

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

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

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

The Notice requirements provided for in the Open Public meetings Act have been satisfied. Notice of this meeting was properly given in the annual notice which was adopted by the Mansfield Township Planning Board on January 22, 2018. Said Resolution was published in the Burlington County Times, e-mailed to the Burlington County Times, and Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body, and mailed to each person who has requested copies of the regular meeting schedule and who has prepaid any charge fixed for such service. All the mailing, posting and filing having been accomplished on January 25, 2018.

APPLICATION 2018-7: Ad-Dawah Center of NJ Preliminary & Final Site Plan

Attorney Roselli (attorney for the applicant) noted that this application was for Block 30, Lot 13.01 3191 Route 206. They are looking for preliminary and final site plan to install a parking lot along with other site related improvements such as landscaping & lighting. He has 5 proposed witnesses. **Attorney Coleman** stated that the application was deemed complete at the October 22nd meeting. All 5 witnesses were sworn in together.

First witness called was **Engineer Mr. Kahn** with AWZ Engineering. He gave his credentials which were acknowledged by the Board. Mr. Kahn has prepared the site plan and is familiar with the site. Exhibit A-1, Site Plan, was presented to the board. **Mr. Kahn** explained that there is a two story structure on the property with a narrow access serving the property from Route 206. There are residential houses on either side of the property and an existing cemetery is to the west. There are some gravestones on the property that the applicant is requesting approval. The applicant is requesting a paved parking area, currently the site is being utilized has a mosque, house of worship. Since there is no designated parking people tend to park on the grass in the front and on the side. **Attorney Roselli** commented that this is the condition of the site at the time the applicant had acquired it. **Mr. Kahn** agreed. **Attorney Roselli** also commented that the previous use of the property was also a house of worship and the predecessor did not have a designated/paved parking area. **Mr. Kahn** agreed. **Mr. Kahn** stated that the applicant is proposing 39 parking spaces, including ADA accessible parking spaces to the front. There are approximately 19 gravel spaces being proposed. The busiest times is the Friday afternoon prayer services; the rest of the time there is approximately 8-10 cars, which usually park in the front. The back area and the area to the west of the property would be gravel; whereas the 39 spaces in the front and the side will be asphalt parking. In addition to the parking improvements, there will be landscaping and lighting improvements. The first floor of the building will remain as is, it serves as a prayer area. There is an open porch in which the applicant is proposing to enclose that area. There are no new utilities being proposed, as far as, water and sewer are concerned; however they are proposing a new stormwater system on the site. There is an existing septic

tank and leech field which the applicant is not encroaching on. The applicant is also trying to preserve as many existing trees as possible, including the 100 year old birch tree.

The stormwater system that is being proposed is in compliance with NJDEP standards and NJDOT. A two way standard 24ft wide driveway is being proposed, which requires NJDOT access permit because of the location on Route 206. There is also a 10x10 trash enclosure being proposed. The applicant is also proposing 5 wall mounted LED light fixtures. The lights will be 10ft high as shown on the plan and 15 light fixtures that will be 15ft high. There will be a total of 7 shade trees and 26 evergreen trees throughout the sight as well as about 128 shrubs. A sign is also being proposed, the distance required is 25ft from the property line; the applicant is proposing 11ft from the property line and it will be within the site triangle. The sign is 4x3 square feet and 5 feet high. **Attorney Roselli** referenced §60A-9 of the code stating the ordinance requires a NJ licensed landscape architect or other qualified professional. The planner had some concerns in her letter regarding same, therefore **Mr. Khan** explained his landscape plan experience and stated he has previously submitted landscape plans before other boards, which had been accepted. In regards to traffic flow, **Mr. Kahn** testified that they are proposing a two way driveway at 24ft coming from Route 206. The second opening is the exit only lane.

The second witness was **Traffic Engineer Mohammad Afzal**, he stated his credentials which were acknowledged by the board. He prepared a Traffic Impact Statement dated September 21, 2018. He reviewed the plans and visited the site to review the site conditions. A traffic count was conducted at the site. The traffic count was conducted on Friday, September 14 and September 21, 2018 between 12:30pm to 2:30pm. It was concluded that the peak hour is 1:00pm – 2:00pm for this site. There was 44 vehicles entering and exiting the site during the peak hour. Based upon the traffic count 96% of the traffic is coming from the North on the south bound side of Route 206. About 4% is making a left into the facility from the north bound side of Route 206. During site exiting, 84% traffic exit towards Route 206, south bound and 16% use Route 206 north bound. There will be a right in and right out from the facility onto Route 206. During Ramadan there is some increase in traffic during the evening, however it will not be more than the Friday traffic. The peak times for prayer are not the peak times for traffic on Route 206. The applicant will be required to receive approval from NJDOT. The size of the drive aisle was discussed and it was stated that 24ft was the standard. If there is a situation where more parking is needed because of increase, typically they will split the prayer times into two, so they can accommodate the parking easily. **Attorney Coleman** asked if the board was willing to grant an approval would the applicant be willing to make a condition of approval no left hand turns between the hours of 1:00pm & 2:00pm for Friday prayers. **Attorney Roselli** agreed to that condition.

