

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
Reorganizational & Regular
Monday, January 28, 2019**

The Regular Meeting of the Mansfield Township Planning Board was held on the above shown date with the following in attendance: Randy Allen, Douglas Borgstrom, Frederick Cain, Shane Fleming, Robert Higgins, Rudy Ocello, Scott Preidel, Secretary Ashley Jolly, Attorney Thomas Coleman, Engineer Robert Stout, Planner Edward Fox and Traffic Engineer Alexander Litwornia. Dalpat Patel and Gary Lippincott were absent.

The meeting was called to order by Secretary Ashley Jolly, 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.

Nomination for Chairman:

Secretary Jolly asked for a nomination for Chairman. Mr. Borgstrom nominated Mr. Preidel for Planning Board Chairman. Mr. Allen seconded said motion. Motion carried on a roll call vote recorded as follows:

AYE: Allen, Borgstrom, Cain, Fleming, Higgins, Ocello,

NAY: None NOT VOTING: Preidel ABSENT: Lippincott, Patel

Nomination for Vice Chairman:

Meeting was now turned over to Chairman Preidel, who asked for a nomination for Vice Chairman. Chairman Preidel nominated Mr. Borgstrom. Said nomination was seconded by Mr. Allen. Motion carried on a roll call vote recorded as follows:

AYE: Allen, Cain, Fleming, Higgins, Ocello, Preidel

NAY: None NOT VOTING: Borgstrom ABSENT: Lippincott, Patel

Nomination for Secretary:

Chairman Preidel asked for a nomination for Secretary. Chairman Preidel nominated Ashley Jolly. Said nomination was seconded by Vice Chairman Borgstrom. Motion carried on a roll call vote recorded as follows:

AYE: Allen, Borgstrom, Cain, Fleming, Higgins, Ocello, Preidel

NAY: None NOT VOTING: None ABSENT: Lippincott, Patel

Resolution 2019-1-1:

**MANSFIELD TOWNSHIP
PLANNING BOARD
Resolution Number 2019-1-1
ANNUAL MEETING NOTICE**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., requires the adoption by a public body of a schedule of the regular meetings to be held during the calendar year; and

WHEREAS, upon proper notice pursuant to the act, no further notice of those meetings will be necessary, and

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Mansfield, assembled in a public session on January 28, 2019, as follows:

The Planning Board hereby designates the following dates as the dates of its regular meetings until the next reorganization meeting to the Planning Board on Monday, January 27, 2020, and unless otherwise modified by Resolution of the Planning Board, there will be work session meetings beginning at 7:00 P.M. followed by the regular meeting. All meetings shall be held in the Mansfield Township Municipal Complex, 3135 Route 206 South, Columbus, New Jersey.

February 25, 2019	August 26, 2019
March 25, 2019	September 23, 2019
April 22, 2019	October 28, 2019
Tuesday, May 28, 2019	November 25, 2019
June 24, 2019	December 23, 2019
July 22, 2019	January 27, 2020- Reorganization & Regular

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

AYE: Allen, Borgstrom, Cain, Fleming, Higgins, Ocello, Preidel

NAY: None NOT VOTING: None ABSENT: Lippincott, Patel

Resolution 2019-1-2:

**MANSFIELD TOWNSHIP
PLANNING BOARD
Resolution Number 2019-1-2
APPOINTMENT OF PLANNING BOARD PROFESSIONALS**

WHEREAS, there exists a need for a Planning Board Solicitor, a Planning Board Engineer, a Planning Board Planning Consultant, and a Planning Board Traffic Consultant; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-et seq) Resolution authorizes the award of contracts for 'Professional Services' without competitive bids must be publicly advertised.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Mansfield, County of Burlington, as follows:

1. The Chairman and Secretary of the Planning Board are hereby authorized and directed to execute agreements with:

THOMAS J. COLEMAN, III, Esquire from the Firm of Raymond Coleman Heinold & Norman, LLP, 325 New Albany Road, Moorestown, NJ for services as Solicitor for a term of January 1, 2019 to December 31, 2019, and

STOUT & CALDWELL ENGINEERS, LLC, 705 Route 130 South, Cinnaminson, NJ for Engineering services for a term of January 1, 2019 to December 31, 2019, and

ENVIRONMENTAL RESOLUTIONS, 815 East Gate Drive, Mt. Laurel, NJ for services as Planning Consultant for a term of January 1, 2019 to December 31, 2019, and

LITWORNIA ASSOCIATES, 3 Trading Post Way, Medford, NJ for services as Traffic Consultant for a term of January 1, 2019 to December 31, 2019

2. These contracts are awarded without competitive bidding as “Professional Services” under the provisions of the Local Public Contracts Law because of the specialized nature of the work.
3. A copy of this resolution shall be published in the Burlington County Times as required by law within 10 days of its passage.

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

AYE: Allen, Borgstrom, Cain, Fleming, Higgins, Ocello, Preidel

NAY: None NOT VOTING: None ABSENT: Lippincott, Patel

Resolution 2019-1-3:

**MANSFIELD TOWNSHIP
PLANNING BOARD
Resolution Number 2019-1-3
DESIGNATION OF OFFICIAL NEWSPAPERS**

NOW, THEREFORE, BE IT RESOLVED, by the Mansfield Township Planning Board, of the County of Burlington, State of New Jersey that the following are designated as the official newspapers until December 31, 2019:

Primary: Burlington County Times
Secondary: Trenton Times

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

AYE: Allen, Borgstrom, Cain, Fleming, Higgins, Ocello, Preidel

NAY: None NOT VOTING: None ABSENT: Lippincott, Patel

Application PB2018-10: Mansfield Realty North, LLC – Amended Preliminary Site Plan & Variance

Chairman Preidel stepped down from this application; therefore the meeting was turned over to Vice Chairman Borgstrom.

Attorney Ronald Shimanowitz for the applicant introduced himself. He explained that the board previously heard this warehouse application. The applicant has spent some time with the DOT and it became clear that the site would need to be reconfigured. He explained they are seeking Amended Preliminary Site Plan approval as well as a couple variances.

Engineer Greg Oman's qualifications were accepted by the board. He was then sworn in by Attorney Coleman. Engineer Oman explained that this application has two parcels that are split by Route 206. Property on both sides totals 82.51 acres approximately. The eastern side is Block 3, Lots 5.01 and 10.01 entails about 62.34 acres. The western side is Block 4, Lot 6.01 and 7 totals approximately 20.17 acres. The site falls within the C-2 zone permitted use also within a redevelopment area. Previous approval had an approved building square footage of 795,600sqft. This will be reduced to 772,800sqft. The real reason is the applicant has had discussion with potential tenants and the DOT discussions. The jug handles are really desirable for tenants as well as the DOT. The previous application had a left turn lane in from both directions along Route 206. This application is proposing to shift the signalized intersection approximately 400ft south and providing jug handles that encroach into either the eastern/western side of the property. The eastern portion of the retention basin back, is basically unchanged with the exception of the south side of the building. The distance increased from the southeast corner of the building to the closest property line 45ft over what was previously approved by this board. By shifting the intersection south, this provides a much cleaner/efficient circulation to the eastern property including the loading docks on the western side of the building and the eastern side of the building. The retention basin, instead of being separated by the previous access point in, is one entire basin and this is easier to maintain as well as study and analyze. All outflows are down to the tributary in the same spot as was previously approved; no changes to the elevations.

