

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
SPECIAL MEETING
Thursday, July 19, 2018**

The Special Meeting of the Mansfield Township Planning Board was held on the above shown date with the following in attendance: Randy Allen, Vice-Chairman Borgstrom, Frederick Cain, Mayor Higgins, John Kampo, Delpat Patel, Chairman Preidel, Secretary Ashley Jolly, Clerk Semus, Attorney's Thomas Coleman & Chuck Petrone, Engineer Mark Malinowski, Planner Barbara Fegley, and Traffic Engineer Alexander Litwornia. Shane Fleming and Gary Lippincott were absent.

The meeting was called to order by Chairman Preidel followed by the flag salute and the following opening statement:

Adequate Notice has been provided for this Special Meeting and has been posted on the Official Bulletin Board of the Township of Mansfield, and filed with the Municipal Clerk of the Township of Mansfield, notice of which contained the date, time, place, and purpose of this meeting stating that formal action may be taken.

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

Attorney Michael J. Gross representing the applicant stated that the current application is an amended preliminary & final site plan approval for a development along Florence-Columbus Road and Hedding-Jacksonville Road. Originally the approval had included a bridge over Crafts Creek; the amended application contemplates no bridge. He stated that the applicant would like to withdraw the portion of the application that fronts on Hedding-Jacksonville Road and continue with the application for preliminary and final site plan approval for the portion that fronts on Florence-Columbus Road. He explained they are withdrawing that application because they are listening to sentiments of the neighbors and they are going to make the effort to obtain the approval from DEP for reinstatement of the bridge. Only the front portion of the site exiting on Florence-Columbus Road will be reviewed.

Chairman Preidel questioned if the board needed to vote on the change. **Attorney Coleman** stated that no they do not need to vote on it. The applicant has proposed only the front portion which has its own lot and block. He questioned whether the attorney representing NB Cares (residents of the area), is satisfied with this request of the applicant.

Attorney Hulse stated that it is his understanding that the applicant is withdrawing the portion of the application which fronts on Hedding Road. Since his clients primary objection to the amended application dealt with the elimination of the bridge; it is not his intention to move forward with any cross examination or testimony of his own witnesses at this time. Lastly, he complimented the applicant because he believes they were listening to the residents' concerns and responded in a very responsible way.

Attorney Gross stated there had been a question as to what would happen to some restoration of the roadways when the water line is installed. They have been in touch with the Township Engineer (Carroll Engineering) and he asked Mr. French (Applicant's Engineer) to elaborate on that. **Mr. French** stated there was inquiry from the board regarding restoration along Mill Lane and Sharps Road for the water main installation. He went over with the Township Engineer what restoration the Township would require. The applicant agrees to repair the trench and mill and overlay half of Mill Lane. Sharps Road is a small strip of road that they will mill and overlay the entire road.

Mr. Cain asked stated that there would then be no need for roadway improvements at the intersection of Jacksonville Hedding Road and Florence Columbus Road. **Mr. French** stated that was correct. **Chairman Preidel** questioned the water main installation stating that it will still come through the back portion of the site. **Mr. French** stated that it would come up Jacksonville Hedding Road through the portion not being developed to extend to the front portion.

Attorney Coleman stated that he wanted the board to be aware of what testimony from the public they should and shouldn't consider. He sent a letter to the board dated July 17th and he read the following paragraph: Please be advised that it is my legal opinion and I will instruct the Mansfield Planning Board that offsite traffic impacts resulting from the proposed warehouse distribution facility is not a valid reason for denying a site plan application for a permitted use. As you all understand this is a permitted use for that particular lot and block and the Burlington County Planning Board has broad jurisdiction as the site is located along two County Roads. Tonight we understand we are only addressing one of the County roads and your jurisdiction is limited to a determination if the ingress and egress proposed by the site plan creates an unsafe and inefficient vehicular circulation within the site.

