

**TOWNSHIP OF MANSFIELD  
PLANNING BOARD  
REGULAR MEETING  
Monday, September 24, 2018**

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

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

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

**APPLICATION PB2018-4:- Prestige Academy, Block 4, Lot 8.02 – Preliminary & Final Site Plan**

**Attorney David Frank** was representing the applicant. In June the applicant had been deemed conditionally complete. During that period the traffic study and environmental impact statement were submitted. **Engineer Stout** stated the application can be deemed complete at this point. **Attorney Frank** stated that the witnesses would be: Ms. Leechong - Applicant, Kevin Shelly - Engineer, Walter Hyde – Architect, and Deanna Drumm – Traffic Consultant. All witnesses were sworn in by **Attorney Petrone**. **Attorney Frank** asked Ms. Leechong to testify to the operations of the proposed daycare facility. **Ms. Leechong** stated they are proposing 115 students. About 30 kids will be under the age of 10 months old (estimated), also an estimated 30 kids 11 months to 2 years old, and 30 kids 2years to 4.5years old. The coming and going will be staggered. It is not a school, so there is not one specific start time. 6:45am will most likely be the highest traffic time. There would be roughly 10-12 employees in two shifts; 6:30am – 6:30pm. **Chairman Preidel** asked if anything would be held there at night. **Ms. Leechong** said no, it's strictly daycare. **Attorney Frank** asked the applicant to confirm that the facility is a state licensed daycare. **Ms. Leechong** confirmed same. It will not be a school for elementary education. **Mr. Kampo** questioned the size of the gym. **Ms. Leechong** stated the need for the size is so the kids have room to play indoors during inclement weather.

**Engineer Kevin Shelly**, MidAtlantic Engineering, stated his credentials which were accepted by the board. He marked the exhibit A-1, overall site plan. **Engineer Shelly** explained that the property has frontage along Route 206. The site is an existing wooded lot, in the C-2 highway commercial zone district, where a daycare facility is a permitted use. The surrounding areas are wooded; across the street are commercial properties. The applicant is proposing a 12,500 square foot daycare facility. Attached to the building is a separate 6,500 square foot gymnasium. A total of 28 parking spaces are provided, where 21 spaces are required. With the additional 7 parking spaces, they will be designated as drop off and pickup spaces only. Access to the site is provided with a single ingress/egress access point onto the state highway. The driveway is located along the shared property line of lot 8.02 and lot 8.03. When the lot

was created as part of the 2008 subdivision approval process, highway access was considered as part of that subdivision where lot 8.01 which is to the right of the subject property, has a separate access onto the highway and lots 8.02 and 8.03 were to share a common driveway access. **Attorney Frank** explained that he just received a copy of the cross easements, which were recorded as a condition of that subdivision approval. **Engineer Shelly** stated that an NJDOT application has been filed to permit the highway access. The NJDOT application has been signed off from the adjacent lot 8.03 owner. **Attorney Petrone** asked for a copy of said application to be forwarded to the township. **Engineer Shelly** explained there is a site entrance off of the highway. There is parking in front of the building as well as a roundabout turnaround space. The turnaround was added for fire truck circulation and was submitted to the fire official. There is an external trash enclosure for once a week trash pickup. The site is served by private well and septic; the area to the south of the gymnasium will be where the septic is located and the well will be located on the opposite side of the site. There will be a need for retaining walls to be installed behind the building. There will be a 3,000 square foot outdoor play area in the rear of the building.