Engineer Oman explained they've received DEP approval for wetlands and flood hazard. The western side was reconfigured by rotating the building about 30 degrees, the loading docks were shifted from the southern side of the building to the northern side based on elevations. About 33,000sqft of was lost off of the building, but additional trailer storage space was gained. The applicant will be dedicating just over two acres on the eastern side to the DOT and approximately 1.82 acres on the western side. The buffer requirement was 150ft, because there is a potential of threatened endangered species within a mile of the site. The western jug handle would be encroaching onto that 150ft repairing buffer. He reached out to DEP and they approved verbally that the repairing buffer is indeed 50ft. There is an amended application before DEP. Landscaping and lighting is remaining unchanged except for the slight encroachment and shift of the access on the eastern side and along the western side. The buffer along Aaronson Road, the sound wall that was previously approved will be in the same location and the same height. They have received approval from the Burlington County Planning Board, approval from Soil Conservation District, and have applied to DOT.

Attorney Shimanowitz asked if anything has changed in regards to the sewer and water utilities. Engineer Oman stated that those would remain unchanged. The water will be circulating both sides of the property to provide fire service to each of the buildings with hydrants located throughout the development. Sanitary sewer will remain as it was prior, with the exception of the shift of the pump station, on the western side is actually located on the southern side of the building. Both forced mains

continue up and out through a 3inch forced main down Aaronson Road approximately two miles to Four Seasons as was previously approved. Attorney Shimanowitz questioned the typical parking for a warehouse and office. Engineer Oman stated that his office has been doing millions of square feet of warehouse space, what he has found is that most municipalities have a parking standard for straight warehouse of 1 per 5,000 square feet with office space being 1 per 200 square feet. That is what was previously shown as what they found to be the industry standard for parking and was previously approved at 306 parking stalls. The building has been reduced slightly on both sides and the number or parking spaces is being increased slightly. Attorney Shimanowitz questioned the size of the parking spaces and what effect that might have on the number of spaces that could be provided. The applicant has decided to keep the Township standard of 9.5x18 parking spaces.

Planner Fox referred to page 4 of his review letter, stating that he supports waving number 9 & 28 and other items may be a condition of final approval. He asked for more information on the phase two environmental site assessment. Attorney Shimanowitz stated that has not yet been prepared. Mr. Fox explained that could be a condition of final approval. Mr. Fox identified two variances one is for parking the second one is the fencing, where it is located in the front yard setback. Engineer Oman stated there are two fences within the front yard setback. There is a board on board fence at the top of the berm, which provides an additional buffer as soon as plantings are done for the initial screening. Along the top of the retaining wall for safety purposes, is a six foot high chain-link fence for security purposes. Planner Fox explained he has no issues with that. He then asked if the applicant could amend the zone data information on sheet 5, adding the redevelopment area standards. Planner Fox asked for more details regarding the wall. Engineer Oman stated it is identical as to what was previously approved. It ranges from around 8ft at southeast corner; it gets to about 16-18ft along the southern side of the eastern building. In terms of type of wall, that has not yet been finalized. Planner Fox stated that can be finalized at final approval. He then stated he had some landscaping comments. Engineer Oman stated in terms of planting within the jug handle, they would do their best however that will be up to NJDOT. Planner Fox asked for any information on material or colors for proposed buildings. Attorney Shimanowitz stated that the architect would be up later to discuss. Planner Fox questioned the easement with the main drive and adjacent lot 6.02. Engineer Oman stated it is no longer required. He further explained that when the left turn lane was on route 206, the left turn lane would not allow the access out of the site from the adjacent property. He stated, now that the left turn lane has been eliminated that easement is no longer necessary. Planner Fox stated the township has some anti-idling regulatory provisions. Mostly in terms of air quality and noise. He suggests any approvals should adhere to the minor standards.

Traffic Engineer Litwornia referenced his letter dated January 17, 2019. The parking standard for warehouse facility is based on the number of employees. There is more than enough spaces for this application. The majority of traffic for this type of facility occurs off peak. Most is around 10-11am or 3-4pm. usually the peak traffic does not have an adverse influence on the area. No idling signs would be approximately 100ft apart and with penalties on them as was previously mentioned. There was not a sound study, however some of the data for the construction materials for the sound wall need to be provided to know what the continuation would be from them. Dedicated site triangles are required at the DOT drives and this can be a condition of final as well. If there are any improvements needed, the site triangles would need to be dedicated and he would like to be sure there is no vegetation with a mature height of over 30inches. He stated he would like to come up with a pro rata share contribution for the traffic signal and the municipal complex in the future. He would like to see the data for the pm peak hour for the analysis in the pro rata share. This can be a condition for final or preliminary. He does recommend inside the site at the main entrance/exit going in and out is a wide entrance/exit way, so he would like to work with the applicant to modify that so it's not a wide open entrance way, where the T intersections are,

because that is the most important intersection in need of minor signage or striping to help improve the flow in that one spot. The applicant agrees to do so.

Engineer Stout referenced his letter dated January 23, 2019. This is a prior application that has been modified and made less intense. Many of the previous issues he had with the application have been addressed. He has spoken directly with the engineer and worked through most of the items in the report. Most of the issues are plan items that need to be done. There are some storm water issues that they had gone through. The engineer has agreed to meet all of the conditions regarding the storm water, which will also be reviewed by DEP and DOT.

Applicants Planner Mr. Bernard came up to speak about the variances being requested for parking and the location of the fence on top of the berm and the chain link fence within the front yard setback. The parking variance is needed because the township ordinance does not have a standard for a warehouse use. Typically the standard is 1 space per 5,000sqft. The ordinance requires 2,870 stalls, applicant is proposing 314. The west tract requires 864 stalls and applicant is proposing 106 stalls. This is more parking than the previous application that was approved. The applicant can provide sufficient parking for the use, with much less impervious coverage, which minimizes the visual impact of impervious coverage and the sizing of the storm water facilities required to meet DEP requirements. He concludes that the applicants' proposal is a better zoning alternative than the municipal standard. In regards to the wood fence on the berm; there was a previous development where the prior applicant agreed to work with the neighbors to address the visual impact of developing the property. The neighbors had asked for the solid fence to help screen the top of the non-residential building. This applicant continues to include the berm and the fence based on the neighbors request to provide additional screening. He discussed the benefits associated with the fence. He did not see any negative impact associated with the public good or to the zoning plan.

Rick Pratt, Architect for the applicant, was sworn in by Attorney Coleman. He had previously testified, therefore the board accepted his credentials as he had previously stated. Mr. Pratt referenced Exhibit A2, he stated that there were no significant changes from the previous application. The building size changed, however the overall design of the building is the same. Three colors, grays, are being represented, but they are open to anything the board may want. Architect Pratt then discussed the different windows as well as the panels of concrete.

Public Comment Regarding Above Application:

All persons making public comment were sworn in prior to by Attorney Coleman.

