

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
REGULAR MEETING
Monday, February 26, 2018**

The Regular Meeting of the Mansfield Township, Planning Board was held on the above shown date with the following in attendance: Chairman Scott Preidel, Frederick Cain, Janice DiGiuseppe, Shane Fleming, John Kampo, and Gary Lippincott. Attorney Thomas Coleman, Engineer Mark Malinowski, Planner Barbara Fegley, and Secretary Ashley Jolly were also present. Randy Allen, Douglas Borgstrom, 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 22, 2018. 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 25, 2018.

Application PB2018-1MSD 612 Island Rd. Minor Subdivision:

Cheryl Stokley resides at 61 Atlantic Ave and was sworn in by Attorney Coleman. **Mrs. Stokley** stated that the area included in the application was Goodenough Farms. She is the executrix of the property and is doing the estate planning. The area of the farm that is in farmland preservation is to be divided into two separate pieces; one being 111 acres and the other is 136 acres. They have received Farmland Preservation approval as well as approval from the County and the State. The subdivision is being done so her brother can continue to farm one parcel and her sister would farm the other piece.

Chairman Preidel asked about the existing buildings. **Mrs. Stokley** stated that the existing buildings would go with one parcel. **Chairman Preidel** asked about farmland preservation exemptions. **Mrs. Stokley** stated that there is a 7 acre exempted piece (with buildings on it) on the one parcel and a 4 acre exempted piece (no buildings) on the other parcel along Mansfield Road East.

Planner Fegley referenced her letter dated February 20, 2018. She stated that parcels A & B needed to be labeled on the plan. The County listed conditions that the legal joint use of the existing farm lane to reach the interior field should be established. The legal descriptions provided were silent in that regard. She asked how that condition would be satisfied. **Mrs. Stokley** stated that there is an existing lane that enters from Mansfield Road East which makes it accessible to the top parcel. The existing lane allows accessibility to the bottom piece. There is also a creek that runs through and a passing over the creek that is at least 10ft wide; therefore no easement is needed.

Planner Fegley stated that proposed lot 1.01 shows a ditch and no easement was shown. **Mrs. Stokley** pointed out the existing culvert and lane which continues to through. These are existing paths that have always been used and each lot as its own access drive. **Engineer**

Malinowski stated that perhaps the surveyor could identify that on the updated plan. **Mrs. Stokley** brought up the tenant house and explained that originally when they entered into farmland preservation, the exempted area went around the tenant house which gave the parcel to building credit. There is one house credit for lot 2 and in the resolution for the farmland preservation it states that the tenant house needs to come down before anything is permitted to be constructed. The tenant house will most likely come down a lot sooner before the other side can utilize the house credit. At this point they are just separating the lot into two lots and in future if they would like to use the house credit to put a house there they would need to go through all the necessary approvals first. **Mr. Malinowski** questioned if there was another dwelling on lot 1.01. **Mrs. Stokley** explained that her brother's house is on that lot and the tenant house which will be removed. Also, her dad's farmhouse is on that lot, therefore there will be two dwellings on lot 1.01 once the tenant house is removed. There are no buildings on lot 2 at all.

Engineer Malinowski mentioned the waivers that were requested. He stated that the surveyor can coordinate with his office in regards to a little more information on the plan and some clarifications which are listed in the report. **Mrs. Stokley** mentioned an easement that she found from 1963 which was made with Northern Burlington. Her grandfather had sold them the right for a 16.5ft wide piece 120ft long which brings in runoff from where the buses would be kept back then. NJDEP would come out and inspect it every now and then. **Engineer Malinowski** stated that the easement should be noted on the survey, but it would not affect the subdivision.

Engineer Malinowski stated that the subdivision plan references a future right of way along both Mansfield Road and Island Road, and now would probably be the time to make those dedications. He requested descriptions on those and that those dedications would be given to the townships for the roadway dedications. If the Township ever needed to make roadway improvements they could do so without encroaching on her property. It goes along the entire frontage of both roads; therefore it is substantial. It's only a roadway dedication and the plans separate to the existing right of way and the future right of way.