The third witness was **Professional Planner Catherine O’Kane**, she gave her credentials which were acknowledged by the board. **Ms. O’Kane** described the shape of the lot, which is irregular. There is a two story brick building on the lot which was previously used as a Quaker meeting house for the religious Society of Friends. There is a cemetery that is no longer located on the same lot and is not associated with this application. The applicant is continuing to use the building for religious use therefore it is conforming use in the C-2 zone. The site has a lot area of 1.74 acres whereas the c-2 zone requires a minimum of 2 acres. The next preexisting non-conforming condition is for lot width at the building line where 200ft is required and approximately 135ft exists. These conditions are not proposed to be any changes therefore no variance relief is required.

Discussion on the design waivers ensued. They believe the landscape buffer can be met and the applicant will work with the board professionals and will revise the landscape plan if necessary. There are two bulk variances that are requested with this application. **Ms. O’Kane** stated that the two variances are related to the setback from the Right of Way. The requirement is a minimum setback of 25ft from the right

of way as needed for all improvements and uses; whereas the proposed parking lot is setback approximately 15ft and the sign is approximately 14ft from Route 206. Because of the size and shape of the lot it is difficult to incorporate 40ft of landscape buffer on either side; this would be about 30% of the lot width. The landscape buffer can be provided and can fulfill the intent of the Ordinance by using different species and creative techniques and through a landscape plan that doesn't necessarily provide the width, but provides what the intent of the ordinance is and that is to mitigate any impact of negative light or sound. The applicant is willing to work with the professionals to come up with a solution regarding landscape buffering.

Chairman Preidel asked the Planner to discuss in more detail the ground penetrating radar for the existing graves. **Ms. O'Kane** stated there are concerns over the possibility of unmarked graves. The ground penetrating radar report is intended to find that out before any site work happens; if the board should deem it necessary. The purpose of the gravel in the back is to lessen the disturbance area that is closest to the actual cemetery. **Attorney Coleman** questioned if there is an easement currently running through the land or existing through the property to address ingress and egress for people who want to visit the cemetery. **Attorney Roselli** stated he will have a different witness address that.

The fourth witness was **Mr. Ashraf Ragab, Architect**. **Mr. Ragab** gave his credentials which were acknowledged by the board. He presented his plans, which were marked as Exhibit A-2, Architectural drawings which were previously submitted to the board. The proposed improvements and existing conditions were discussed. There will be a small addition on the first floor to square off the shape of the building. There will be reconstruction on the 2nd floor, to include some multipurpose room or offices. Changes to the stairs are being proposed to meet code compliance.

The last witness was **Mr. Abdul Razak** he is a resident of Mansfield Township and has been involved with the organization for some time as the Secretary. There are typically 5 prayers a day, 5 prayers with the 1st one starting before sunrise and the 2nd one at mid-day, 3rd one is later on in the afternoon, the 4th is just after sunset and the 5th is at night. Currently, prayers have been in the morning (early) and late in the evening after sunset. In addition there are Friday prayers between 1:00pm & 2:00pm. Friday prayers have the maximum amount of worshipers and they usually last for about an hour. Typical prayers are between 10 minutes to about a half hour. The early morning prayers are about 10-15 minutes max. The evening prayers people are usually able to come after work, so there is typically a little more people than the morning prayers. This would be anywhere from 5-20 people depending on the weather.

Attorney Coleman requested a 5 minutes recess which the Chairman agreed and announced.

Chairman Preidel brought the meeting back to order. **Mr. Razak** was the Secretary for Ad-Dawah Center at the time of the purchase, back in May of 2017 from the Burlington Quarterly Meeting of the Religious Society of Friends. **Attorney Roselli** presented Exhibit A-3, deed which was made on May 11, 2017 between the Burlington Quarterly Meeting of the Religious Society of Friends and Ad-Dawah Center of NJ, where the religious society is the guarantor and Ad-Dawah Center is the Guarantee. The access agreement was inherited by Ad-Dawah. The access agreement states that the Mansfield Cemetery Company has a perpetual easement across the subject property to reach their lot set forth in an access agreement executed by the Guarantor and the Mansfield Cemetery Company. This is the only easement Mr. Razak is aware of the effects the property. **Mr. Razak** stated the only requirement is to provide access to the cemetery. Exhibit A-4 was presented, which was a copy of the access agreement which was included in the deed of transfer. Ad-Dawah must provide access to the cemetery site and must not block the access however maintenance shall not include the obligation for snow and ice removal. All other maintenance will be done by Mansfield Cemetery Company.