PUBLIC QUESTIONS FOR THE APPLICANT:

Each person was sworn in by Attorney Coleman prior to their questions.

Art Deangelo, Bordentown Township – He wanted to know how much traffic there will be on Hedding Jacksonville Road. He wasn't sure whether or not that road would now be used. The Traffic Consultant for the applicant Deanna Drumm stated with the amendment that is being done this evening there is going to be no access onto Jacksonville Hedding Road; all the traffic will be going onto Florence Columbus Road.

William Larkin, 2 Meadowwood Court, Columbus – He had concerns regarding the traffic and he questioned why the bridge to 295 was taken out of the original plan. **Traffic Consultant Drumm** explained that there was never direct access to 295. The original approvals always had the access onto Florence Columbus Road.

Karen Perry, 1203 Jacksonville Road – She wanted to know more about the water and sewer line hookup. **Mr. French** stated that water line will come from East Main Street to Mill Lane then Sharps Road then down a portion of Jacksonville Hedding Road to the rear portion of the property. The sanitary sewer goes out Florence Columbus Road down Columbus Road to the Township of Burlington.

Lisa Tedesco, 120 Ridgeway Drive, and Bordentown – She questioned whether there would still be renovations at the intersection and had concerns over employee traffic. **Attorney Gross** stated that was under the County's jurisdiction. The County might allow the applicant to remove those improvements since trucks will not be utilizing that area, but he cannot guarantee that. Ms. Tedesco thought that the improvements were not just for the trucks but also for the employee traffic. **Traffic Consultant Drumm** stated that the premise for those improvements were for the trucks that were originally using Jacksonville Hedding Road and secondly for the employees. This is a conversation the applicant will need to have with the County.

Joan Cierra, 8 Oak Ridge Court, Columbus – She asked if the trucks want to go to Route 206 will they travel past the entrance of Homestead into Columbus and through the Town of Columbus. **Attorney Gross** stated that Attorney Coleman had indicated that this was not an issue for this board, but he will allow Ms. Drumm answer it. **Traffic Consultant Drumm** explained that employee's coming to the facility may be going through Columbus; she projected about 10% of the traffic which equates to 8-10

trucks. Most of the trucks are long distance hauling and they want to be on 295 or the Turnpike. Downtown Columbus with the nature of the residential area and speed humps is really not conducive to these long hauling type of trucks.

Pat, Florence Township – He asked how the applicant is going to send 18 wheelers down Kinkora Road since it's not wide enough. **Chairman Preidel** stated that he does not believe this application has any ingress or egress onto Kinkora Road. **Pat** stated the trucks could take Old York to Kinkora Road. **Attorney Gross** stated that this was contrary to Attorney Coleman's advice. **Traffic Consultant Drumm** stated that with Route 295 right there the trucks are going to 295. They could possibly use Kinkora Road to reach the Turnpike however while doing GPS 295 was the easiest then get off at the next exit and there is access there to Route 206 and the Turnpike. **Pat** had more questions regarding traffic on County Roads. **Chairman Preidel** explained that according to Attorney Coleman the board has no jurisdiction over the County Roads. As far as this application goes this board can only make decisions based on the ingress and egress of the site. He understands his traffic concerns however the board cannot make those determinations; only the County has jurisdiction.

Mr. Delaney, 1010 Jacksonville Road – He questioned why the board cannot eliminate the ingress and egress onto Jacksonville Hedding Road without the bridge. **Chairman Preidel** stated that the applicant has removed that portion from the application. They still have preliminary approval for it however; therefore they can come back in the future. If the applicant decides to do the back portion of the site they would need to re-notice and it will be open for public comment again.

Mr. Larkin, 2 Meadowwood Court, Columbus – He asked if the residents need to just accept this development if it meets the Planning Board criteria or can they just say they don't want it. **Attorney Coleman** explained that he made it clear this evening what the jurisdiction of the board is; they cannot take the traffic consideration into determination as to whether or not to deny this application.

