

**TOWNSHIP OF MANSFIELD  
PLANNING BOARD  
REGULAR MEETING  
Monday, April 23, 2018**

The Regular Meeting of the Mansfield Township, Planning Board was held on the above shown date with the following in attendance: Randy Allen, Vice Chairman Douglas Borgstrom, Frederick Cain, Shane Fleming, Mayor Robert Higgins, John Kampo, Gary Lippincott Dalpat Patel, and Chairman Scott Preidel. Attorney Thomas Coleman, Engineer Mark Malinowski, Planner Barbara Fegley, Traffic Engineer Alexander Litwornia, and Secretary Ashley Jolly were also present.

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.

**RESOLUTION 2018-3-7:**

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD  
RESOLUTION NO. 2018-3-7  
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD  
CONCERNING THE APPLICATION OF  
MANHEIM REMARKETING  
FOR VARIANCE AND**

**PRELIMINARY AND FINAL SITE PLAN APPROVALS**

**WHEREAS**, Manheim Remarketing, Inc., d/b/a/Manheim New Jersey has applied to the Planning Board of the Township of Mansfield for Preliminary and Final Site Plan Approval for Property located at 730 Route 68, known as Block 1, Lot 5.03, for the purpose of expanding the Manheim Auto Auction by adding two (2) parking area expansions to the site; and

**WHEREAS**, variances are required in connection with the proposed development as the Applicant has not satisfied all of the requirements of the Zoning Ordinance; and

**WHEREAS**, the application was deemed complete on March 26, 2018; and

**WHEREAS**, a public hearing to consider the application was held by the Planning Board on March 26, 2018, after 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 following exhibit was presented by the Applicant during the March 26, 2018 Public Hearing:

A-1 Aerial view of the Manheim Auto Auction; and

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support of its application for Variances and Preliminary and Final 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 operator of the Manheim Auto Auction located on the Property in the Township's C-2 Commercial Zoning District. ✚
2. The Applicant has submitted an application for Variances and Preliminary and Final Site Plan Approval, providing the Board with a proposed set of plans and testimony.
3. The Applicant is proposing to expand the Manheim Auto Auction by expanding parking in two areas on the auction site with 425 additional parking spaces located along Route 68 and 502 additional parking spaces located in the rear of the site. Other proposed improvements to the auto auction include drive aisles, guide rails, utilities, landscaping and stormwater control devices.
4. The taxes on the Property are current or exempt.
5. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.
6. Proper notice of the application for Variances and Preliminary and Final Site Plan Approval has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.
7. The following design waivers/variances are required for the development of the Property as proposed by the Applicant:
  - a. Parking space size – 9.5 feet by 18 feet required, 8.5 feet by 18 feet proposed for 330 of the 927 proposed parking spaces;
  - b. Drive aisle widths – 24 feet required, 20 feet proposed;
  - c. Improvement setback from right-of-way line of all contiguous streets – 25 feet required, parking expansion near White Pine Road encroaches into the required 25 foot setback.
8. The Applicant was represented at the March 26, 2018 Public Hearing by Steven P. Gouin, Esquire, of Giordano, Halleran & Ciesla, P.C. The Applicant provided testimony from Anthony Caponigro and Bradd Devereux.
9. Mr. Caponigro provided the following sworn testimony during the March 26, 2018 Public Hearing:
  - a. He is a Professional Engineer, licensed in the State of New Jersey and has been qualified by New Jersey land use boards to provide expert testimony in engineering;
  - b. Utilized Exhibit A-1 to describe the existing auto auction use, the two (2) proposed parking areas and other proposed site improvements;
  - c. The on-site location for the expanded parking areas was the best location of the sites considered by the Applicant, including other lots;
  - d. The Applicant will comply with the review letters of the Board's professionals;
  - e. The two new parking areas will have vertical parking stalls only so the proposed 20 foot wide aisles would be sufficient;
  - f. No new lighting is proposed;
  - g. The proposed fencing will include Wifi antennas;
  - h. A Letter of No Interest will be obtained from the New Jersey Department of Transportation;
  - i. The Applicant will confirm a prior dedication that provided a 50 foot right-of-way for White Pine Road;
  - j. Certain parts of the existing 30 foot wide "ring" road will be reduced to 24 feet to accommodate the parking lot expansion.
10. Mr. Devereux provided the following sworn testimony during the March 26, 2018 Public hearing:
  - a. He is responsible for the on-site operations at the auto auction;
  - b. The 927 new parking spaces will be filled once the new parking areas are constructed;
  - c. There will be no measurable increase to the amount of truck traffic to and from the site;
  - d. There will continue to be no public access to the auction as access to the auction is limited to registered dealers;
  - e. There will be no increase in operations or any impact to the site resulting from the increase in the parking area and the motor vehicles available at the auction;
  - f. An on-site test track is located at the auction;
  - g. The auction does not permit test drives off of the Property onto area roads.
11. The Board Professionals reviewed their respective review letters with the Board and requested the Applicant to address buffering, environmental impact, safety of the "ring" road, site triangles and the White Pine Road right-of-way.
12. During the Public portion of the March 26, 2018 Hearing, Suzanne Catanese testified that she was concerned with the wetlands and drainage.
13. The Applicant did not provide all of the submission items listed on the General and Site Plan Checklists as required. The review letters from the Board Professionals did advise that the Application could be deemed Complete for Board consideration and that the Applicant could provide testimony to address some of the items with other items addressed as a condition of 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 Design Standards/Variances and Preliminary and Final Site Plan Approvals.