Mr. Razak confirmed that there are currently headstones on the site that are related to the Friends burials. According to the access agreement the Guarantor reserves the right of the public to visit the gravesite on the property subject to reasonable restrictions as imposed by the Guarantee. The graves or grave markers shall not be removed or damaged; however the Guarantee is under no duty to maintain the graves or grave markers and are not responsible for acts of 3rd parties. **Mr. Razak** testified that using the cemetery for the Ad-Dawah Centers parishioners is something that they might like to do in the future.

Mr. Razak then discussed the two major holidays. During the major holidays families do get together as part of the worship/prayer. Typically this is held at larger halls or facilities not at the Ad-Dawah Center. During Ramadan there are extended night prayers which will last for 28-30 days. There is about two hours of prayers held after the night prayers. Depending on the time of year it can range from 7:00-11:00pm. There will be approximately 15-30 people showing up during this time for prayers. **Chairman Preidel** questioned the access to the cemetery if someone wants to have a funeral there will they be allowed to use Ad-Dawah's parking lot. **Mr. Razak** stated that yes they are currently doing that now, however they want to be sure it's not a conflict during their busy times. **Mr. Patel** questioned whether there would be classes there. **Mr. Razak** explained they would like to have seminars to educate adults and children.

Chairman Preidel asked the Township Professionals to go through their concerns. **Planner Fox** stated that most of his concerns have been addressed. He questioned protective covenants or deed restrictions on the property. **Attorney Roselli** stated that they are only aware of the access agreement they had spoken of earlier. **Planner Fox** asked about the Community Impact Statement. **Mr. Kahn** explained that this is an existing facility and existing use. He does not anticipate any community impact because of the proposed parking improvements for this facility. **Planner Fox** stated that this plan states that this is Lot 13.01 on the Township tax map. The Township tax map actually shows a larger property. He asked that the applicant consider amending the note to say that the applicant has applied to the Tax Assessor to have that Lot shown and somehow correct what seems to be a situation where the Mansfield Cemetery Company does not have a Lot number. **Attorney Roselli** explained that on the deed the property was identified as Lot 13.01. **Planner Fox** stated that the Tax Assessor believes that the part that the Religious Society of Friends sold to Ad-Dawah is part of Lot 13.01. According to the Mansfield tax map the Mansfield Cemetery Company, is an additional half acre lot that's shown on the survey from the applicant, is also included as part of Lot 13.01. **Attorney Roselli** further explained that before the purchase there was an inquiry made that the area being referenced is the area behind 13.01. Exhibit A-5 Letter from Zoning Officer was presented. Back in February of 2017 the realtor for Friends made an inquiry with the then zoning officer, who stated that Lot was part of Block 30, Lot 13.03. **Planner Fox** stated that as far as his knowledge the zoning officer is not responsible for assigning tax parcel numbers; that would be the Tax Assessor of the municipality. The letter indicates that the Lot would be or will be a certain number it doesn't say that the lot of the Cemetery Company is a certain lot number. He is asking that the note #1 should indicate or somehow the applicant should clarify to resolve this issue. Essentially, there is a mystery lot in the Township. **Attorney Roselli** believes that the applicant has the right to rely on Administrative Officials to the extent that the lot wasn't designated. The applicant does not own the lot, perhaps Mansfield Cemetery Company should make the request. **Planner Fox** would like note #1 clarified by the applicant. **Attorney Roselli** agreed to that. **Attorney Coleman** questioned whether someone had plotted out the legal descriptions that were associated with the May 11, 2017 deed. **Mr. Kahn** stated possibly the surveyor may have, but he did not. **Attorney Coleman** questioned the quantity of Land that the applicant received by deed in 2017. **Mr. Kahn** testified to the calculations they've completed and the size of the lot; this would be 1.742 acres. **Planner Fox** clarified that the Township Tax map shows a different area than what the applicant has shown on their documents.

Planner Fox questioned the utilities underground and whether or not the plan was referencing what is currently there or if they were installing. **Mr. Kahn** stated that all the existing utilities would be reused. The only utility being installed underground is the stormwater system. **Planner Fox** mentioned the note on easements which stated there were none. He would like that corrected on the plan as per testimony, there is currently an easement. **Attorney Roselli** agreed. **Planner Fox** would like something stating that the existing sanitary system would be protected from disturbance during construction. The applicant agreed to provide same.