Maria Custy, 26 Fernwood Court, Columbus – She appreciates the applicant taking out the back portion that utilized Jacksonville Hedding Road. She questioned who the warehouse tenant would be as there are rumors that the tenant would be Amazon and she would like this clarified. **Attorney Gross** stated the applicant does not intend to sell or lease to Amazon.

Tom Stevenson, Jacksonville Road, Springfield – He stated that the residents in this area have dealt with the traffic issues. He brought up the Resource Recovery Complex and questioned if the board and elected officials will be concerned enough about public safety to put in place Ordinances to keep truck traffic off the rural roads and onto 295 exclusively. This is what Springfield had done with the Resource Recovery Complex. **Chairman Preidel** explained that the Planning Board has no jurisdiction over Ordinances; he would need to go to the Township Committee with his request. He further explained that this particular block and lot has been zoned ODL and is close to 295 interchange making it an ideal spot for this type of development.

Carol Foster, 191 Atlantic Ave, Columbus – She questioned if there were any pending legal matters regarding the construction of this property. **Attorney Gross** stated that there is some litigation but it does not challenge this property moving forward through the system. Ms. Foster asked if they could elaborate on what the litigation is about. **Attorney Gross** preferred not to. **Attorney Coleman** explained that it has no bearing on the application this evening. He further advised Ms. Foster that it is public information and if she went to 49 Rancocas Road she will be able to obtain a copy of the litigation.

Veronica Stevenson, Jacksonville Road, Springfield Township – She asked when the last traffic study was done by the County on Jacksonville Hedding Road. **Chairman Preidel** stated that he believes the applicant did a traffic study.

Peggy Wells, 258 Birch Hollow Drive, Florence – She questioned who makes the decisions to put all the traffic onto Florence Columbus Road and do they only expect said to traffic to only go as far as 295. **Attorney Gross** that Ms. Drumm testified at the last meeting to the distribution of the traffic throughout the Township. Ms. Wells questioned the access to the turnpike. **Attorney Gross** stated there is no contemplation of direct access from the property to 295. Ms. Wells added that she is aware this is a County issue but she wanted all to know that the residents in the area are very concerned over the traffic.

Barbara McDonald 24 Fernwood Court, Columbus – She asked how the trucks and employees will now be entering the site. **Attorney Gross** explained that Ms. Drumm testified to all of the accesses. The access is from Florence Columbus Road. A left going east bound and a right turn in; there will be a left hand turn lane. Ms. McDonald questioned when DEP will decide on the bridge. **Attorney Gross** stated that they need to apply to the DEP for a bridge because their previous permit expired. There is no way of knowing when DEP will make a decision. Ms. McDonald asked if this development depends on what happens with the bridge. **Attorney Gross** explained that the bridge has nothing to do with the application before the board this evening. Ms. McDonald questioned the children's safety at the nearby Liberty Lake Day Camp. **Attorney Gross** stated that at the last meeting Ms. Drumm and Mr. French testified that the applicant will be providing fencing and enhanced landscaping to visually block the Day Camp from the development. Ms. McDonald asked about the trucks getting to the Turnpike. **Attorney Gross** stated that Ms. Drumm testified that the easiest route for the trucks to get to the Turnpike would be 295.