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 requirements for parking space size, drive aisle widths and improvement setback, as requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirements specified herein 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.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Mansfield, on the 26<sup>th</sup> day of March, 2016, that this Board hereby grants to the Applicant the following:

1. Design standard waivers/variance to permit 330 of the new parking spaces to be 8.5 feet by 18 feet, to permit 20 foot drive aisles for the new parking areas and to permit certain improvements to encroach into the 25 foot setback from the right-of-way line of White Pine Road; and

2. Preliminary and final site plan approval for the construction of two new parking areas to accommodate an additional 425 and 502 parking spaces respectively, together with related site improvements, in accordance with the plans 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 of the Property, 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 sworn testimony of the Applicant's agents and representatives as provided during the March 26, 2018 Planning Board Public Hearing.
- c. Subject to the submission of revised plans complying with the comments of the Board's professionals and with this Preliminary and Final Site Plan Approval, with all Notes requested being added to the revised Plans.
- d. Subject to the comments of the Board Engineer as contained in the March 22, 2018 Review Letter of Stout and Caldwell Engineers, LLC, by Mark E. Malinowski, PE, except as may be modified in this Resolution.
- e. Subject to the comments of the Board Planner as contained in the March 20, 2018 Review Letter of Environmental Resolutions, Inc., by Barbara J. Fegley, PP, AICP, except as may be modified in this Resolution.
- f. Subject to the comments of the Board Traffic Engineer as contained in the February 28, 2018 Review Memorandum of Litwornia Associates, Inc. by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution.
- g. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees that may be required for the construction of the improvements proposed by the Applicant and approved by the Planning Board.
- h. 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 non-issuance of permits.
- i. 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.
- j. Subject to this approval not guaranteeing the issuance of any zoning permit, construction permit or certificate of occupancy; the Applicant is subject to the applicable requirements in obtaining said permits or certificates.
- k. Subject to the Applicant submitting a Letter of No Interest from the New Jersey Department of Transportation.
- l. Subject to the submission of an Environmental Impact Statement.
- m. Subject to the submission of the Letter of Interpretation issued by the New Jersey Department of Environmental Protection.
- n. Subject to the Applicant working with the Board Professionals to address the comments contained in their respective review letters/memoranda and this Resolution.
- o. Subject to the width of the "ring" road being maintained at 30 feet.
- p. Subject to sight triangles being added to the Landscape Plan with sight triangle easements provided for the review and approval of the Board Professionals.
- q. Subject to a Stormwater Maintenance Declaration for the maintenance of the stormwater management system and responsible party obligations being submitted for the review and approval of the Board Engineer and Board Solicitor prior to recording with the Clerk's Office of the County of Burlington.