Bob Tallon 2454 Axe Factory Road – He had some environmental concerns as well as storm water. He recalled the last application had what was supposed to be a wet basin. He believes now the basins will be underground. Engineer Oman stated on the previous application on the eastern side there were two wet ponds that acted as one. On the western side there was an underground detention basin with a storm filter treatment device post basin. This application is identical to that. Mr. Tallon questioned the soil in the area not allowing for any recharge; his concern with the underground basin is with the water laying underground in the pipes. Engineer Oman stated that the basin is designed per Township, County, and State requirements and it must drain within a certain amount of hours after peak storm; therefore it's not anticipated that water will be sitting in the basin. Mr. Tallon still had concerns with water sitting underground. Engineer Oman mentioned they would be providing some aerators within the eastern retention basin. More discussion was held regarding the basins and water flow/treatment. Mr. Tallon made further comments on acid soils.

Larry Lang 422 White Pine Road – He questioned if Aaronson Road would be used during construction. Engineer Oman said no. Mr. Lang stated that the sewer line would be going up Aaronson and down White Pine Road. Engineer Oman stated that it would and there would not be an option for residents to hook up. The road would be required to be repaired to Township requirements. Mr. Lang questioned tax abatements. Attorney Coleman explained that is not a matter for this board. Mr. Lang then questioned the oil from the trucks and how it would be contained. Engineer Oman explained that it gets treated within the retention basin. Mr. Lang questioned access onto Aaronson Road. Engineer Oman clarified there is no access being proposed there.

Rosemarie Bunker 15 Aaronson Road – She questioned the area where she lives and explained that there is no landscaping being proposed there. She would like to be able to work with the landscape architect to do something with the corner area. Engineer Oman stated that this is the densest area of planting on the development including the sound wall. The berm was extended all the way around the southeast portion of the development to help block the visibility concern. This particular application, the applicant has eliminated and shifted the southern end of the building 45ft greater than what was previously approved as well. The sound wall starts at the southeast corner of approximately 8ft and shoots up to 16-18ft the remainder of the way down to about the southwest end. Ms. Bunker stated her concerns over air quality during construction. Engineer Oman explained that any site in Burlington County, Burlington County Soils are very strict about having their inspectors onsite at all times. If there are ever complaints they have water trucks to keep the dust down. A neighboring property can always call the Burlington County Soil Conservation if you find that there is tracking off the property or if there is dust concerns and they will address with the contractor.

Scott Preidel 702 Mansfield Road West – He questioned the storm pipe for NJDOT on the western tract, is skewering out that stream and forces a lot of silt, which has clogged up the stream, which affects his farm. He would like to know if the applicant was responsible for putting in the skewering pad in and Engineer Oman explained they are currently discussing this with the DOT; however the DOT may want nothing to do with it because at the end of the conduit falls outside of their jurisdiction. This is actually something that would need to be brought up with the DEP because that would be their jurisdiction. Engineer Stout explained that they can talk with the DEP and request that as part of their review to look at that. That is also part of the basin maintenance plan. Mr. Preidel questioned the location of the retention ponds, which Engineer Oman clarified just the one along Route 206. Mr. Preidel explained he used to farm this area as the hill comes down there is a lot of springs and underground drains that go down the hill. He questioned what the applicants' plans were to divert the water. Engineer Oman stated that was part of construction. Burlington County Soil District has asked for a bulk grading plan, which is during construction. Any pipe that would be coming up will be contained within the drainage system. The retention pond will be one of the first things that gets constructed to handle the water. Mr. Preidel stated that previously he had asked for a buffer and questioned whether that would still be in place. Engineer Oman stated that he asked the landscape architect for a double row of staggered white pines. He stated if they are not in the plan they agree to do it. The retaining wall is approximately 8ft within the southwest corner. The outflow is at the same exact location as it was previously.

Engineer Stout commented that it is in the Township Ordinance there is a requirement to connect any tile drains/field drains that they are cutting so they do not back up elsewhere. Anything that has to be re-routed will be required to be completed as per Ordinance.

There were no further comments from the public. Public comments section closed.

Vice Chairman Borgstrom asked for a motion on the above application. Committeeman Higgins made a motion to approve. Attorney Coleman stated that the motion would be to grant the amended preliminary major site plan approval. Approval subject to the applicants consent to the conditions set forth in Mr. Fox January 10th letter, Mr. Litwornia January 17th letter, and Mr. Stouts revised January 14th letter, which contained a number of conditions that would be satisfied at final site plan. There are three variances associated with the application. The approval would confirm and provide a parking variance for 314 spaces on the east tract, where 2,870 spaces are required. A parking variance to allow 106 proposed spaces, where ordinance requires 864 parking spaces. The approval confirms the variance approval to allow a 6ft high chain link fence on a retaining wall in the front yard setback area along Aaronson Road.

Mr. Allen then seconded the above motion by Committeeman Higgins. Motion carried on a roll call vote recorded as follows:

AYE: Allen, Cain, Fleming, Higgins, Ocello, Borgstrom

NAY: None NOT SITTING: Preidel ABSENT: Lippincott, Patel

Review for Master Plan Consistency Township Ordinance 2019-1:

Committeeman Higgins recused himself from these discussions and stepped down from the dais. **Vice Chairman Borgstrom** then read the title for the below resolution recommending the Township Committee adopt Ordinance 2019-1.

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2019-1-4
RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF MANSFIELD
RECOMMENDING THE TOWNSHIP COMMITTEE
ADOPT TOWNSHIP ORDINANCE 2019-1 AMENDING THE REDEVELOPMENT PLAN FOR
PARCELS WITHIN THE
COLUMBUS VILLAGE REDEVELOPMENT AREA
PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A -7**

WHEREAS, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Act”), the Planning Board of the Township of Mansfield adopted Resolution No. 2015-04-01 and Resolution No. 2015-10-04, that Block 28, Lots 5, 6 and 38, located in Columbus Village, satisfied the criteria set forth in the Act, including N.J.S.A. 40A:12A-5, to be designated as an area in need of redevelopment and recommended that the Township Committee include these parcels as Areas in Need of Redevelopment and Areas in Need of Rehabilitation; and

WHEREAS, on December 29, 2015, the Township Committee of the Township of Mansfield adopted Resolution No. 2017-12-17 declaring Block 28, Lots 5, 6 and 38 as an Area in Need of Redevelopment pursuant to the Act; and

WHEREAS, the Township of Mansfield received notice from the New Jersey Department of Community Affairs (“DCA”) on January 12, 2016, that the designation of Block 28, Lots 5, 6 and 38 as An Area in Need of Development became effective upon the Township’s filing of the designation with DCA; and

WHEREAS, at its June 14, 2017 meeting, the Township Committee introduced Ordinance No. 2017-9 “An Ordinance of the Township of Mansfield Adopting a Redevelopment Plan for Parcels Within Columbus Village Redevelopment Area Consisting of the Former Municipal Complex, the Fire Station and the Municipal Police Station” (the “Columbus Redevelopment Plan”) in accordance with the requirements set forth in N.J.S.A. 40A:12A-1 et seq. and referred Ordinance 2017-9 to the Planning Board for the Board’s report and recommendation as required by N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Planning Board adopted Resolution No. 2017-06-05 at its June 26, 2016 meeting finding that the Columbus Redevelopment Plan for Block 28, Lots 5, 6 and 38 satisfied the requirements of N.J.S.A. 40A:12-