Attorney Coleman stated the following conditions of approval: for the estate of Joseph D. Goodenough Jr. for block 23 creating lots 1.01, 2, & 4. Approving the subdivision of two lots; creating a lot of 136.9 acres and creating lot 2 into 111.5 acres. Subdivision would be subject to compliance with Mr. Malinowski's February 21, 2018 letter which the applicant said she would comply with those conditions. Those conditions include that the plan will be revised to show a crossing over bridge at the culvert, identifying all easements on the plan, and referencing or deleting the right of way dedication, subject to the state and county guidance on those particular issues.

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

AYE: Cain, DiGiuseppe, Fleming, Kampo, Lippincott, Preidel

NAY: None ABSENT: Allen, Borgstrom, Patel

Application PB2018-2 28247 Gaunts Bridge Road Minor Subdivision

David Frank, Attorney for the applicant, explained that he was there on behalf of TR Stables, LLC. Christopher Temming (owner of the property) was also there along with Scott Brown, Engineer. All of the witnesses were sworn in by Attorney Coleman. **Engineer Scott**

stated that it's an 88.9 acre parcel which contains a dwelling and a large driveway. The remainder of the property is a horse ranch. It has two tracks and a lake in the center and small buildings for the horses. The subdivision would be three acres around the house which is in the R-1 zone. After the subdivision the horse farm would be left with 85.9 acres and there are no variances required. **Engineer Scott** referenced exhibit A-1 an aerial photo of the site. He stated that they were okay with all of Engineer Malinowski's conditions in his letter.

Christopher Temming owner of the properties stated that the bank that they are now using wanted them to subdivide the house from the farm. **Attorney Frank** stated that it is to facilitate financing of the property.

Planner Fegley referenced her letter dated February 20, 2018. She asked if the buildings on the property are located within the proper setbacks. **Engineer Scott** stated that the closest building would be about 130ft to the side yard so yes it meets the setback requirements. **Mr. Temming** stated that the buildings being referenced are running sheds for the horses.

Engineer Malinowski referenced his letter date February 20, 2018. He asked for some additional information is added to the plans. **Attorney Frank** mentioned that they would be filing this subdivision by deed.

Attorney Coleman stated the following conditions: this being a minor subdivision application for block 23, lot 7.01. There are two lots being proposed; one of 3 acres and one of 85.9 acres. The applicant is willing to comply with the letters from the professionals.

A motion to approve the above application was offered by **Mr. Cain** and seconded by **Mr. Lippincott**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, DiGiuseppe, Fleming, Kampo, Lippincott, Preidel
NAY: None **ABSENT: Allen, Borgstrom, Patel**

Resolutions:

**RESOLUTION NO. 2017-12-19
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD,
CONCERNING THE APPLICATION OF
THE DIOCESE OF TRENTON
VARIANCE AND PRELIMINARY MAJOR SUBDIVISION APPROVAL**

WHEREAS, the Diocese of Trenton has applied to the Planning Board of the Township of Mansfield for Preliminary Major Subdivision Approval for property located at the intersection of Island Road and Mansfield-Georgetown Road, known as Block 25, Lot 6 on the Official Tax Map of Mansfield Township, for the purpose of subdividing these lots into eight (8) residential lots; and

WHEREAS, a variance pursuant to N.J.S.A. 40:55D-70(c) is required as the proposed subdivision does not provide the ten percent (10%) dedicated open space for residential developments with four (4) or more dwelling units; and

WHEREAS, the application for Variance and Preliminary Major Subdivision was deemed complete by the Planning Board on May 22, 2017; and

WHEREAS, a public hearing to consider the application for Variance and Preliminary Major Subdivision Approval was held by the Planning Board on December 27, 2017, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property 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 and other evidence; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for Variance and Preliminary Major 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 Applicant is the owner of Block 25, Lot 6, located at the corner of Mansfield-Georgetown Road and Island Road, in the Residential 1 (R-1) Zoning District of the Township (the "Property"). The Property is approximately 29.952 acres and is currently undeveloped farmland and partially wooded.

2. The Applicant has submitted an application for Variance and Preliminary Major Subdivision 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 Preliminary Major Subdivision Approval has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.