Cathy Bassett, 24179 West Main Street, Columbus – She is aware of the testimony of Ms. Drumm who is expecting 8-10 trucks going down Main Street. She questioned how that number was determined. **Ms. Drumm** stated that the 8-10 was actually passenger cars; the amount of trucks using Main Street is going to be very nominal. These are long haul distributions who will want to be on 295, NJ Turnpike, and PA Turnpike. The top ten trading areas are out of state or North NJ. If there is a truck that needs to access Route 206 the most optimum route would be to take Jacksonville Hedding Road to Jacksonville Jobstown Road and reach Route 206 in that direction. Ms. Bassett would like to know how Ms. Drumm got this information because there are a lot of trucks going by her house now, some at 3:00am. Ms. Bassett would like to know how they determined the number of trucks going down Main Street. **Attorney Gross** commented that the prior application has more trucks than they are currently proposing. He explained that this is an existing approval from 2009 and talking about truck traffic is not relevant to this board as Attorney Coleman had stated. **Ms. Drumm** stated that the metropolitan planning association that covers Burlington County is the Delaware Valley Regional Planning Commission as part of their planning they do surveys in which they look at where these trucks from warehousing are going too. These surveys are used to come up with estimates; this is real time data the DVRPC collects and is an active database that anyone can access. This has been reviewed by the County, by the Board Professionals, and based upon that as well as understanding that this is a long haul distribution center is how she bases her justification on where the trucks will be going. **Ms. Bassett** asked about the waterline going down Hedding Road and Mill Lane, connecting at Mill Lane and West Main Street and if the applicant will be repairing the roadway. **Attorney Gross** stated that Mr. French testified that the Township Engineer was contacted and the applicant is repairing all of Sharp and half of Mill Lane.

Leanne Miccio, 24300 West Main Street, Columbus, - She questioned where the residents can go to get direction from the County to find answers regarding weight limits for trucks utilizing the County

Roads. **Attorney Gross** stated that she would need to contact the County Planning Board. Ms. Miccio asked if she could go to the Township Committee to enforce 4 ton weight limits. **Attorney Gross** explained that she cannot go to the Township in regards to a County road.

Carol Foster, 191 Atlantic Ave, Columbus – She stated that she spoke with the County Engineer. She explained that the County upgrades the roads to handle what is the current weights for 18 wheelers. However, she is concerned about tandem trucks and wanted to know if there would be any tandem trucks going in and out and also wanted to know if the applicant would be required to make changes if anything should change at the County level regarding the roads. **Attorney Gross** stated that would be something that is handled at the County; not by the Township Planning Board. Ms. Foster questioned the change in application and whether there would be a change in egress for the safety personnel. **Mr. French** stated that the application for Florence Columbus Road was deemed acceptable by the Fire Official as proposed. Ms. Foster asked if the applicant would be providing extra monies towards emergency service vehicles. **Attorney Gross** stated that was not part of this application. That may be something for the future, however that is not being discussed now. Ms. Foster asked about tax free status for this development. **Attorney Gross** stated that this area is an area in need of redevelopment; under that statute there can be negotiations with the municipality with respect to the tax status, however that is not something that is discussed before this board. **Attorney Coleman** reiterated that questions are limited to this application only.

Bill Hughes, 101 Lantern Lane, Columbus – He questioned if the applicant has considered getting a new traffic survey since the one provided is four years old and a lot has changed in four years. **Attorney Gross** stated that the study that was done was done for the County Planning Board application. The County subcommittee granted approval and that is not before this board.

Bob Barnaby, Florence – He directed a question at Attorney Hulse. **Attorney Coleman** stated that all questions must be directed to the applicant.

Bob Tallon, 2454 Axe Factory Road, Columbus – He questioned whether the applicant had DEP approval for the water main extension. **Mr. French** stated yes. Mr. Tallon brought up the tributaries along Mill Lane and questioned whether or not the applicant was required to get permits from DEP for each tributary. **Mr. French** explained that they submitted the documents to DEP for jurisdiction of determination and were told permits/approvals were not required since they are digging in the road. Mr. Tallon brought up the bridge over crafts creek on Mill Lane and questioned how it will be built. **Mr. French** stated that they are going off the shoulder of the road over top of the bridge culvert.

Gene Killian 1213 Jacksonville Road, Columbus – He asked if the tenant would only allow long haul distribution; therefore there would be no local or regional distributions. Would a new traffic study need to be provided if it was more than just long haul. **Attorney Gross** stated that the contemplation is the use of the facility will be for the traffic that Ms. Drumm testified too.