- r. Subject to the Applicant confirming the prior dedication providing a 50 foot right-of-way for White Pine Road or making the necessary dedication to provide White Pine Road with the 50 foot right-of-way. If the potential right-of-way dedication expansion impacts the approved site plan, the Applicant shall be required to return to the Board for amended approval or to revise the site plan to the satisfaction of the Board's Professionals.

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

**AYE: Allen, Borgstrom, Cain, Fleming, Higgins, Kampo, Preidel**

**NAY: None ABSENT: None ABSTAIN: Patel**

#### **APPROVAL OF MINUTES:**

A motion to approve the minutes from March 26, 2018 was offered by **Vice-Chairman Borgstrom** and was seconded by **Mr. Allen**. Motion carried on a roll call vote recorded as follows:

**AYE: Allen, Borgstrom, Cain, Fleming, Higgins, Kampo, Patel, Preidel**

**NAY: None ABSENT: None**

#### **APPLICATION PB2017-8AP+FSP: VA Florence Company, LLC (Margolis)**

**Chairman Preidel** read a statement regarding the above referenced application. He stated that the applicant inadvertently noticed for the meeting with a start time of 7:30pm, therefore they would need to take a brief recess until 7:30pm. Regarding the hearing however, **Chairman Preidel** stated that there was a very large crowd and he wanted to be sure that all had the opportunity to voice their concerns. He asked for people to be courteous and respectful. He explained the hearing process in detail, stating when the public comments section would take place. He explained that the first speaker would be Mr. George Hulse, an Attorney for a number of residents. He asked the public to not be repetitive during their comments. He stated that the board intends to stop the meeting at 10:30pm. The application would be carried to the May meeting if it is not completed.

A motion to recess until 7:30pm was offered by **Mr. Allen** and was seconded by **Vice-Chairman Borgstrom**. Motion carried on a roll call vote recorded as follows:

**AYE: Allen, Borgstrom, Cain, Fleming, Higgins, Kampo, Patel, Preidel**

**NAY: None ABSENT: None**

A motion to open the meeting was offered by **Vice-Chairman Borgstrom** and was seconded by **Mr. Allen**. All ayes. Motion carried.

**Chairman Preidel** introduced the above application. The applicants **Attorney Michael Gross** introduced himself. **Attorney Coleman** stated that there was a significant number of people and taking into consideration the concerns with adequacy of the room and the ability of everyone to hear very seriously. He stated that in the best interest of the board and the public, he would like to explore with the school board, the ability to go to the school. The applicant would be required to re-notice. He explained that he does not want to put the applicant at or the public at a disadvantage because they may not be able to hear in the room. The school will be contacted and the meeting will be no later than the 29<sup>th</sup> of May.

**Attorney Gross** stated that he too has concerns; however he asked that the board take jurisdiction as notices were submitted before they proceed with an adjournment. **Attorney Coleman** stated that notice was received and the board's professionals are prepared to deem the application complete. Therefore, the board does take jurisdiction. **Attorney Coleman** further stated that there will be notice of the new hearing posted on the Township Website as well as a notice posted on the door as well. The applicant has agreed to re-notice all within 200ft as well.

**Attorney Gross** explained that he hoped the board would agree to a special meeting. **Mr. Cain** stated he would like to have the meeting prior to the 29<sup>th</sup> of May.

A motion was offered by **Vice-Chairman Borgstrom** to table the application to a time yet to be determined. Motion seconded by **Mr. Allen**. All ayes. Motion carried.

**COMMENTS FROM THE BOARD:**

There were no further comments from the board members.

**PUBLIC COMMENT:**

There were no public comments on non agenda items.

**MOTION FOR ADJOURNMENT:**

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

**Respectfully Submitted by:**

**Date Approved:**

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**Ashley Jolly, Land Use Coordinator**

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