Traffic Engineer Litwornia went through several of his concerns. He likes the idea of people directing people to right in and right out during the peak. He would like to see that maintained even during the off peaks. He recommends a compound curve, which has been done in other similar areas. It will people to come in safer. When the applicant applies to NJDOT, he is requesting to be copied on that application to see the NJDOT responses. A parking study was completed and the data showed the number of parking spaces to be 58 spaces provided and 50 people were noted to be parking in that area during the afternoon. A wider drive would allow some extra parking for overflow. Another way to increase some parking would be to go with 9x18 parking space as opposed to 9.5x18; if the applicant wishes to do so a variance to allow 9x18 would be required. The site triangle should be deeded and should be the correct standards. Signage to enforce right turn only in and out of the site was suggested. Guide railing in conjunction with the fence was recommended to stop vehicles. He recommends that the rear area be paved not gravel, because that is continuous as to what the board has approved previously on other similar sites. Gravel is uneven and is more difficult to plow and maintain. Fire safety was briefly mentioned by Mr. Litwornia. A paved service to prevent any dirt or gravel coming onto Route 206 should also be added. He does not believe any off-tract contributions would be required.

Mr. Kahn commented that they did an analysis with 9x18 spaces, however it seemed they were not gaining many parking spaces. Further discussion on same ensued and the applicant agreed to work with the traffic engineer on the issues in question. **Attorney Roselli** stated the applicant would agree to do the right in and right out signage. In regards to gravel in the rear, most of the time there is no need for the additional parking, and testimony was provided earlier as to why they would be putting gravel in the rear portion instead of paving. He asked the board to consider the testimony provided. The site triangle will be changed and deeded. Asphalt will be provided for the first 20-30 feet instead of gravel. The applicant will copy Mr. Litwornia on the DOT application.

Engineer Malinowski referenced his review letter dated November 26, 2018. **Mr. Kahn** stated they do not have a problem addressing most of the comments in the letter. He explained that 5ft can be provided for the sidewalk for the ADA spaces, however the ADA code is 36 inches and the applicant is proposing 48 inches. The idea is to cut down on as much impervious as possible. **Engineer Malinowski** mentioned a 90degree turn on the accessible route that it be a 5x5 area for wheelchairs. **Mr. Kahn** then began discussing their design for the stormwater system. It is his opinion that this system is more than sufficient for this project. **Engineer Malinowski** explained the methods that he would prefer. He explained what was presented in the calculations does not meet the storm water criteria. There needs to be a modified rational method. He would appreciate if the numbers were switched over to NRCS. **Mr. Kahn** agreed. More discussion over stormwater flow and design. It was agreed that the applicants engineer would be clearer in his report for the board engineer. A design waiver is required for the gravel parking area. **Engineer Malinowski** recommends the gravel parking area be paved because of the maintenance issue and the gravel parking lots tend to eventually get paved. The stormwater management system may not be designed for all the paving at this time then it would be overwhelmed, should the parking area get paved in the future. There were concerns over the retaining wall disturbing possible gravesites. There needs to be further studies done

in that area to be sure nothing is being disturbed. **Mr. Kahn** explained that by the survey it appears they are clear from the grave markers. **Planner Fox** mentioned the ground penetrating radar which will locate where the soil disturbance has been. **Mr. Kahn** agreed stating that most of the time it shows the location of the disturbance, but it may not be 100% accurate. Discussion ensued on the area that the applicant will be doing the GPR testing. The report from the Ground Penetrating Radar will go to the Planners office.

Engineer Malinowski also would like to see a guiderail and the applicant agreed to it. He mentioned a letter from the Environmental Commission, in which, they are asking for an Environmental Impact Report. **Attorney Roselli** did not receive the letter from the Environmental Commission. The Planning Board & Secretary did not receive a copy of the letter. **Engineer Malinowski** gave Attorney Roselli a copy. There was a 5 minute recess while the Environmental Commission report was reviewed. After the 5 minute recess, **Engineer Malinowski** stated that the applicant has agreed to provide a modified Environmental Impact Statement.

Engineer Malinowski mentioned the dumpster enclosure and questioned how the dumpster would be handled because of the circulation on the site. The applicant has stated they would be using regular trash containers, not a dumpster. The plans will need to be amended to indicate that. It should be noted that trash will be handled by a private trash management company. **Mr. Razak** stated they do not generate a lot of trash and right now it is being picked up by the Townships trash removal company. **Engineer Malinowski** explained that typical trash is removed by a private company on a private site such as this. **Mayor Higgins** explained that whatever the policies are for non-profits in the Township would need to be followed. **Attorney Roselli** was not aware if the Township had an ordinance that addresses this. **Engineer Malinowski** stated that he does not know the code off hand but it has been standard practice that anything non-residential would take care of their own trash removal. **Mayor Higgins** questioned Secretary Jolly if there was an ordinance in place, to which she stated there was. **Attorney Roselli** agreed to adhere to the Ordinance. Any remaining comments from the Board's Engineer, the applicant has agreed to address.

Mr. Kampo questioned the lighting to make sure it would not bothersome to residential neighbors. **Mr. Kahn** stated they are in compliance, but what they can do is put the lights on timers. **Attorney Coleman** questioned whether the applicant would consider a post construction foot candle study to determine how far the light goes. The applicant agreed to do said foot candle study.