William Larkin, 2 Meadowood Court, Columbus – He questioned whether the community could say they do not want the warehouse. **Attorney Coleman** stated that he cannot provide legal advice in regards to the rights of the public.

Carol Foster, 191 Atlantic Ave, Columbus – She questioned the long haul potential tenant and whether they could instead rent to a different type of hauler. **Attorney Gross** explained that this type of question is not for this board since this development is on all County Roads. Ms. Foster asked if the applicant had an executed application from the County on the current traffic study that was submitted. **Attorney Gross** stated that they do. Ms. Foster continued talking about the change in traffic. **Chairman**

Preidel re-iterated that the board has no jurisdiction over traffic on County Roads. **Attorney Gross** stated that the County's application states that if there is more traffic than what has been represented, then the County can reassess the application if they should choose to do so. He then stated that the applicant will not answer any more questions regarding traffic.

Heidi Nitka, 13 Sylvan View Drive, Columbus – She questioned the motive of the applicant to build the warehouse in this particular community. **Attorney Gross** stated that is not an appropriate question as these questions need to be directed to Ms. Drumm the traffic consultant or Mr. French the engineer. **Attorney Gross** continued that this is a property that has been zoned for this use for 40 years. **Chairman Preidel** stated that this property has been zoned ODL for as long as he can remember. Ms. Nitka then questioned when there is a detour from 295 where will the trucks go. **Attorney Coleman** stated that the applicant would not be answering any more questions regarding traffic.

Ellen Beth Genise, 6 Lantern Court, Columbus – She is also concerned about the traffic, but she has concerns with the visual effects of the warehouse as well. She would like to know what the applicants plans are as far as landscaping. **Attorney Gross** stated that Mr. French testified as to the landscaping that is being provided. **Mr. French** stated that at the original hearing there was a color rendering of the plans. The applicant is proposing about 500 trees, over 1000 evergreen trees, as well as foundation shrubs and plantings throughout the property. Since the project is now cut in half those numbers will most likely also be cut in half. Landscaping is being provided and has been approved by the board professionals.

Lori Stevenson, 1039 Potts Mill Road, Florence – She questioned if there will be money set aside for infrastructure for improving the roads that will get destroyed by trucks. **Attorney Gross** stated that is again a County issue.

PUBLIC COMMENT:

All commenters who were not sworn in previously, were respectively sworn in by **Attorney Coleman**.

Karen Perry, 1203 Jacksonville Hedding Road, Columbus – She thanked the applicant for taking the back portion out of the application and for listening to the residents. However, she feels the residents are being disrespected this evening. For many this is the first time they have been able to say anything regarding this application and she does not think it's fair to chastise people for speaking their minds. She further stated that this is not a blighted area; it is actually a beautiful farming community.

Veronica Stevenson, Springfield Township – She questioned whether there was a health impact study. She believes all the fumes from the trucks could be harmful. She is concerned for Liberty Lake and the families that go there. She explained there are studies that show there are serious health effects caused by fumes from diesel trucks and cars; this mainly effects children and senior citizens. She stated that the last traffic study done by the County was in 2008. She then asked the residents to contact the County. She questioned whether the Board had contacted the County to get more information on this application. **Chairman Preidel** stated the board as not contacted the County. **Attorney Coleman** stated there was a traffic study done on June 14, 2013 and contrary to Ms. Stevenson's comments it was revised on September 12, 2017.

Ted Bunker, Old York Road, Columbus – He wanted further explanation on what is being approved this evening and what is happening with the Jacksonville Hedding Road portion of the application. He stated that he believes the back portion will still have preliminary approval and will be

pending on the approval from the DEP for the bridge. He then asked since there has been a revised submittal, would the revised plans be available for review by the public before the board votes.