6. The Applicant is proposing to subdivide the Property into eight (8) residential lots.

7. A variance is required pursuant to *N.J.S.A. 40:55D-70(c)(2)* as the proposed subdivision does not provide the 10% dedicated open space required by Section 65-77A of the Township Code.

8. The proposed subdivision plan does not provide active recreation facilities and sidewalk along Mansfield-Georgetown Road; design waivers are required.

9. David M. Roskos, Esquire, of Eckert Seamans Cherin & Mellott, LLC, represented the Applicant at the December 27, 2017 Public Hearing. Julia G. Algeo, PE, and Michelle Briehoff, PE, both of Maser Consulting, PA, testified on behalf of the Applicant.

10. Ms. Algeo provided the following sworn testimony during the December 27, 2017 Public Hearing:

a. She is a Professional Engineer, licensed in the State of New Jersey, and based on her education and experience, qualified to provide expert testimony before land use boards in the State of New Jersey;

b. She is the Applicant's design engineer for the proposed subdivision;

c. The Property is 29 plus acres, wooded and partially farmed;

d. Approximately 6 acres of Wetlands are located on the Northwest side and in the middle of the Property;

e. The Letter of Interpretation ("LOI") issued by the New Jersey Department of Environmental Protection has classified the wetlands as having intermediate resource value requiring a 50 foot buffer area;

f. Seven (7) of the proposed lots will be 1.5 to 2.2 acres in size and one (1) lot 16.8 acres;

g. The minimum lot area, utilizing the cluster option and no sewer, is 40,000 square feet;

h. The proposed development of the Property is low impact as no new roads or stormwater management basins are required and large expanses of open space provided;

i. It is anticipated that four (4) bedroom homes with two (2) car garages will be constructed;

j. The homes will be setback further from the roads than the thirty (30) feet required;

k. Between the driveway and garages, 28 parking spaces will be provided, exceeding the 20 parking spaces required by the Residential Site Improvement Standards ("RSIS");

l. Space to accommodate more parking is available on the driveways so on-street parking is not necessary for most occasions;

m. A four (4) foot sidewalk is proposed along Island Road;

n. No sidewalk is proposed along Mansfield-Georgetown Road as there is no sidewalk in the area and the installation of sidewalk would require disturbance of wetlands and vegetation;

o. The Applicant will make a contribution in lieu of installing sidewalk along Mansfield-Georgetown Road;

p. The proposed subdivision does not comply with the 10% dedicated open space requirement but the Applicant is proposing that 8.4 acres, to be included within the proposed lots and privately owned, be preserved open space and subject to the terms of a conservation easement;

q. The Applicant will deed restrict the largest lot to prohibit any further subdivision;

r. The proposed subdivision does not include active recreation facilities and the Applicant will make a contribution in lieu of providing on-site active recreation;

- s. The Applicant will work with the Board's Professionals to address the comments contained in their respective review letters;
- t. The Applicant will pave a portion of the driveways closest to the right-of-way, otherwise, all driveways will be gravel;
- u. Consistent with the area, curbing is not proposed;
- v. One street light exists at the intersection and no other lighting is proposed;
- w. The Drainage Calculations prepared and submitted indicate that the Property as developed will generate less stormwater runoff;
- x. The Property will be stabilized during the construction process and that will reduce stormwater runoff;
- y. The water quality measures requested by the Board Engineer and agreed to by the Applicant may also aid in reducing stormwater runoff to Island Road.