Board Member Comments on Application:

Chairman Preidel questioned the depressed curve granting access to the cemetery, going to the north, the actual entrance to the cemetery goes to the west. He stated that it seems there is no access to the back portion. He questioned if the applicant could look into a depressed curve, to which the applicant stated they would like into it. There is a retaining wall in the back; the applicant will work with the board engineer to address the concerns with access to the back portion. **Chairman Preidel** then mentioned the reduced landscape buffer on the northern side; questioning how many feet it was. **Mr. Kahn** stated it was a little over 6ft. **Chairman Preidel** questioned a fence to which **Mr. Kahn** stated there was a chain-link fence. **Chairman Preidel** explained that he was asking about a solid fence on the applicant's property to stop headlights. **Planner Fox** stated they could work on that when they discuss the landscape details, but he believes that could be a good alternative.

Mr. Cain mentioned different times people would be coming, specifically he questioned the evening prayer time. **Mr. Razak** stated that typically its 6:00pm –7:00pm however it does vary.

Planner Fox stated there is a note on the plan that states the lighting will be turned off by 10:30pm during standard time or 11:00pm during daylight savings time. Except however during the month of

Ramadan in June, July, and August, in which the exterior lights may remain on until 11:30pm. He wanted to be sure people understood this.

Public Comments on Application:

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

William Robbins, Vincentown NJ, - He is the clerk of the Religious Society of Friends. It was a difficult decision to sell the property; however they were not using it. He explained the reasons why they decided to sell to Ad-Dawah Center, such as, their commitment to maintain the historical nature of the property. He asked the board to take into consideration preserving the historical nature of the property. He then mentioned the graves and where he thought they most likely would be. He does not believe there are any graves where the back gravel parking area is being proposed.

Todd Wirth, 3187 Route 206 – He is the neighbor adjacent to the mosque, on the southern side of the property. He had concerns regarding the paving of the parking lot and stormwater runoff, especially since his property is at a lower grade. He wants to be sure the runoff is collected and will not flow onto his property. The property is sloped and there is a retaining wall proposed; he would like to know where the retaining wall is going as it relates to his property. There are a number of cars that do attend the services, particularly on Friday afternoon. He believes there should be some sort of barrier or fence between the properties. Currently, there is a rope line to mark off where people should be pulling across. He explained that sometimes cars may drive through the bush onto his property to get out, if there are multiple cars parked behind each other. **Mr. Kahn** addressed Mr. Wirth's concerns.

Kimberly Clark, 3193 Route 206 – She is the neighbor to the mosque. She believes the building should be a non-conforming use. She mentioned the minimum lot requirement to be she believed 3 acres. She commented on buffering and front yard setback requirements. Lot coverage was also mentioned. She stated the township would need to grant a variance for frontage along with buffering. On her side there is about 13ft setback from the building and less where the parking lot is located. She does not believe 5ft will be enough. Over the past year and a half there have been car alarms and headlights as well as other noise that has impacted their quality of life. She believes a 25ft buffer is absolutely necessary in order to maintain their quality of life. She is asking the Township to enforce the 25ft buffer on all sides and 35ft from the rear. She then mentioned that there are headstones where the applicant is proposing to put the access. Mrs. Clark suggested designated parking for individuals who may want to visit the cemetery. She does not agree with what has been said regarding the traffic and parking at the mosque. She explained she has pictures that contradict what has been testified. The times and people coming and going are very varied. The previous owners did not use the property, which is why it was sold. Therefore, claiming that it is being used as it was previously is an inaccurate statement. She questioned the occupancy rate of 200 and the amount of parking being provided that, in her opinion, is not sufficient for that number. She claimed there is speeding in and out of the property and there have been accidents. The use in her opinion has been increased. She mentioned the septic system not having the capacity to handle the increase in use. She believes the Township should look into a certificate of compliance from the state regarding the septic. She is also concerned with the increase of the number bathrooms and the septic being able to handle same as well as, ADA accessibility. **Attorney Coleman** clarified that issue would be addressed by the Construction Official not by this board. She brought up the signs in the front; currently there are two signs and the one is a violation of Township Ordinance. She also has concerns with soils because of all the cars that have been parking on the lawn as well as the spreading of asphalt millings. She then brought up concerns with the bat population of the area. She questioned access to the cemetery during construction. She reiterated her concerns over the amount of people especially during Ramadan; they can be there all night long during this time; claiming there are

trespassers on her property. She wants to be sure the board follows the township ordinances. **Planner Fox** stated that all the review letters say that the approval should be conditioned upon approval by other authorities. The planner's letter in particular states that the approval should be conditioned upon Burlington County Health approval, which handles the septic concerns. **Attorney Coleman** explained that he hopes Mrs. Clark realizes this board has no jurisdiction with respect to the enforcement of the Township Ordinances as it applies to perhaps the municipal court. The issues being discussed are in regards to site plan only. **Mr. Roselli** stated all of the comments were addressed during testimony he didn't feel any need to address any further issues. **Attorney Coleman** stated that he would hope the applicants engineer and planner would be mindful of Mrs. Clark's comments when they work with the township planner's office.