Chairman Preidel explained that nothing has changed with the front site at all; therefore there is no revised submittal. The applicant simply is not going forward with the back portion of the site. Mr. Bunker questioned if the Township would require the bridge prior to approval of phase 2. **Attorney Coleman** explained that phase 2 is not being considered this evening. The applicant has not committed to building the bridge or not. Testimony from the Applicant's Attorney was that they were applying to DEP for said bridge. The board, however, cannot give conditions on an application that is not before them this evening. **Attorney Coleman** then clarified that the application has not be revised; they have just removed the Hedding Jacksonville Road portion of the site.

Eileen Simanee, Burlington Township – She suggested that the next meeting be held in the middle school, which is air conditioned. **Attorney Coleman** stated that the Township had tried their best, however there was a conflict issue. **Chairman Preidel** stated he believes that the middle school did not have the ability to record.

Mary Ann Nickolini, Florence – She questioned whether the application has been approved. **Chairman Preidel** stated that the applicant has preliminary approval from 2009. This evening, the applicant is trying to receive amended preliminary and final approval for Phase 1 of the project. Ms. Nickolini then asked who the residents should go to at the County. She then asked who the Planning Boards boss is and who pays them. **Chairman Preidel** explained that the board members are volunteers and that they are not paid. **Mayor Higgins** stated that they take an oath to follow the statutes of the United States, the statutes of the State of New Jersey, and the rules and regulations of the County of Burlington and Mansfield Township. He explained that the board is governed by rules and regulations, which they are required to follow. He complimented Attorney Hulse for representing and helping the residents. He explained that the Township will do everything it can, however these are County Roads. Ms. Nickolini asked where she should go since she believes her concerns regarding the traffic and road issues are more than just Burlington County. Her opinion is that surrounding Counties are also suffering with the same issues. **Mayor Higgins** asked **Attorney Gross** if the applicant is required to contribute to the Route 130 intersection and Florence Columbus Road. **Attorney Gross** stated yes. **Mayor Higgins** explained that if the applicant builds the warehouses, there would be a contribution to Route 130 and for improvements to Florence Columbus Road.

Carol Foster, 191 Atlantic Ave, Columbus – She stated that there are currently Ordinances in surrounding towns that prevent trash trucks going to the County Landfill from going onto certain Township Roadways. She asked if Mansfield Township would consider similar Ordinances that would prevent truck traffic from going anywhere besides the interstate roads. **Mayor Higgins** explained that there is a serious problem with cracks in the roadways. He advises the residents to report any issues with roads that they see. Ms. Foster asked if the board would delay the vote for phase 1 until the township works on an Ordinance to prevent trucks from going onto Township roads. **Traffic Engineer Litwornia** stated that the Landfill was a special case. It is run by the County and the County is making special regulations as to how it can be accessed to its clients. To make a law saying how trucks can handle this is complicated. He discussed the Federal State Highway Commission and interstate commerce. He explained that the County uses state and federal monies to fix the County roads. The County cannot restrict trucks from going down County roads unless there is a bridge restriction. He explained that you can restrict certain types of trucks from the interstate system to the local areas. There can be a specific route from the interstate roadway to the site. This would be for the long haul and tandem type trucks. It can be requested that some of the larger trucks would be required to only go between the interstate and

the site. A truck is able to go on a County Road due to interstate commerce; therefore unless there is a weight restriction the trucks cannot be banned. The applicant can restrict his trucks, but he cannot restrict other trucks from coming to the site. The municipality can restrict it on municipal roads; the County can implement a weight restriction. The County would need to go to the state/federal governments to request that certain types of vehicles/large scale trucks would be restricted from going to the interstate directly to the site. Smaller trucks would be able to go onto County Roads He went on to discuss the different types of long haul trucks. Ms. Foster stated that the Township can pass an Ordinance restricting times and certain things on the County Roads. **Traffic Engineer Litwornia** stated that the Township cannot pass an Ordinance restricting things on a County Road. Ms. Foster stated that Springfield Township made restrictions on County and State Roads so there is a template that the Township can use.

