following sworn testimony during the November 21, 2017 Public Hearing:

- a. He is a Professional Engineer, licensed in the State of New Jersey, has testified before New Jersey Land Use Boards and qualified to provide expert testimony in the area of site engineering;
- b. The previously approved minor subdivision was not perfected because of a change in engineering firms;
- c. The current minor subdivision plan will be revised so that the lot area for Lot 9.01 will increase by the 6,076 square feet, as originally approved;
- d. To the extent that the previously approved variances are applicable to minor subdivision, the Applicants renew their request for same;
- e. The granting of variance approval will allow for the development of Lot 9.01 as contemplated by the previously granted Preliminary and Final Site Plan Approval;
- f. The waivers identified in the Review Letter of the Board Engineer can be handled as a condition of minor subdivision approval or as part of the site plan review process;
- g. The Applicant will comply with the review comments of the Board Engineer and Board Planner.

15. The November 27, 2017 Hearing was opened to the Public without comment.

16. The Board Engineer and Planner reviewed their respective review letters with the Board and offered no objections to the Application.

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

1. 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 would be advanced by the deviation from the ordinance requirements specified herein, as requested by the Applicants.

2. The benefits of the deviation from the ordinance requirements specified herein would substantially outweigh any detriment to the public good by this deviation from such requirements, as variance approval would allow for the development of the Property as proposed by the Applicants, and otherwise promote the safety, health and general welfare of the Community.

3. Relief as requested by the Applicants 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.

4. The Applicants have complied with all of the requirements of the Municipal Land Use Law of the State of New Jersey and the Land Use Code of the Township of Mansfield for minor subdivision approval.

5. The waivers as identified in the Review Letter of the Board Engineer are reasonable as they are included in the site plan review process or can be provided as a condition of minor subdivision approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, on the 27th day of November, that this Board hereby grants to the Applicants:

1. The waivers identified in the November 22, 2017 Review Letter of the Board Engineer, Stout and Caldwell Engineers and Surveyors, by Robert R. Stout, PE, PLS;

2. Variances to permit the following:

- a. A lot frontage of 383 feet for Lot 9.01 and 563 feet for Lot 9.23;
- b. A lot coverage of 32.50% for Lot 9.01;
- c. A side yard setback of 15 feet for the side of the office building to be constructed on Lot 9.01 that is adjacent to Lot 9.23;
- d. A freestanding identification sign for Lot 9.01;
- e. Well and septic to service the building to be constructed on Lot 9.01;
- f. The freestanding sign to be located in the 30 foot wide buffer area proposed for Lot 9.01 along Sheffield Drive;
- g. A board on board fence to be located along the property line common with the adjacent residential lot within the front yard setback area;

3. Minor subdivision approval for a lot line adjustment between Lots 9.01 and 9.23, as shown on the Plan of Minor Subdivision, in accordance with the Application, Plans and Testimony provided by the Applicants, subject to the following conditions:

- a. Proof that the Applicants have applied for the necessary approval(s) from all other agencies, including the Burlington County Planning Board and the Burlington County Board of Health, having jurisdiction over the Applicants' use of the Property shall be filed with the Township's Land Use Coordinator.
- b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the

fulfillment of all of the conditions shall the minor subdivision plan or deed be signed or any required building permit, certificate of occupancy or zoning permit be issued.

- c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicants obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicants obtaining those approvals.
- d. Subject to Minor Subdivision Approval expiring 190 days from the date on which this Resolution of Approval is adopted by the Planning Board, unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision is filed with the Burlington County Recording Office, the Township Engineer and the Township Tax Assessor. The Minor Subdivision Deed or Plat shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to the Planning Board Chairperson and Secretary signing same, as required, prior to recording.
- e. Subject to the comments of the Board Engineer as contained in the November 22, 2017 Review Letter of Stout and Caldwell Engineers, LLC by Robert R. Stout, PE, PLS, except as may be modified herein.
- f. Subject to the comments of the Board Planner as contained in the November 22, 2017 Review Letter of Environmental Resolutions, Inc., by Barbara Fegley, AICP, PP, except as may be modified herein.
- g. Subject to the sworn testimony of the Applicants and their agents and representatives during the November 27, 2017 Public Hearing for this Application.
- h. Subject to the submission of revised plans complying with this Resolution and the review letters of the Board Engineer and Board Planner, including adjusting the proposed lot line to provide 6,706 square feet of additional area for Lot 9.01.
- i. Subject to this variance and minor subdivision approval not modifying any of the conditions of Resolution No. 2012-09-11 applicable to the preliminary and final site plan approval previously granted to the Applicants for the development of the Property. Preliminary and Final Site Plan Approval continues to be subject to Resolution No. 2012-09-11.
- j. Subject to the Applicants obtaining all permits required prior to the commencement of construction activity on the Property, including site clearing. Variance and minor subdivision approval do not guarantee the issuance of construction permits, as the Applicants have to comply with all rules, regulations, codes and statutes governing the issuance of such permits.

A motion to memorialize the above resolution was offered by **Mr. Allen** and seconded by **Mr. Borgstrom**. Motion carried on a roll call vote recorded as follows:

AYE: Allen, Borgstrom, Kampo

NAY: None NOT VOTING: Gable, Preidel

ABSENT: Lippincott, Patel

APPROVAL OF MINUTES

A motion to approve the minutes from November 27, 2017 was offered by **Mr. Borgstrom** and seconded by **Mr. Allen**. Motion carried on a roll call vote recorded as follows:

AYE: Borgstrom, Allen, Kampo

NAY: None NOT VOTING: Gable, Preidel

ABSENT: Lippincott, Patel

EXECUTIVE SESSION

A motion to go into executive session to discuss Professional Appointments was offered by **Mr. Allen** and seconded by **Mr. Borgstrom**. All ayes. Motion carried.

A motion to come out of executive session was offered by **Mr. Allen** and seconded by **Mr. Borgstrom**. All ayes. Motion carried.

ADJOURNMENT

A motion to adjourn was offered by **Mr. Allen** and was seconded by **Mr. Borgstrom**. All ayes. Motion carried.

Submitted by:

Date approved:

1-22-18

Ashley Jolly, Land Use Coordinator