7(a) and that the Redevelopment Plan was substantially consistent with the Master Plan of the Township of Mansfield; and

WHEREAS, at its December 6, 2018 meeting, the Township Committee introduced Ordinance 2018-18 “AN ORDINANCE TO AMEND ORDINANCE 2017-9, AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD ADOPTING A REDEVELOPMENT PLAN FOR PARCELS WITHIN COLUMBUS VILLAGE REDEVELOPMENT AREA CONSISTING OF THE FORMER MUNICIPAL COMPLEX, THE FIRE STATION AND THE MUNICIPAL POLICE STATION” and referred Ordinance 2018-18 to the Planning Board for the Board’s report and recommendation required by N.J.S.A. 40A-12A-7(e); and

WHEREAS, the Planning Board adopted Resolution No. 2018-12-16 at its December 27, 2018 meeting finding that Township Ordinance 2018-18 amending the Columbus Village Redevelopment Plan for Block 28, Lots 5, 6 and 38 satisfied the requirements of N.J.S.A. 40A:12-7(a) and that the Redevelopment Plan was substantially consistent with the Master Plan of the Township of Mansfield; and

WHEREAS, at its January 7, 2019 meeting, the Township Committee introduced Ordinance 2019-1 “AN ORDINANCE TO AMEND ORDINANCE 2018-18 WHICH AMENDS ORDINANCE 2017-9, AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD ADOPTING A REDEVELOPMENT PLAN FOR PARCELS WITHIN COLUMBUS VILLAGE REDEVELOPMENT AREA CONSISTING OF THE FORMER MUNICIPAL COMPLEX, THE FIRE STATION AND THE MUNICIPAL POLICE STATION” and has referred Ordinance 2018-18 to the Planning Board for the Board’s report and recommendation required by N.J.S.A. 40A-12A-7(e); and

WHEREAS, on January 28, 2019, the Planning Board held a hearing and reviewed Township Ordinance 2019-1 amending Township Ordinance 2017-9 which amends the Columbus Redevelopment Plan for Block 28, Lots 5, 6 and 38; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield as follows:

1. **HEARING ON THE COLUMBUS REDEVELOPMENT PLAN.** The Planning Board of the Township of Mansfield at its regular meeting on January 28, 2019, reviewed the amendment to the Columbus Redevelopment Plan and afforded the public with an opportunity to make comments and ask questions concerning Township Ordinance 2019-1 proposing an amendment to the Columbus Redevelopment Plan, in accordance with N.J.S.A. 40A:12A-7(e).

2. **FINDINGS AND CONCLUSIONG OF THE PLANNING BOARD.** The Planning Board, after discussion and an opportunity for public comments, finds that the proposed amendment of the Columbus Redevelopment Plan as provided in Township Ordinance 2019-1 satisfies the requirements of N.J.S.A. 40A:12-7(a) and that the Columbus Redevelopment Plan, as amended, is substantially consistent with the Master Plan of the Township of Mansfield.

3. **PLANNING BOARD RECOMMENDATIONS.** The Planning Board resolves that Township Ordinance 2019-1, amending the Columbus Redevelopment Plan, as considered by the Planning Board at its January 28, 2019 hearing, and after discussion and the opportunity for public comments, be ADOPTED by the Township Committee. This Resolution shall constitute the Planning Board’s Report and Recommendation required in accordance with N.J.S.A. 40A:12A-7(e).

4. **SEVERABILITY.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

5. **AVAILABILITY OF THIS RESOLUTION.** A copy of this Resolution shall be available for public inspection at the Office of the Planning Board of the Township of Mansfield.

6. **EFFECTIVE DATE.** This Resolution shall take effect immediately.

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

AYE: Allen, Cain, Fleming, Ocello, Borgstrom

NAY: None NOT SITTING: Higgins, Preidel

ABSENT: Lippincott, Patel

Review for Master Plan Consistency Township Ordinance 2019-3:

Vice Chairman Borgstrom stated this ordinance would be rezoning block 3, lot 6.06, 537 White Pine Road, from C-2 to R-1. The resolution recommending adoption of ordinance 2019-3 is below:

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2019-1-5
RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON
FINDING TOWNSHIP ORDINANCE NO. 2019-3, AN ORDINANCE AMENDING THE ZONING MAP OF
THE TOWNSHIP OF MANSFIELD AND
RE-ZONING CERTAIN PROPERTY KNOWN AS BLOCK 3, LOT 6.06 (537 WHITE PINE ROAD) FROM
C-2 TO R-1, CONSISTENT WITH THE MASTER PLAN
OF THE TOWNSHIP OF MANSFIELD**

WHEREAS, pursuant to the Municipal Land Use Law of the State of New Jersey (*N.J.S.A. 40:55D-26, 32 and 64*), the Planning Board of the Township of Mansfield is obligated to review any and all proposed land use control ordinances, including amendments to the Official Map, and make a report of any inconsistencies with the Master Plan prior to adoption by the Township Committee of the Township of Mansfield;

WHEREAS, at its January 15, 2019 meeting, the Township Committee introduced Ordinance No. 2019-3, entitled “AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWNSHIP OF MANSFIELD AND RE-ZONING CERTAIN PROPERTY KNOWN AS BLOCK 3, LOT 6.06 (537 WHITE PINE ROAD) FROM C-2 TO R-1” amending the Township Zoning Map by re-drawing the boundaries of the R-1 residential zoning district to include Block 3, Lot 6.06, and has referred Ordinance 2019-3 to the Planning Board for the Planning Board’s Master Plan consistency review and recommendation;

WHEREAS, through this resolution, the Planning Board wishes to memorialize its findings concerning the review and analysis of the proposed amendment to the Township’s Zoning Map.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT:

1. The amendments to the Township Zoning Map, as set forth in an ordinance introduced by the Township Committee on January 15, 2019, having been previously reviewed by the Consulting Engineer, Planner and Solicitor to the Planning Board and no objection having been identified, are hereby found by this Board to be consistent with the Master Plan of the Township of Mansfield.
2. This Resolution shall constitute the report of the Planning Board required pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-26*) for the Planning Board’s review of Township Ordinance 2019-3.
3. The Planning Board’s Solicitor, Consulting Engineer, Planner and Board Secretary are hereby further authorized to undertake any and all action to forward this Resolution to the Township Committee for their consideration prior to adoption of Township Ordinance 2019-3.
4. This Resolution shall take effect immediately.