10. Ms. Briehoff provided the following sworn testimony during the December 27, 2017 Public Hearing:

- a. She is a Professional Engineer, licensed in the State of New Jersey, and based on her education and experience, qualified to provide expert testimony before land use boards in the State of New Jersey;
- b. She is the Applicant's traffic engineer for the proposed subdivision;
- c. The design of the subdivision promotes traffic safety for each lot;
- d. A turn-around area is located on each lot so that motor vehicles do not have to back out of the driveways onto either road;
- e. Sight distance is acceptable and the Applicant will work with the Board Professionals regarding landscaping location and species;
- f. The RSIS requires 2.5 parking spaces per dwelling and 3.5 spaces are provided;
- g. The driveways can accommodate additional parking beyond the 3.5 spaces provided so that street parking is not necessary;
- h. The loop road proposed by the Board Traffic Engineer is not necessary and is excessive based on the expected traffic to be generated by the development of the Property;
- i. Based on the existing traffic, which is not significant, and the 1 additional peak hour trip per dwelling generated by the development of the Property, a secondary road is not necessary;
- j. A loop road will increase the impervious coverage of the development, increase the amount of disturbance and require a stormwater management basin;
- k. Additional lighting is not necessary and placement of lights at the driveways will detract from the rural character of the development.

11. The December 27, 2017 Hearing was opened to the Public with the following questions, comments and concerns raised to the Board and the Applicant:

- a. Scott Hubbard¹ who resides at 655 Island Road, south of the Property, who testified that his property is the lowest point on Island Road and he is concerned with stormwater runoff generated by the development of the Property;
- b. Robert Tallon who testified that he was concerned with the sight triangles at the intersection and the disturbance of wetlands along Mansfield-Georgetown Road.

12. The Board Professionals reviewed their respective review letters and the Applicant's professionals represented and testified that the Applicant will work with the Board's Professionals to address their concerns prior to final approval.

13. The Applicant has requested waivers, as identified in the November 22, 2017 Review Letter of the Board Engineer, from certain submission requirements listed on Application Checklists A and C. The Board Engineer has not objected to the submission waivers as the Application is for Preliminary Subdivision Approval and the requirements can be addressed by testimony and at the time of Final Subdivision Approval.

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 in connection with its application so that the Board has the necessary information to make a decision on the application for Variance and Preliminary Major Subdivision Approval.

¹ Introduced Exhibit P-1, a series of four photographs, dated 2007, depicting a water problem in the area.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the Zoning Ordinance of the Township of Mansfield would be advanced by the deviation from the Zoning Ordinance requirement for dedicated open space and design standards for sidewalk and active recreation facilities, as specified herein, as requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirement specified herein for dedicated open space and design standards for sidewalk and active recreation facilities would substantially outweigh any detriment to the public good as variance approval would allow for the development of the Property, 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. The submission waivers are not unreasonable as the Applicant has addressed the submission requirements through testimony and as a condition of final approval.

6. The Applicant has demonstrated that a loop road and additional street lighting are not required for the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, on the 27th day of December, 2017, that this Board hereby grants to the Applicant the following:

1. Variance to permit the open space to be privately owned, subject to a conservation easement, and not dedicated as required;

2. Waivers of the checklist submission requirements as identified in the November 22, 2017 Review Letter of the Board Engineer, Stout and Caldwell Engineers and Surveyors;

3. Waivers of the design standards that would otherwise require the installation of sidewalk along Mansfield-Georgetown Road and on-site active recreation facilities;

4. Waiver from any requirement to provide curb along Mansfield and Island Roads;

5. Preliminary Major Subdivision Approval for an eight (8) lot residential subdivision, in accordance with the Application, Subdivision Plans, Reports and Testimony submitted by the Applicant, 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, Burlington County Soil Conservation District approval, Burlington County Board of Health approval and New Jersey Department of Environmental Protection. Copies of all other approvals shall be submitted to the Township upon receipt.
- 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 final subdivision plan 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 Applicant 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 Applicant obtaining those approvals.
- d. Subject to the comments, testimony and representations made by the Applicant or its agents and representatives at the December 27, 2017 Planning Board Public Hearing.
- e. Subject to the submission of revised plans complying with the comments of the Board's professionals and this Approval.
- f. 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 in this Resolution.
- g. Subject to the comments of the Board Planner as contained in the November 21, 2017 Review Letter of Environmental Resolutions, Inc., by Barbara J. Fegley, AICP, PP, except as may be modified in this Resolution.
- h. Subject to the comments of the Board's Traffic Engineer as contained in the November 21, 2017 Memorandum of Litwornia Associates, Inc. by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution, without the need to install any paved shoulders along Island Road and clearing for sight distance only as may be necessary.