Sam, Chesterfield NJ – He stated he is a community member of the mosque. He listened to the neighbor and understands her concerns. They will do their best to be good neighbors.

Mark Clark, 3193 Route 206 – The fence currently on his side of the property is a chain link fence and is not posted to the ground; it is not permanent. He does not care what type of religion is there, he just is concerned with the disturbance and the change of use that has been going on. He would like more privacy and for things to be done correctly.

Attia Sweilliam, 22 Everett Drive – He is the President of Ad-Dawah. He would like to add to the Columbus area, more diversity. He explained he came to the township before purchasing and questioned if there was anything they needed to do. The zoning officer at the time told him that as long as he is using the property as the same use, there is nothing else required. He claimed that the neighbors' animals were running on their property. Nothing was changed on the property. He stated they are there to help members of the community so they can worship and practice their religion. He thanked the board for their time.

Mark Clark, 3193 Route 206 – Stated that the animals do not run loose on the property or on the cemetery. His alpacas did get out one time, however that was a one-time incident. He reiterated that his animals do not run loose on his, the mosque, or the cemetery property.

Colleen Herbert, 2 Millennium Drive – She stated that she goes by this property often. It is not what is on the property, it's just the change of use. For many years, there was nothing there; no traffic, no people, no movement. Now people need to be a little bit more mindful because there is more traffic. She appreciates hearing from the current owners of the property and hopes it is for the benefit of the community. She suggested the possibility of the police coming out to direct traffic during one of the holidays or times when it is the busiest. There should be more communication between all parties.

Abdul Razak – He explained when they first purchased the property he gave the neighbors his cell number and explained what would be coming. He tried to be as proactive as possible. He would listen to any and all concerns from the neighbors. He wants the board to understand they have been trying to be respectful from day one and he is surprised over all the complaints from the neighbor this evening.

Todd Wirth – He thanked Abdul and confirmed that he had reached out to him from the beginning. He appreciates the Engineers comments as well.

Public Comment (name not clear from recording) **Roebing, NJ** – He is in 5th grade and he hopes the board can help out the center by giving them a parking lot. This parking lot is very important as not many cars can park there presently. He explained all that he has learned there so far and stated it is like his second home. He thanked the board for the parking and lights.

Additional Board Member Comments:

Mayor Higgins explained that he finds this very difficult. He wants the mosque to be successful, but he also wants the people next door to be comfortable. Maybe higher fences to stop the lights would be helpful or more buffering; however that may in turn reduce the number of cars. The neighbors need to find a way to work together.

Mr. Cain questioned whether the solid fence would go into the discussions with the board professionals. He also questioned the narrowing of the parking spaces from 9.5 to 9ft that way the buffer grows by another 3ft. He is concerned of the use of the building during the nighttime during Ramadan, which may go all night long. **Attorney Roselli** explained that the property is in a C-2 Highway Commercial zone. The use is a permitted use. To his knowledge the lighting requirements will be in compliance with township ordinance. In regards to the time that has to do with their faith; according to the testimony the latest time stated was 11:30 during Ramadan. **Mr. Razak** there may be longer nights, however this is not people having a party; this is people praying.

Mr. Patel asked if there was a loudspeaker and the applicant stated there is a microphone inside, but nothing is broadcasted outside.

Mr. Kampo commented that everyone has rights and they all need to start working together.

Attorney Coleman asked the board to decide whether paving of the rear parking area will be required. **Mayor Higgins** stated he feels the board should follow the professional's advice and they felt that it should be paved. **Attorney Roselli** questioned the board as to whether the applicant could do the parking lot in two different phases. They will work with the professionals in regards to the timing.

Motion:

Vice-Chairman Borgstrom made a motion to approve the above, which was seconded by **Chairman Preidel**.