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

AYE: Allen, Cain, Fleming, Ocello, Borgstrom

NAY: None NOT SITTING: Higgins, Preidel ABSENT: Lippincott, Patel

Resolution 2018-11-15:

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2018-11-15
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD
CONCERNING THE APPLICATION OF
AD-DAWAH CENTER OF NEW JERSEY
FOR VARIANCE AND PRELIMINARY AND FINAL SITE PLAN APPROVAL**

WHEREAS, Ad-Dawah Center of New Jersey, Inc., a Not for Profit Corporation, has applied to the Planning Board of the Township of Mansfield for Preliminary and Final Site Plan Approval for property located at 3191 Route 206, known as Block 30, Lot 13.01 on the Official Tax Map of the Township of Mansfield (the “Property”), for the purpose of constructing an addition to an existing two (2) story brick building and other site improvements; and

WHEREAS, the Applicant utilizes the existing building as a worship center, a permitted use in the Highway Commercial (C-2) Zoning District of the Township of Mansfield; and

WHEREAS, variances are required as the Applicant's proposed development of the Property does not satisfy the Ordinance requirements pertaining to improvement setback and landscaping; and

WHEREAS, the application was deemed complete by the Planning Board (hereinafter sometime referred to as the "Board") on October 22, 2018; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on November 26, 2018, after 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 Applicant presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the following Exhibits were presented by the Applicant during the Public Hearing:

- A-1 Site Plan;
- A-2 Architectural Renderings (4 sheets depicting existing conditions and proposed addition);
- A-3 Deed transferring Property to the Applicant;
- A-4 Access Agreement between Burlington Quarterly Meeting of the Religious Society of Friends Trustee ("Burlington Friends"), the Applicant's predecessor in title, and the Mansfield Cemetery Company;
- A-5 Letter from the Township Zoning Officer dated February 22, 2017; and

WHEREAS, the following review letters were submitted to the Board by its Professionals:

- November 26, 2018 Review Letter of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Mark E. Malinowski, PE;
- November 26, 2018 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Barbara J. Fegley, AICP, PP; and
- November 21, 2018 Review Memorandum of the Board Traffic Engineer, Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for 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 owner of the Property, located on Route 206 in the C-2 Highway Commercial Zoning District. The Property is 1.742 acres in area and is improved with a two-story brick building and a narrow paved driveway that accesses the Property from Route 206. The remainder of the site is undeveloped. An existing cemetery located to the northeast and west is accessed through the Property.

2. The existing brick building was constructed in 1818 as a Quaker Meetinghouse.

3. The Applicant acquired title to the Property by Deed from Burlington Friends, dated May 11, 2017.

4. The Applicant's use of the Property will be a worship center, a permitted use in the C-2 Zone. The Applicant's predecessors in title also utilized the Property for a worship center.

5. The Applicant has submitted an application for Preliminary and Final Site Plan Approval for the proposed development of the Property, providing the Board with a proposed set of plans, reports, studies and testimony.

6. The Applicant is proposing to develop the Property by constructing a 323 square foot addition to the first floor of the existing building, providing 39 paved and 19 gravel parking spaces for a total of 58 parking spaces, installing a new storm water management system and lighting and planting additional landscaping.

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

8. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.

9. Proper notice of the application for Variance and Preliminary and Final Site Plan Approval has been given, based upon the certified list from the Office of the Mansfield Township Tax Assessor.

10. The Applicant has requested a waiver of certain Submission items, as identified in the review letters from the Board's Professionals.

11. The Applicant requires the following design standard waivers for the development of the Property as proposed:

- a. Parking spaces – paved surface required, 19 spaces proposed with a gravel surface;
- b. Pipe diameter – 15 inches required; 12 inches proposed for storm pipe;
- c. Landscaping – proposed landscaping plan was not prepared by a New Jersey licensed landscape architect and does not comply with the design requirements for landscaped areas.

12. The Applicant requires the following variances to develop the Property as proposed:

- a. Lot Area – 2 acres required; 1.742 acres existing non-conforming condition;

- b. Lot width – 200 feet required; 153.25 feet existing non-conforming condition;
- c. Improvement setback from right-of-way – 25 feet required; 14 feet +/- proposed for monument sign and 15 feet +/- for paved parking area;
- d. Landscape buffer width – 20 feet required, widths of 6.27 and 7.92 feet are proposed for the landscape buffer areas on the north side and south side of the Property, respectively.

13. Mark Roselli, Esquire, of Roselli Griegel Lozier & Lazzaro, P.C., represented the Applicant during the November 26, 2018 Public Hearing. Adnan Khan, PE, CME, MSCE, Mohammad Afzal, PE, PTOE, Katherine O’Kane, PP, AICP, Ashraf Ragab, AIA, and Abdul Razak testified on behalf of the Applicant.

14. Mr. Khan provided the following sworn testimony during the November 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 Board’s to provide expert testimony in the area of site design and engineering;
- b. He is the Applicant’s design engineer and is familiar with the proposed improvements and the Center’s activities;
- c. The Applicant currently utilizes the site for its Mosque, a house of worship and a permitted use in the zone;
- d. Thirty nine (39) paved parking spaces will be located toward the front of the site and the nineteen (19) gravel parking spaces will be located to the rear and side of the site;
- e. Three (3) of the parking spaces will be ADA spaces;
- f. Currently, the absence of paved and designated parking spaces results in members and visitors parking on the grass areas in the front and side areas, which is similar to how people parked when Burlington Friends used the Property for their Quaker Meetinghouse use;
- g. The proposed improvements, including paved parking areas and lighting, is a better design of the site from its historical use;
- h. The Center’s peak time is the main prayer service that occurs on Friday afternoons; other than this peak time, there may only be 5 to 10 cars at the Center on any given time;
- i. Other than the new storm water system, no new utilities are proposed or required to service the Center;
- j. None of the proposed improvements will be located over the existing septic field;
- k. The Applicant will preserve as many of the existing trees as possible, including the 100-year old birch tree;
- l. He is not a landscaped architect but he has been preparing site plans, including the landscaping for sites, for 30 years;
- m. The landscaping of the site will include 7 shade trees, 26 evergreen trees and 128 shrubs;
- n. The storm water management system has been designed in accordance with the requirements of the New Jersey Department of Environmental Protection (“NJDEP”), and, therefore, will not require NJDEP review and approval; but it will require the review and approval of the New Jersey Department of Transportation, as the sheet flow will go through the new 24 foot wide ingress/egress point;
- o. He describes the new ingress/egress, the traffic circulation plan for the site and the marked entrance only and exit only points;
- p. A new 10 foot by 10 foot trash enclosure will be provided;
- q. The lighting will include 5 wall-mounted LED lights and 15 pole mounted lights 15 feet in height;
- r. The proposed monument sign will be located 11.11 feet from the front property line and 14 feet +/- from the right-of-way and outside of the sight triangle;
- s. The monument sign will measure 4 feet by 3 feet and will be 5 feet in height.