**Engineer Shelly** discussed the stormwater management for the site. He explained they would be installing an underground stormwater infiltration system, which is underneath the proposed parking lot. This system has been designed in accordance with all the applicable standards. Landscaping is proposed throughout the site and was discussed. There will be a proposed sign located on the property frontage; this will comply with the townships standards and will be 5ft high. Waivers requested are the following: Parking space size 9.5ft x 18ft is the township ordinance whereas 9ft x 18ft is being proposed; there is no proposed sidewalk along Route 206 frontage as there are no properties along Route 206 that have sidewalk; the minimum pipe size is 15 inches and 12 inches is proposed, the 12 inch pipe system is sized appropriately to handle the amount of stormwater. There are several variances required including: the minimum outdoor play area, where the ordinance requires 150 square feet per child, there is approximately 3,000 square feet of outdoor play area as well as the 6,500 from the gymnasium and said play area meets the DCA standards. **Chairman Preidel** questioned who will do inspections on the facility. **Attorney Frank** was unsure in regards to construction; however the facility will need to follow DCA regulations and will be inspected by the DCA as well. **Attorney Petrone** questioned whether there would be different play equipment for the varying age groups. **Ms. Leechong** stated yes, there would be separate appropriate equipment for different ages. **Engineer Shelly** stated the next variance required would be a minimum setback of 25ft from Route 206 right of way, due to the onsite environmental constraints (wetlands) the development is pushed back as far as possible and the parking spaces are roughly 8ft off of Route 206 right of way. A variance for a septic is proposed as there is no access to public water/sewer. Lastly a variance is requested for the need for a retaining wall/guardrail in the front yard setback.

**Mr. Kampo** questioned how a car would go north from the site. **Engineer Shelly** stated there was a proposed application in front of NJDOT which will review the proposed application and the driveway location. **Chairman Preidel** commented that Route 206 is a state highway therefore that falls under NJDOT's regulations. All the board has control over is ingress/egress into the site itself. **Attorney Petrone** confirmed the Chairman's comment. **Chairman Preidel** questioned if the lighting would be directed to Route 206. **Engineer Shelly** stated that the lighting will be according to Township standards with no spill over onto adjacent properties.

**Traffic Consultant Drumm** referenced her report dated August 8, 2018. She explained that since this is not a school there will not be a surge of parents coming at one time; it is staggered dependent upon the parent schedule. The property does front State Highway Route 206 that has a varying types of traffic patterns. There is heavy traffic towards the north in the morning and same for the south in the late

afternoon. In regards to the daycare, about 50% of parents are already on Route 206 heading to work. There will be approximately 45 cars coming in/out during the peak hour. She explained that they have filed with the NJDOT regarding access permitting. The DOT will look at the application to determine if permits are necessary. The traffic signal at Mansfield Road East was mentioned; there is currently an active application in front of DOT for the warehouse development which is about a half mile from this property. As part of the warehouse application a traffic signal will be installed; there will be two signals one north and one south eventually from this site. This will give some availability for gaps in traffic making it easier to pull out and make a left. **Mr. Kampo** questioned the possibility of the warehouse actually being built for the light to be installed. **Traffic Consultant Drumm** stated that there is currently an active application at DOT and because it involves a traffic signal the DOT approval will only be good for 2 years. When a developer is spending a substantial amount of money for permitting/design fees, it is highly likely that the traffic signal is going to be built within at least a 2 year time frame. Otherwise the developer would have to reapply and go through the whole process again. **Chairman Preidel** questioned if there would be left hand turns going north on Route 206 into the site. **Traffic Consultant Drumm** stated at this time they are not asking the state for a left turn lane. **Chairman Preidel** stated currently the cars will be permitted to turn out of the site and go left or right. **Traffic Consultant Drumm** stated that was correct. **Chairman Preidel** explained that he's lived here for 55 years and has experienced accidents in this area. He explained how cars get rear ended making a left and pulling into the storage center and into the shopping center. He stated that he has seen 3 accidents since those sites have been built. He is fearful for the kid's safety in the cars that are stopped on Route 206 to make the left. **Traffic Consultant Drumm** agreed that this is a serious statewide problem on 4 lane roadways. **Attorney Frank** explained that the board does not have the jurisdiction to govern the turns that would be taken on and off Route 206. He reiterated that this use is permitted in the zone. **Mr. Cain** questioned the 45 cars peak during drop off/pickup and whether there are multiple children per car. **Traffic Consultant Drumm** stated that yes there may be some with 2 or even 3 children and the drop off time will basically have a 2-3 hour window.