Attorney Coleman stated the approval was for the Ad-Dawah Center located at 3191 Route 206, in the C-2 zone. This is a permitted use. The approval includes variances to allow lot coverage of 1.742 acres where 2 acre min lot size is required for this zone. Lot width requirement of 200ft where the existing non-conforming is 153.25ft. Setback of improvements from the right of way, there are improvements that will sit at 14ft from the road and paving that will sit 15.15ft from the road. There is a landscape buffer requirement of 20ft in this zone, where 6.27 are being proposed on one side (northern) and 12ft on the opposite side. This includes all of the waivers that have been discussed and included in the professional's letters. The conditions associated that have been agreed to by the applicant is that they will comply with all the professional letters; subject to certain modifications that will be addressed between the applicant's professionals and the township professionals. There is a condition for a posted no left hand turn which will be reflected on the revised plans. There is also a waiver to allow for 9x18 parking stalls specifically at the northern end of the property which hopefully will allow for an additional 3ft of buffering. There will be a condition that the applicant will work with the Planners office to identify where ground penetrating radar will be undertaken and those results will be provided to Mr. Fox's office, the professionals, and the board members. There will be a post construction light study undertaken, so the foot candle does not exceed the limits of the boundary of this property. The applicant will work very closely with Stout & Caldwell office to see that the stormwater system works in conformance with the Engineers standards.

The motion above was carried on a roll call vote recorded as follows:

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

NAY: None ABSENT: Allen, Lippincott

COMPLETENESS REVIEW: Application PB2018-8 Patriarca Minor Subdivision & Variance

Chairman Preidel questioned the professionals if the application was complete. The professionals had no issue with completeness. **Attorney Coleman** asked Secretary Jolly to notify the applicant.

A motion to deem the application complete was offered by **Vice Chairman Borgstrom** and was seconded by **Chairman Preidel**. Motion carried on a roll call vote recorded as follows:

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

NAY: None ABSENT: Allen, Lippincott

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2018-10-14
VA FLORENCE COMPANY, LLC
EXTENSION OF PRELIMINARY MAJOR SITE PLAN APPROVAL
BLOCK 47.01, LOTS 11 AND 12**

WHEREAS, VA Florence Company LLC, has applied to the Planning Board of the Township of Mansfield for a four (4) year and eleven (11) month extension to Preliminary Major Site Plan Approval for property known as Block 47.01, Lots 11 and 12 (the "Property") on the Official Tax Map of the Township of Mansfield for the purpose of constructing a warehouse distribution center with offices and associated site improvements; and

WHEREAS, on March 23, 2009, as memorialized by Resolution No. 2009-03-07 (the "2009 Resolution"), the Planning Board granted Preliminary Major Site Plan Approval, with a 10 year period of protection, for the construction of a warehouse distribution center on property that includes the Property (located on the Jacksonville-Hedding Road side of Craft's Creek), and Block 47.01, Lots 3.02, 9.01 and 9.02 (located on the Florence-Columbus Road side of Craft's Creek) consisting of 4 buildings totaling 1,902,594 square feet; and

WHEREAS, on July 19, 2018, as memorialized by Resolution No. 2018-07-09, (the "July 2018 Resolution"), the Board granted Amended Preliminary and Final Site Plan Approval for the construction of the portion of the warehouse distribution center located on the Florence-Columbus Road side of Craft's Creek, consisting of two (2) building totaling 969,012 square feet with Building 1 totaling 249,364 square feet and Building 2 totaling 719,648 square feet¹; and

WHEREAS, on August 24, 2018, as memorialized by Resolution 2018-08-10 (the "August, 2018 Resolution"), the Board granted Amended Preliminary and Final Site Plan and Minor Subdivision Approval after the Applicant, in order to accommodate a possible future bridge over Craft's Creek, reduced the size of Building 2 by 9,148 square feet and reconfigured the parking area on the Florence-Columbus Road side of Craft's Creek; and

WHEREAS, in accordance with N.J.S.A. 40:55D-52(a), the Final Site Plan Approval granted by the July 2018 Resolution and amended by the August 2018 Resolution terminated the ten (10) year period of protection for the Preliminary Major Site Plan Approval granted by the 2009 Resolution for that portion of the warehouse distribution center located on the Florence Columbus Road side of Craft's Creek; and

WHEREAS, unless otherwise extended by the Planning Board, the ten (10) year period of protection for the Preliminary Major Site Plan Approval for the portion of the warehouse distribution center on the Jacksonville-Hedding Road side of Craft's Creek will expire on April 27, 2019, being ten (10) years from the date that the 2009 Resolution was adopted by the Board; and

¹ A Prerogative Writ Action, entitled *In the Matter of Northern Burlington Cares, Inc. v. Township of Mansfield, Burlington County and Planning Board of the Township of Mansfield*, Docket No. Bur-L-961-18, was dismissed by the Plaintiff as well as its appeal of the conditional approval granted by the Burlington County Planning Board upon the Applicant's deferral of its Application for Final Approval for the portion of the development on the Jacksonville-Hedding Road Side of Craft's Creek so that the Applicant could investigate whether a bridge over Craft's Creek would be approved by the NJDEP, and, if so, to apply for the necessary NJDEP permits necessary to construct the bridge.