15. Mr. Afzal provided the following sworn testimony during the November 26, 2018 Public Hearing:

- a. He is the Applicant’s Traffic Engineer and has been qualified by New Jersey Land Use Boards to provide expert testimony in the area of traffic engineering;
- b. He prepared the Traffic Impact Statement submitted as part of the Application package;
- c. He conducted traffic counts on Friday, September 14, 2018 and September 21, 2018, during the hours of 12:30 p.m. and 2:30 p.m, and during the Center’s peak operating time between 1:00 and 2:00 p.m, 44 vehicles entered and exited the site;
- d. The Center will experience a slight increase in traffic during the High Holiday of Ramadan;

- e. The Center will restrict traffic exiting the site and turning left onto Route 206 on Fridays between the hours of 1:00 p.m. and 2:00 p.m.;
 - f. The Center's peak operating time will not conflict with the peak traffic times on Route 206 of 7:00 a.m. to 8:00 a.m and 5:00 p.m. to 6:30 p.m.;
 - g. A 24 foot wide drive aisle is standard, not 30 feet;
 - h. A compound curve onto Route 206 will be added if required by NJDOT.
16. Ms. O'Kane provided the following sworn testimony during the November 26, 2018 Public hearing:
- a. She is the Applicant's Professional Planner, licensed in the State of New Jersey and has been qualified by New Jersey Land Use Boards to provide expert testimony in the area of land planning;
 - b. The irregular shape and size of the Property, and the location of the existing building, impacts site conditions and the proposed improvements;
 - c. The lot area and lot frontage are non-conforming conditions;
 - d. The landscape buffer proposed by the Applicant will achieve the intent and purpose of the ordinance requirement, even without strict adherence to the landscaping requirements of the ordinance;
 - e. Gravel parking spaces are proposed to limit the disturbance in the area closest to the cemetery and reduce impervious coverage;
 - f. The parking lot will be located 15 feet +/- from the right-of-way and the monument sign 14 feet +/-, not the 25 feet as required by ordinance;
 - g. The irregular shape of the Property contributes to the need for a variance from the requirement that improvements be setback 25 feet from the right-of-way;
 - h. The design advances the health and safety of the general public and promotes good visibility of the site thus advancing purposes of the Municipal Land Use Law of the State of New Jersey;
 - i. The size and nature of the parking lot and monument sign within the 25 foot setback from the right-of-way will not result in substantial detriment as the sign is located along the right-of-way for visibility and the parking area historically utilized by the members of the Quaker Meetinghouse will now be paved;
 - j. The positive criteria does outweigh the negatives as the safety of the site will be improved with the proposed development of the Property and the Applicant is committed to preserving the historic nature of the Property;
 - k. 40 feet of landscape buffer area cannot be provided because of the design limitations imposed by the lot size and shape as this 40 feet represents approximately 30% of the Property's width;
 - l. The Board has flexibility to permit the Applicant to design a suitable landscape buffer that satisfies the intent of the ordinance and the Applicant agrees to work with the Board Planner for the design of an acceptable landscape plan;
 - m. The Applicant will agree to perform a ground penetrating radar investigation of the back portion of the Property to determine the presence of un-marked graves.
17. Mr. Ragab provided the following sworn testimony during the November 26, 2018 Public Hearing:
- a. He is the Applicant's Architect, licensed in the State of New Jersey and has been qualified by New Jersey Land Use Board's to provide expert testimony in the area of architecture;
 - b. The proposed 323 square foot addition will square off the building and enclose an area of the first floor not previously enclosed;
 - c. He describes the improvements proposed to the interior of the building, including changes to the stairs to meet Code compliance and to re-open the windows currently blocked.
18. Mr. Razak provided the following sworn testimony during the November 26, 2018 Public Hearing:
- a. He is the Applicant's Secretary and was involved in the purchase of the Property from the Burlington Friends;
 - b. The only easement affecting the Property is the Access Agreement between the Burlington Friends and the Mansfield Cemetery Company;
 - c. The Mansfield Cemetery located to the rear of the Property was not conveyed to the Applicant by the Burlington Friends and is not included as part of the Property;
 - d. The Access Agreement only requires the Applicant to provide access to the cemetery with maintenance the responsibility of the Mansfield Cemetery Company;

- e. The Applicant will accommodate anyone using the cemetery, and with the exception of Fridays between the hours of 1:00 p.m. and 2:00 p.m., will allow the public use of the parking lot;
- f. The Applicant has no duty to maintain the headstones and gravesites but cannot relocate or destroy the head stones;
- g. For the two major holidays of After Haj and Ramadan, the Center's activities will primarily be conducted off-site at larger facilities because families will attend together;
- h. There are normally 5 prayer services per day at the Center, the first before sunrise, the second at mid-day, the third later in the afternoon, the fourth just after sunset and the last one at night;
- i. The normal prayer services last from ten to thirty minutes and are attended by 5 to 20 persons with more persons present during the evening;
- j. Extended night prayer services are offered on Ramadan after the normal nightly prayer service and are attended by 15 to 30 persons;
- k. The extended night prayer service during Ramadan is usually 2 hours in length commencing after 7:00 p.m.

19. The following testimony was offered at the November 26, 2018 Public Hearing by interested parties, including nearby residents and others with personal knowledge:

- a. William Robbins who testified that he is the Clerk of the Burlington Friends and he is familiar with the historical use of the Property as a worship center, that Burlington Friends was no longer using the Property and that the Applicant made a commitment to Burlington Friends to preserve the historical nature of the Property. Mr. Robbins further testified that he doubted the presence of any un-marked graves in the rear of the Property proposed for the gravel parking spaces.
- b. Todd Wirth, a neighboring property owner, who testified that he was concerned about storm water runoff and the location of the proposed retaining wall. Mr. Wirth further testified that there should be a fence or other type of barrier between his property and the Applicant's Property and thanked the Applicant for reaching out to him from the beginning to discuss the proposed improvements to the Property.
- c. Kimberly Clark, a neighboring resident, who testified that she was concerned with the Applicant's expansion of the prior use of the Property and that the Applicant should comply with the requirements of the Ordinance. Ms. Clark also testified regarding concerns that were beyond the jurisdiction of the Board, which included septic capacity and ADA requirements.
- d. Sam Farraj who testified that he is a member of the Applicant's mosque and they will be good neighbors.
- e. Mark Clark, a neighboring Property Owner, who testified that he was concerned with the increase in the use of the Property and would like more privacy between the properties.
- f. Attia Sweilliam who testified that he is the Applicant's President and that they have relocated their Mosque to Mansfield Township to help members of the community to worship and practice their religion. He further testified that the Applicant wants to promote multi-cultural understanding.
- g. Colleen Herbert who testified that the change in use by the Applicant is greater than what was there with an increase in traffic and activity on the site.

20. The Board Professionals reviewed their respective review letters for the Board and recommended certain revisions be made to the Site Plan that included protecting the sanitary sewer system during periods of construction, paving all of the parking spaces, reducing the size of the parking spaces at the northern end of the Property to provide 3 additional feet of buffering, paving the surface to prevent dirt or gravel coming onto Route 206, revising the drainage calculations and utilizing SCS/NRCS methodology, installing a guiderail and enhancing the landscape plan to provide additional buffering between the Property and neighboring properties.

21. The Applicant's witnesses and agents testified and made representations expressing the Applicant's willingness to work with the Board's Professionals to resolve their outstanding comments, to address the recommendations for revisions to the Site Plan and requested that the paving of the parking lot be done in two phases.

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 Waivers, 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 and standards for lot area, lot width, landscaping, setback of improvements from the right-of-way, piping width and parking space dimensions, as described herein and requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirements/standards specified herein would substantially outweigh any detriment to the public good as variance approval and design standard waivers 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 granting of the submission waivers, as identified in the November 26, 2018 Review Letters of the Board Engineer and Board Planner, is warranted, as the Applicant provided the testimony requested, the waiver has been recommended and/or can be a condition of approval.