- i. Subject to the Applicant making its contribution to the Township Sidewalk Fund in lieu of installing sidewalk along Mansfield-Georgetown Road in the amount of \$\$21,664.00 as calculated by the Board Engineer pursuant to his Review Letter dated November 22, 2017. Fifty percent (50%) of the contribution shall be made prior to the issuance of any construction permit for the development of the Property and the balance made prior to the issuance of the first Certificate of Occupancy for any of the residential dwellings.
- j. Subject to the Applicant making its \$5,000.00 recreation contribution in lieu of installing active recreation facilities with \$2,500.00 (50%) of the contribution made prior to the issuance of any construction permit for the development of the Property and the \$2,500.00 balance made prior to the issuance of the first Certificate of Occupancy for any of the residential dwellings.
- k. Subject to a deed restriction prohibiting any further subdivision of the largest lot. The deed restriction shall be submitted for the review and approval of the Board Solicitor prior to the filing of the subdivision plat with the County of Burlington. The deed restriction must be included on the filed subdivision plat and the deed transferring the lot from the Applicant.
- l. Subject to a deed restriction requiring a turn-around area on the driveways of each lot. The deed restriction shall be submitted for the review and approval of the Board Solicitor prior to the filing of the subdivision plat with the County of Burlington. The deed restriction must be included on the filed subdivision plat and the deed transferring the lots to the homeowners.
- m. Subject to the Conservation Easement for the 8.4 acres of preserved open space being submitted for the review and approval of the Board Solicitor prior to filing with the County of Burlington. The Conservation Easement shall be recorded after the removal of the vegetation necessary for the construction of the development as approved but prior to the recording of the deeds transferring the affected lots to the homeowners.
- n. Subject to the Applicant's Professionals addressing with the Board's Professionals, the comments contained in the respective Review Letters/Memoranda, including additional water quality measures, grading and a driveway culvert for stormwater management; clearing limits; landscaping, including street trees and planting schemes; and sight triangles for each lot.
- o. Subject to a gravel driveway being provided during construction for emergency vehicle access at the time of construction activity.
- p. Subject to a portion of each of the driveways being paved with the Island Road driveways paved an additional 10 feet from the apron and sidewalk and the Mansfield-Georgetown Road driveways paved a distance of 15 feet from the driveway apron.
- q. Subject to a Phase I Environmental Assessment of the Property being submitted prior to final subdivision approval.
- r. Subject to the repair and/or replacement of any field drain damaged during the construction of the development.
- s. Subject to the front of each dwelling being set back at least 80 feet from the right-of-way.
- t. Subject to this approval being Preliminary Subdivision Approval only, conditioned upon the Board granting Final Major Subdivision Approval.
- u. Subject to any affordable housing fee, if required in accordance with applicable law, being made at the time of building permit and certificate of occupancy issuance.
- v. Subject to the Applicant notifying Scott Hubbard of 655 Island Road of any hearing scheduled for Final Subdivision Approval. This notice shall be made in accordance with *N.J.S.A. 40:55D-12*.
- w. Subject to the Applicant, as part of any additional NJDEP permit filings, informing the NJDEP of the conditions of this Resolution and the Board Engineer's review comments pertaining to stormwater management.
- x. Subject to the Applicant obtaining all permits required prior to the commencement of construction activity on the Property, including site clearing. Variance and Preliminary Major Subdivision Approvals do not guarantee the issuance of construction permits, as the Applicant is required to comply with all rules, regulations, codes and statutes

governing the issuance of such permits, including the posting of any performance or maintenance guaranty that may be required.