Veronica Stevenson, Springfield Township – She asked what happens if the board doesn't follow the law. **Attorney Coleman** asked what law Ms. Stevenson is referring too. Ms. Stevenson stated that it was said that the board has to abide by the laws, which is telling her that they need to follow the law and they're going to approve it so why waste everyone's time. **Attorney Coleman** stated that the board has not deliberated as to whether or not they are going to approve this application or not. He further stated that as he had said at the start of the evening. This is an approved use for this particular property, even though some may not be happy with the particular use that's permitted there. The applicant already has preliminary approval for the same use that is being proposed with slight variations. When there is an approved use no matter if the board or public likes it or not; he cannot consider safety reasons or concerns because all of those are County issues. Ms. Stevenson stated that there has been so many changes since the original application and to approve something like this will be detrimental to not only Mansfield but to surrounding areas as well.

Thomas Morgan, 2021 Cedar Lane, Florence – He feels that the County does not care about this area of the County. The traffic in the area is out of control and he understands that the board is in a very precarious position. He further stated that come election time everyone must remember who at the County pushed for this. He believes the County government needs to be changed. He is also concerned about the warehouses being abandoned and the Township having to take responsibility. He then stated that the Police Department needs to take action in the Town of Columbus to stop the trucks from flying over the speed bumps and going way over the 25mph limit.

Kathy Bassett, 24179 West Main Street Columbus – She asked that the board takes the time to think this through. She is concerned about safety and believes what is provided on the Traffic Report is inaccurate. She is concerned for Homestead as well as, the traffic at the light on Jacksonville Road. She believes this needs to be planned out better.

Carol Foster, 191 Atlantic Ave, Columbus – She stated that she has the Springfield Township Ordinance that has special conditions for the Landfill. Ms. Foster stated that the ordinance is 201-30 letter C she read the following: Mandatory access route. All truck traffic in transit to the County Landfill must use interstate 295 leaving the route at exit 52 and traveling east on County Route 656 Florence Columbus Road then turning right onto County Route 656 and County Route 543 Burlington Columbus Road at the entrance to the County Complex except as otherwise provided in this section use of any other access route is prohibited. She stated there is no reason why Mansfield cannot explore this option and believes that it should be looked into. She asked why the board does not want to delay the vote to allow the Township to look into this. **Chairman Preidel** stated that no one has said they don't want to delay it. He further explained that they need to wait until there is a motion on the table. Ms. Foster questioned whether this application then goes to Township Committee for approval or will the Planning Board have final say. **Chairman Preidel** stated that it will rest with the board this evening.

Public comment portion of the meeting was closed by **Chairman Preidel**. He asked the board members if they had any questions or concerns.

Attorney Coleman asked whether **Attorney Gross** wanted to provide a brief summation. **Attorney Gross** stated he wanted to clarify that this application, (as a result of the withdraw of the rear portion from this application), will include the same lots and blocks that were originally applied for; except for lot 12. The other change is the number of required parking spaces under the ordinance and the number of proposed parking spaces. **Engineer Malinowski** provided the number of parking spaces. He explained he has reduced the number of parking spaces from 2,400 down to 1,315 parking spaces that are required. The applicant was previously proposing 989 parking spaces, however with removal of the rear portion of the development that has reduced to 557 parking spaces. A variance is required for the number of parking spaces. **Attorney Gross** stated that is the only required variance. He then mentioned a few other waivers that were testified to by Mr. French and Ms. Drumm. **Engineer Malinowski** stated that one of the design waivers was to allow a wall in the front yard; that appears to have applied to building number 3 and the entrance to Jacksonville Hedding Road, therefore that design waiver will no longer be required. **Attorney Gross** agreed. He also pointed out this is a permitted use in the zone. There is an existing approval for this use for both the front and the back parcel with a bridge. As was indicated the applicant has committed to use their best efforts to get a re-approval of that bridge. The board professionals have reviewed the application extensively and have agreed with the inclusions that the applicant has reached. With respect to the approvability of the application; he believes they have discussed all the issues thoroughly and respectfully ask for approval of the application this evening.