6. The Applicant is making improvements to a site that has been utilized as a house of worship since the early 1800's and the site improvements proposed by the Applicant for storm water management, lighting, parking and landscaping will make the site substantially more in conformance with the site plan requirements of the current Land Use Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, on the 26th day of November, 2018, that this Board hereby grants to the Applicant the following:

1. Submission waivers as identified in the Review Letters of the Board Engineer and Board Planner;

2. Design standard waivers to permit (i) a landscaping plan to be prepared by the Applicant's Design Engineer; (ii) the landscaping plan to deviate from the design requirements of the ordinance; (iii) the parking spaces at northern end of the Property to measure 9 feet by 18 feet; and (iv) storm pipes to measure 12 inches in diameter as shown on the Site Plan;

3. Variances to recognize the Property's non-conforming lot area and lot width;

4. Variances to permit (i) setbacks of 14 feet +/- from the right-of-way for the monument sign and 15 feet +/- for the parking lot; and (ii) landscaping widths of 6.27 feet on the north side and 7.92 feet on the south side; and

5. Preliminary and Final Site Plan Approval for the construction of a 323 square foot addition to the existing two-story building, together with site improvements for storm water management, parking, lighting, landscaping/buffering and traffic circulation for the Applicant's Mosque, in accordance with the Application, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant, with the Waivers, Variances and Site Plan Approval 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, New Jersey Department of Environmental Protection approval and New Jersey Department of Transportation approval. Copies of all other approvals shall be submitted to the Township upon receipt.

b. Subject to the testimony of the Applicant's agents and representatives presented during the November 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 Approval.

d. Subject to the comments of the Board Engineer as contained in the November 26, 2018 Review Letter of Stout and Caldwell Engineers, LLC, by Mark E. Malinowski, PE, except as may be modified in this Resolution or on the record during the course of the Public Hearing.

e. Subject to the comments of the Board Planner as contained in the November 26, 2018 Review Letter of Environmental Resolutions, Inc., by Barbara J. Fegley, AICP, PP, except as may be modified in this Resolution or on the record during the course of the Public Hearing

f. Subject to the comments of the Board Traffic Engineer as contained in the November 21, 2018 Review Memorandum of Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution or on the record during the course of the Public Hearing.

g. Subject to the Applicant's escrow account for the review of the Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.

- h. 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.
- i. Subject to this approval not guaranteeing the issuance of any zoning permit, construction permit or certificate of occupancy; the Applicant is subject to all applicable codes, statutes, ordinances, rules and regulations for the issuance of said permits and certificates.
- j. Subject to the Applicant's professionals working with the Board's professionals to address all outstanding review comments, including, but not limited to the phasing of the parking area paving, additional landscaping and buffering, storm water management, signage for vehicular traffic, sight triangle restrictions, drive aisle width and trash dumpster location.
- k. Subject to the Applicant copying the Board Traffic Engineer on the Application required to be filed with the New Jersey Department of Transportation.
- l. Subject to "No Left Turn" signs being added to the Site Plan to restrict traffic movement to right turn in and right turn out only.
- m. Subject to a paved surface of 20-30 feet being added to the Site Plan to limit dirt and gravel onto Route 206.
- n. Subject to the Applicant coordinating with the Board Planner the ground penetrating radar investigation of the rear of the Property to identify the presence of any unmarked graves.
- o. Subject to the dimensions of the parking spaces in the northern end of the Property being reduced to 9 feet by 18 feet.
- p. Subject to the Landscaping Plan being enhanced to satisfy the Ordinance's intent for aesthetics and buffering.
- q. Subject to a guide rail, in lieu of the proposed 4 foot high chain link fence, being added to the plan in regards to the retaining wall at appropriate locations coordinated with the Board Engineer and Board Traffic Engineer.
- r. Subject to the submission of a modified environmental impact statement addressing the comments of the Mansfield Environmental Commission, to the extent the comments pertain to matters typically addressed in an environmental impact statement.
- s. Subject to the Applicant revising its storm water management plan for the site to address the comments of the Board Engineer, including revising the drainage calculations and utilizing the SCS/NRCS runoff methodology.
- t. Subject to a post construction light study being performed to demonstrate compliance with the Ordinance requirements. The light study is to be coordinated with the Board Engineer.
- u. Subject to the Applicant being advised that any site plan issue not resolved to the satisfaction of the Board's Professionals will require further Board Action.
- v. Subject to the approval of the Board Engineer of the maintenance plan required for the storm water management system to be constructed on the Property. A Stormwater Maintenance Declaration referencing this Approval and the approved storm water maintenance plan shall be recorded in the Burlington County Clerk's Office. The Declaration shall be submitted for the review and approval of the Board Solicitor prior to recording.
- w. Subject to the Applicant posting any performance guarantee, maintenance guarantee and inspection fee required by the Municipal Land Use Law of the State of New Jersey for the development of the Property as approved.
- x. Subject to the Applicant taking the necessary precautions during construction to preserve as many of the existing trees as possible.
- y. Subject to the Applicant complying with the Township policy for trash removal for non-profit entities.

A motion to approve the above resolution was offered **Vice Chairman Borgstrom** and seconded by **Committeeman Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Borgstrom

NAY: None NOT VOTING: Allen, Ocello NOT SITTING: Higgins, Preidel

ABSENT: Lippincott, Patel

Resolution 2018-12-18:

PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2018-12-18
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD,
CONCERNING THE APPLICATION OF
DANIEL AND PAULA PATRIARCA
FOR
VARIANCE AND MINOR SUBDIVISION APPROVAL

WHEREAS, Daniel Patriarca, Jr., and Paula Patriarca have applied to the Planning Board of the Township of Mansfield for Minor Subdivision Approval for properties located at 315 and 328 1st Street, known as Block 58, Lots 12.01 and 14, respectively, on the Official Tax Map of the Township (the "Property"), for the purpose of adjusting the lot line between the two lots; and

WHEREAS, the Applicants submitted a Minor Subdivision and Consolidation Plan prepared by Avi Luzon, PLS, dated 06/28/18; and

WHEREAS, variances are required in connection with minor subdivision approval as the proposed subdivision of the Property does not comply with the Lot Area requirement in the R-1 Residential Zoning District; and

WHEREAS, the Application for Variance and Minor Subdivision Approval was deemed complete by the Board at its meeting held on November 26, 2018; and

WHEREAS, a public hearing to consider the Application was held by the Planning Board on December 27, 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 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 58, Lot 14, an approximately 15,000 square foot lot (0.34 acres) located at 328 1st Street in the R-1 Zoning District. Lot 14 is improved with a single family detached dwelling, a wood shed, an asphalt driveway, paver walkway and patio and is serviced by a well and cess pool.

2. Andrea Graziosi, Elena Graziosi and Robert Napravnik are the owners of Block 58, Lot 12.01, an approximately 65,702 square foot lot (1.51 acres) located at 315 1st Street, also in the R-1 Zoning District. Lot 12.01 is improved with a single family detached dwelling, a wood shed, asphalt driveway and is serviced by a well and private sewage disposal system.

3. The Applicants have submitted an application for Minor Subdivision Approval and for Variances from the ordinance requirement relating to lot area.

4. The Applicants are proposing to adjust a property line common to Lot 12.01 and Lot 14 to increase the lot area of Lot 14 from 15,000 square feet to 26,541 +/- square feet and to increase the rear yard of Lot 14 from 82.02 feet to 186.03 feet.

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

6. 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 Applicant by the Township Tax Assessor.