A motion to adopt the above resolution was offered by **Mr. Kampo** and was seconded by **Chairman Preidel**. Motion carried on a roll call vote recorded as follows:

AYE: Kampo, Preidel

NAY: None **ABSTAIN: Cain, DiGiuseppe, Fleming, Lippincott**

ABSENT: Allen, Borgstrom, Patel

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2018-1-4
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD,
CONCERNING THE APPLICATION OF
WILLIAM W. SPAIN AND ELLEN J. SPAIN
VARIANCE AND MINOR SUBDIVISION APPROVAL**

WHEREAS, William W. Spain and Ellen J. Spain have applied to the Planning Board of the Township of Mansfield for Minor Subdivision Approval for property located at 191 Petticoat Bridge Road, known as Block 42, Lots 13.02 and 14 (the "Property"), for the purpose of a lot line adjustment; and

WHEREAS, the Applicants submitted a Minor Subdivision Plan prepared by Frank R. Klapinski, PLS, dated 02/23/16, revised 12/06/17; and

WHEREAS, variances are required in connection with the proposed lot line adjustment as the minor subdivision will not comply with the Lot Area, Lot Frontage and Accessory Structure requirements in the R-1 Residential District; and

WHEREAS, the Application for Variance and Minor Subdivision Approval was deemed complete by the Board on January 22, 2018; and

WHEREAS, a public hearing to consider the Application was held by the Planning Board on January 22, 2018, 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 Applicants presented evidence to the Planning Board through testimony, plans and other evidence, introducing the following Exhibit during the January 22, 2018 Public Hearing;

A-1 Color rendering of Minor Subdivision Plan; 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 Applicants are the owners of Block 42, Lot 14 and Michael and Susan Leonard are the owners of Block 42, Lot 13.02. Lots 13.02 and 14 are located in the R-1 Residential Zoning District. Both Lots are improved with single-family detached residential dwellings, stone drives and accessory structures.

2. The Applicants have submitted an application for minor subdivision approval to adjust the lot line between the two lots so that the one active and two abandoned septic systems serving the Lot 14 dwelling will be located entirely on Lot 14 and not encroach onto Lot 13.02. The Applicants are also requesting variances pertaining to Lot Area, Lot Frontage and Accessory Structures.

3. The taxes on the subject property are current.

4. The Applicants have paid and /or posted all required fees and have agreed to keep their review escrow current.

5. 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.

6. The following variances are required in connection with the Application:

a. Lot Area – 3 acres required, 1.56 acres proposed for Lot 14;

b. Lot Frontage – 200 feet required, 84.99 feet proposed for Lot 13.02;

c. Number of accessory buildings – 1 permitted, 3 existing accessory buildings located on Lot 13.02.

7. David Roskos, Esquire, of Eckert Seamans Cherin & Mellot, LLC, represented the Applicants at the January 22, 2018 Public Hearing. Frank R. Klapinski provided the following sworn testimony during the January 22, 2018 Public Hearing:

- a. He is a Professional Land Surveyor, licensed in the State of New Jersey and prepared the Minor Subdivision Plan;
- b. Cross easements never existed between the two lots and the lot line adjustment, as proposed, does not require cross easements;
- c. The lot line adjustment will result in the 3 septic systems that have served the Lot 14 dwelling being located entirely on Lot 14 and no longer encroaching onto Lot 13.02;
- d. The Lot Area for Lot 13.02 will decrease from 3.74 acres to 3.01 acres and the Lot Frontage will decrease from 107.02 feet to 84.99 feet;
- e. The Lot Area for Lot 14 will increase to 1.56 acres;
- f. The resulting Lot Area for Lot 13.02 will comply with the 3.0 acre requirement in the R-1 Zone;
- g. The resulting Lot Area for Lot 14 will be less non-conforming than its existing area;
- h. The existing Lot Frontage for Lot 13.02 is non-conforming and the reduction will be a benefit as all utilities associated with Lot 14 will now be physically located entirely on Lot 14;
- i. After the subdivision, one (1) accessory structure will be located on Lot 14 and three (3) accessory structures will be located on Lot 3.02, all other accessory structures having been removed;
- j. All remaining accessory structures comply with the 12 foot height limit and the 10 foot setback requirement;
- k. No new improvements are proposed.

8. The January 22, 2018 Hearing was opened to the Public without comment.

9. The Board Engineer and Planner reviewed their respective review letters with the Board and the Applicants testified that they would comply with both letters.