WHEREAS, *N.J.S.A.* 40:55D-49(d) provides the Board with the discretion to grant a period of protection longer than three (3) years for a preliminary site plan approval based on the non-residential floor area, economic conditions and comprehensiveness of the development and further provides the Board with the discretion, upon Application timely made, to extend the period of protection for such additional time that the Board determines to be reasonable based on the non-residential floor area authorized by preliminary approval, the non-residential floor area of the sections awaiting final approval, economic conditions and the comprehensiveness of the development; and

WHEREAS, *N.J.S.A.* 40:55D-12(a) would require public notice if the extension requested by the Applicant was for five (5) or more years; and

WHEREAS, the Board after carefully considering the Applicant's request for an extension to the period of protection for the Preliminary Site Plan Approval granted by the Board in March, 2009, for the portion of the warehouse distribution center located on the Jacksonville-Hedding Road side of Craft's Creek, has made the following findings of fact:

1. The Applicant is the owner of Block 47.01, Lots 3.02, 9.01, 9.02 and the Property, approximately 190.69 acres in area, with frontage on Florence-Columbus Road and Jacksonville-Hedding Road between Interstate 295 and the New Jersey Turnpike Extension. Craft's Creek divides the site into two sides, the southwestern portion on the Florence-Columbus Road side of Craft's Creek and the northeastern portion on the Jacksonville Hedding Road side of Craft's Creek. The site is currently vacant farmland.

2. In March, 2009, the Planning Board, as memorialized by the 2009 Resolution, granted Preliminary Major Site Plan Approval for the construction of a warehouse distribution center on Block 47.01, Lots 3.03, 9.01, 9.02, 11 and 12, consisting of 1,902,594 square feet of office and warehouse distribution facilities split amongst four (4) buildings, with related site improvements. The office space totaled 95,130 square feet and the warehouse distribution space 1,807,464 square feet. The buildings were to be 249,000, 508,300 266,494 and 878,800 square feet in size, respectively, for Buildings 1, 2, 3 and 4, as shown on the previously approved preliminary site plan.

3. In July, 2018, as memorialized by the July 2018 Resolution, the Board granted Amended Preliminary and Final Site Plan Approval for the construction of the portion of the warehouse distribution center located on the Florence-Columbus Road side of Craft's Creek, consisting of two (2) building totaling 969,012 square feet with Building 1 totaling 249,364 square feet and Building 2 totaling 719,648 square feet.

4. In August, 2018, as memorialized by the August, 2018 Resolution, the Board granted Amended Preliminary and Final Site Plan and Minor Subdivision Approval after the Applicant, in order to accommodate a possible future bridge over Craft's Creek, reduced the size of Building 2 by 9,148 square feet and reconfigured the parking area on the Florence-Columbus Road side of Craft's Creek.

5. The period of protection for the portion of the warehouse distribution center located on the Jacksonville-Hedding Road side of Craft's Creek that received Preliminary Major Site Plan Approval in 2009 will expire on April 27, 2019 and the Applicant has requested an extension of four (4) years and eleven (11) months.

6. *N.J.S.A.* 40:55D-49(d) provides the Board with the discretion to grant the extension of the period of protection requested by the Applicant.

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

1. The length of the extension requested by the Applicant is reasonable for this development having the non-residential floor area preliminarily approved, the non-residential floor area of the portion of the development awaiting final approval, the economic condition for the construction of such a development and the comprehensiveness of the development.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Mansfield, on the 22nd day of October, 2018, that this Board hereby grants to the Applicant a 4 year 11 month extension to the period of protection for the Preliminary Major Site Plan Approval granted by the Board and Memorialized by the 2009 Resolution, subject to the following:

1. Subject to this extension being limited to that portion of the warehouse distribution center located on the Property (Block 47.01, Lots 11 and 12 located on the Jacksonville-Hedding Road side of Craft's Creek) which was not included in the July, 2019 and August, 2019 Resolutions for Final Major Site Plan Approvals.

2. Subject to the 2009 Resolution, the July, 2019 Resolution and the August, 2019 Resolution.

3. Subject to the period of protection as extended by this resolution expiring on March 27, 2023.

Chairman Preidel made the motion to memorialize the above resolution and was seconded by **Mayor Higgins**. Motion carried on a roll call vote recorded as follows:

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

NAY: None ABSENT: Allen, Lippincott

APPROVAL OF MINUTES: October 22, 2018

A motion to approve the minutes from October 22, 2018 was offered by **Vice Chairman Borgstrom** and was seconded by **Chairman Preidel**. Motion carried on a roll call vote recorded as follows:

AYE: Borgstrom, Fleming, Higgins Kampo, Patel, Preidel

NAY: None NOT VOTING: Cain ABSENT: Allen, Lippincott

MOTION TO ADJOURN:

A motion to adjourn the meeting was offered by **Vice Chairman Borgstrom** and was seconded by **Chairman Preidel**. All ayes. Motion carried.

Respectfully Submitted by:

Date:

Ashley Jolly, Land Use Coordinator