7. Prior to the proposed lot line adjustment, Lot 12.01 has pre-existing non-conforming conditions for lot area, lot frontage, front yard setback, side yard setback and aggregate side yard setback.

8. Prior to the proposed lot line adjustment, Lot 14 has pre-existing non-conforming conditions for lot area, lot frontage, lot depth, front yard setback, side yard setback, aggregate side yard setback, accessory structure setback and lot coverage.

9. The proposed lot line adjustment will result in a decrease in the lot area of Lot 12.01 (increasing the non-conforming lot area condition), an increase in the lot area of Lot 14 (decreasing the non-conforming lot area condition) and eliminate Lot 14's non-conforming lot coverage and accessory structure setback conditions.

10. The following variances are required in connection with the proposed lot line adjustment:

- a. Lot 12.01 – Lot Area – 3.0 acres required, 1.51 acres existing, 1.24 acres proposed;
 - b. Lot 14 – Lot Area – 3.0 acres required, 0.39 acres existing, 0.61 acres proposed.
11. Mark Roselli, Esquire, represented the Applicants during the December 27, 2018 Public Hearing. Daniel Patriarca testified.
12. Mr. Roselli represented to the Board that the title report for Lot 12.01 does not identify any easements or restrictions that would preclude the proposed lot line adjustment.
13. Mr. Patriarca provided the following sworn testimony during the December 27, 2018 Public Hearing:
- a. He and his wife purchased their property approximately 18 months ago;
 - b. They want to replace the existing cess pool with a mound septic system;
 - c. The County Board of Health approved the proposed septic system but had reservations because of the proximity of the septic system to the property’s well;
 - d. The lot line adjustment will result in a much larger rear yard for the property and increase the separation between the well and septic;
 - e. With the lot line adjustment increasing the size of the property, the new septic system will be located over 100 feet from the well;
 - f. He is not aware of any easements or restrictions on his property;
 - g. No other improvements to their property are proposed;
 - h. The owners of Lot 12.01 have consented to the Application and lot line adjustment as shown on the Minor Subdivision and Lot Consolidation Plan.
14. The December 27, 2018 Hearing was opened to the Public without comment.
15. The Board Engineer and Planner reviewed their respective review letters with the Board and the Applicants representatives testified that the Applicants will comply with each letter, unless otherwise modified during the course of the Public Hearing.

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 requirement for lot area, as specified herein, as requested by the Applicants.
2. The benefits of the deviation from the ordinance requirement 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 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 27th day of December, 2018, that this Board hereby grants to the Applicants

1. Variances to permit lot areas of 1.24 and 0.61 acres for Lot 12.01 and Lot 14, respectively;
2. Minor Subdivision Approval to adjust the property line common to Lot 12.01 and Lot 14, as shown on the Minor Subdivision and Consolidation Plan, 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 Burlington County Board of Health approval for the new septic system for Lot 14 and the Burlington County Planning Board approval of the minor subdivision, having jurisdiction over the Applicants use of their 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 October 19, 2018 Review Letter of Stout and Caldwell Engineers, LLC, by Robert R. Stout, PE, PLS, except as may be modified herein or on the record during the course of the Public Hearing.
- f. Subject to the comments of the Board Planner as contained in the November 20, 2018 Review Letter of Environmental Resolutions, Inc., by Barbara Fegley, AICP, PP, except as may be modified herein or on the record during the course of the Public Hearing.
- g. Subject to the sworn testimony of the Applicants and their agents and representatives presented during the December 27, 2018 Public Hearing.
- h. Subject to the submission of revised plans complying with this Resolution and the review letters of the Board Professionals, if required.
- i. Subject to the Applicants' escrow account for the review of their Application being current. The Applicants are advised that the Board Chairman and Board Secretary will not sign the Minor Subdivision Deed/Plat if the escrow account is not current.
- j. Subject to variance and minor subdivision approval not to be interpreted as the Board's authorization for any additional improvements being made to the Property, other than the installation of a new septic system and related work on Lot 14.
- k. Subject to the submission of a certification from the Mansfield Township Tax Assessor that the taxes for Lots 12.01 and 14 are current.
- l. Subject to the Applicants obtaining all permits that may be required prior to the commencement of any construction activity on the Property, including the installation of the new septic system on Lot 14. Minor subdivision approval does not guarantee the issuance of construction permits, as the Applicants are required to comply with all applicable rules, regulations, codes and statutes governing the issuance of such permits.

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

AYE: Allen, Cain, Fleming, Borgstrom

NAY: None NOT VOTING: Ocello, NOT SITTING: Higgins, Preidel

ABSENT: Lippincott, Patel

Approval of Minutes:

A motion to approve the minutes from December 27, 2018 was offered by **Mr. Allen** and seconded by **Committeeman Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Allen, Cain, Fleming, Borgstrom

NAY: None NOT VOTING: Ocello, NOT SITTING: Higgins, Preidel

ABSENT: Lippincott, Patel

Public Comment:

Bob Tallon, 2454 Axe Factory Road – Questioned the Planning Board Engineer on underground basins that have been getting approvals. He read from Township Ordinance 2012-3 item b. He explained it seems there is an inconsistency as the township has its own stream protection ordinance, but yet the underground basins that are receiving approvals, are not treating the nutrients that are dissolved in the water. **Engineer Stout** explained that it meets DEP criteria. There must be a maintenance plan provided by the applicants. The basins will be required to be cleaned regularly and all the water will drain out within 72 hours.

Kim Clark, 3193 Route 206 – She explained that she realizes the resolution for Ad-Dawah has been approved. However in Ordinance 2002-12 it specifically states, that because it's in the C-2 commercial zone and it's a church, it would have to go over to area and bulk for zoning. In that area and bulk is the church specifications of which they would need to be approved. Everything that was presented to the board back in November was under retail specifications for the Township, not church for area and bulk. She has an issue with how it was approved, because with only 1.7 acres that they have to build on they need a minimum of 3 acres and 20ft buffer on both sides, which is higher than the retail they were approved under. Right now the property takes up 6% of the ground. What they stipulated was that they would use 35% and that was before the updated submission. They are only allowed to do 25% of that property as per the area and bulk regulations. She wants to know what the board will do since the application was not approved under those conditions. **Attorney Coleman** explained that the board is not going to do anything further, on this because by adopting the resolution the board loses jurisdiction of the matter. This is now a Township matter, so in terms of the resolution that was adopted the Zoning Officer, Construction Official, and the Township Committee are responsible for enforcing the particular provisions and making sure the requirements of that resolution are carried out in terms of use. Respectfully, he differs with her opinion over the approval. **Mrs. Clark** questioned what the Township is going to do about any ordinances that are currently being broken by the occupants. They are still parking on the front lawn which is against Township Ordinance. They are still using exterior lights. What does the Township or the Zoning Officer plan on doing to enforce Township laws? **Attorney Coleman** stated that the Planning Board approved the plan that was presented before it, with a host of variances. This board is not the enforcement authority. If there is something specific, that needs to be enforced between now and when the plan is ultimately constructed as approved, that would be the Zoning Office.

Motion for Adjournment:

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

Respectfully Submitted by:

Date Approved:

Ashley Jolly, Land Use Coordinator