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 for lot area, lot frontage and accessory structures, as 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.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, on the 22nd day of January, 2018, that this Board hereby grants to the Applicants:

1. A variance to permit a lot area of 1.56 acres for Lot 14;
2. A variance to permit a lot frontage of 84.99 feet for Lot 13.02;
3. A variance to permit three (3) accessory structures to be located on Lot 13.02;
4. Minor Subdivision Approval to adjust the Lot 13.02 and Lot 14 lot line, 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 July 20, 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 August 13, 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 witnesses during the January 22, 2018 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, if required.
 - i. Subject to the Applicant's escrow account for the review of its Application being current. Failure of the escrow account to be current may result in the Board not executing the required Minor Subdivision Deed/Plat.
 - j. Subject to a new 10 foot wide driveway apron being installed on Lot 13.02.
 - k. Subject to any additional accessory structures on either Lot requiring a variance prior to construction/installation.

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

AYE: Cain, Fleming, Kampo, Preidel

NAY: None ABSTAIN: DiGiuseppe, Lippincott

ABSENT: Allen, Borgstrom, Patel

Approval of Minutes:

A motion to approve the minutes from January 22, 2018 was offered by **Mr. Kampo** and was seconded by **Mr. Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Kampo, Preidel

NAY: None ABSTAIN: DiGiuseppe, Lippincott

ABSENT: Allen, Borgstrom, Patel

Public Comment:

Larry Lang 422 White Pine Road – Concerned on the Warehouses on Route 206 and Aaronson Road. He wanted to know where the application stood as far as getting final approval. **Attorney Coleman** stated that the applicant has preliminary approval only. They have not

submitted another application to come back for final approval; therefore the board may not be able to answer his questions. **Mr. Lang** asked about the sewer line and where it will run. **Attorney Coleman** stated the board has not been presented with a plan that shows the direction of the sewer line. **Mr. Lang** mentioned that he would prefer if the trucks stayed on Route 206 as opposed to Aaronson Road as that road is already in poor shape. If the applicant goes onto White Pine Road or Aaronson Road with the sewer line he wants to be sure the roads get paved to the way they are supposed to be. **Attorney Coleman** stated that when and if the applicant does come back to the board, these are all great comments, but the board cannot consider them now without an application in front of them. He asked the members of the board to consider these comments, but not form any specific opinions on this application until there is an application submitted.

Bob Tallon 2454 Axe Factory Road – Showed some pictures of flooding after large storms such as Irene and Sandy. He brought up the Townships Environmental Resource Inventory which discusses all the natural resources in Mansfield Township. He is concerned with all the new warehousing going in and the impervious surfaces. Even though there will be storm basins installed to help, it will not mitigate all of it. The streams are already going out of the flood plains and overtop of the roads. He stated that Crafts Creek is a title creek so for 7 hours at a time the water doesn't move much and the flood plains build up without the drainage there that you would normally have about 7 hours a day. He does not think that was factored into what has been approved. He suggest the Township evaluate what the real potentials for flooding are with adding the impervious surface and warehousing. He asked the board to consider this when applicants come in. Currently there are 50 basins in Mansfield Township and there is a map showing such, which the Township may want to, consider having more copies made up. **Deputy Mayor DiGiuseppe** asked if the Township has copies of the basin map. **Mr. Tallon** stated that he can have copies made. **Mr. Tallon** reiterated that the Township needs to be careful on how these types of developments affect the small streams. He stated the Watershed Association looked at 3 basins in 2009 with a Civil Engineer who did an overview and found the 3 basins that were built under the new rules on residential developments that were not meeting the criteria, even though the Township approved them. **Mr. Cain** asked if the Township could make restrictions that are more stringent than the State. **Engineer Malinowski** stated that it would need to be made part of the Ordinance.

Motion for Adjournment:

A motion to adjourn the meeting was offered by **Mr. Lippincott** and seconded by **Mr. Kampo**. All ayes. Motion carried.

AYE: Cain, DiGiuseppe, Fleming, Kampo, Lippincott, Preidel
NAY: None ABSTAIN: None
ABSENT: Allen, Borgstrom, Patel

Respectfully Submitted by:

Date Approved:

3-26-2018

Ashley Jolly, Land Use Coordinator