Chairman Preidel asked for a motion. **Vice Chairman Borgstrom** made a motion to approve the amended application as discussed this evening with the changes. **Mr. Allen** seconded the motion. **Attorney Coleman** asked whether there would be any further discussion by the board. **Attorney Coleman** asked **Attorney Petrone** to clarify the motion for Mr. Borgstrom. **Attorney Petrone** stated that the motion would be for amended preliminary and final site plan approval for Phase 1 of the development; consisting of property identified as Block 47.01, Lots 3.02, 9.01, 9.02 and a portion of Lot 11 identified as the south western portion of the site, consisting of two buildings 1st building 249,364 square feet and the 2nd building 719,648 square feet. Recognizing that there would be a parking variance for 557 spaces proposed and 1,315 spaces are required. Design standard waivers to permit all car parking spaces to be dimensioned 9x18ft, the height of the light pole to be 35ft, less than 2ft of coverage over certain piping, the applicant had testified used of stronger piping to compensate for the less than 2ft coverage. The use of headwalls without trash bars and a loading zone requirement. This approval would be conditioned upon approval from all other agencies having jurisdiction including but not limited to the Burlington County Planning Board, Burlington County Soil Conservation District, and NJDEP if any other DEP approvals are required for Phase 1. There will be no outside storage permitted. All the architectural outside appearances of the building will be as represented by the applicant and as approved during the original 2009 preliminary approval. Fencing and landscaping to be provided adjacent to Liberty Lake. The applicant will comply with the soil ordinance with respect to no soil removal from the property. They will make a contribution in lieu of installing sidewalks. The lighting from dusk to dawn will be as necessary to provide site security. The property will need to be consolidated as required in one of the review letters. Certain parking spaces will banked and left green until determined to be necessary by the tenants. This approval does not approve any sign package; the applicant must submit the master sign package to the board. There will be a water quality sampling performed as well as a post clearing analysis provided. The applicant has agreed to work with Liberty Lake regarding the Volleyball encroaching onto the applicant's property. Applicant will make a contribution for off-tract improvements as it is agreed too. There is a modification required with regards to the alignment of stormwater piping to

minimize disturbance to the existing trees. No retail sales will be permitted. The applicant agrees to comply with the requirements of Mansfield Township and the Engineer with respect to any restoration of roads that are damaged by the water/sewer line installation. Applicant recognizes that the Township will be working with the County with respect to traffic on County Roads to address speed, routing, and weight concerns. Subject to the requirements of the review letters of the board planer, board engineer, and board traffic engineer.

Attorney Coleman asked Mr. Borgstrom if this was representative of his motion. **Vice Chairman Borgstrom** stated that it was.

Motion was carried on carried on a roll call vote recorded as follows:

AYE: Allen, Borgstrom, Cain (comments below), Higgins, Patel, Preidel
NAY: Kampo ABSENT: Lippincott, Fleming

Committeeman Cain stated before his motion that he realizes people do not like change, but change is the most constant thing in our lives. He explained that the board has listened to the public's comments and he assures that the Township Committee will look into considering an Ordinance on truck movements in the town. As far as speeding on Main Street, he believes this is something they can look into and see about putting a stop to it.

Mayor Higgins stated that he agrees with Mr. Cain's comments above.

PUBLIC COMMENT NON AGENDA ITEMS:

Chairman Preidel opened the meeting for public comment on non-agenda items only. There were no comments from the public. Public Comment section closed.

MOTION TO ADJOURN:

Mr. Allen made a motion to adjourn the meeting which was seconded by **Vice Chairman Borgstrom**. All ayes. Motion carried.

Respectfully Submitted by:

Dated:

Ashley Jolly, Land Use Coordinator