**Planner Fox** went through the general checklist items outlined in Environmental Resolutions Letter dated August 22, 2018. Checklist B proof of lot closure of the overall tract item was waived as per Planning Board Engineer because the board had recently heard a subdivision application in regards to this property and adjoining properties. Item 30 existing and proposed easements; it was discussed that Mr. Frank had provided a copy of said easement to the attorney and would be providing one to the Township as well. **Planner Fox** asked for water quality samples be submitted as a condition of approval. **Attorney Frank** agreed. **Chairman Preidel** asked if the borings were done where the underground retention system would be. **Engineer Stout** commented that yes borings were done for both underground retention systems.

**Traffic Engineer Litwornia** questioned what the status of the NJDOT application was. **Traffic Consultant Drumm** stated that the application was submitted and was deemed complete and is in for the review process. **Traffic Engineer Litwornia** referenced his review letter dated August 21, 2018. He discussed accel/decel lanes, using the shoulder by removing the white line. **Attorney Frank** explained that they can agree to put it there; however the state has final say over what can be done on Route 206. **Traffic Engineer Litwornia** explained the board does have jurisdiction over the access point to/from the site. He recommends that if an accel/decel lane requested the applicant can put it on the plan and submit to the NJDOT. **Attorney Frank** stated that the Township can write to the DOT and request said accel/decel lane. **Attorney Petrone** explained that the state has authority over the highway and the board does have jurisdiction over the ingress/egress as it relates to the site. The board cannot look at offsite tract impacts resulting from the site as it is a permitted use. Case law limits the board hand on uses that are permitted as opposed to a conditional use. Safety concerns onsite can be addressed by the board.

**Chairman Preidel** questioned if the applicant could amend their DOT application to include an accell/decell lane. **Attorney Frank** said they could write to the DOT asking for that and the Township can write a letter to the DOT as well. **Traffic Engineer Litwornia** agreed to write a letter to the Township Committee to submit to the DOT. He again referenced his letter stating that because there is not a left turn lane; there is a question on whether or not one would be warranted. Usually the DOT requires an analysis. At this time it is unclear whether a left turn lane is warranted or not. **Attorney Frank** explained that the DOT will determine that. The state will determine whether or not an analysis should be done to determine the need for a left turn lane. **Traffic Engineer Litwornia** mentioned off tract contributions which would be the signal in front of the municipal building. The warehouse facility applicant will be putting a pro-rata share contribution as well. The amount he estimated was \$4,800.00. **Attorney Frank** questioned the estimate. **Traffic Engineer Litwornia** stated that with additional back up data provided the number will probably be reduced by about \$980.00. **Traffic Consultant Drumm** explained that this application is about 1% of the volume of traffic compared to Mr. Litwornia's 2.4%. She explained there will need to be more discussion regarding the fair share. **Traffic Engineer Litwornia** agreed to work it out as he is in agreement that the \$4,800.00 figure should be lowered. He then mentioned the lack of emergency access in and out of the site. He is requesting an emergency access to the turnaround area which would be approvable by the DOT. **Engineer Shelly** explained that once lot 8.01 is developed, it is required to (as per the approved subdivision) construct a driveway so that it connects to this property, at that point the ingress/egress will be connected to the parking lot which will be connected to lot 8.03 creating two points of access. Nevertheless, with the changes in grade an emergency access is not feasible. When lot 8.01 gets developed it's responsible for installing a driveway to connect to this proposed site. **Traffic Engineer Litwornia** requested that to be added to the resolution of approval for this site. He then discussed site triangles and the need for site triangle easements. **Attorney Frank** agreed to show the site triangles and site triangle dedication if required.

**Engineer Stout** referenced his report dated September 19, 2018. He stated they have discussed their concerns with the design engineer; they have agreed to do pretty much everything he has requested. He pointed out page 5 and the sidewalk contribution/installation. The applicant has asked for a waiver of the sidewalk as opposed to that typically there is a contribution in place of the sidewalk. **Attorney Frank** stated that he needs to do some case law research on this as he does not believe making a contribution into a general sidewalk fund is no longer permissible. He asked to be able to deal with this issue with the Planning Board Solicitor. **Engineer Stout** was okay with that. **Engineer Stout** explained that the original subdivision was done in 2004 and finalized in 2005. As part of that, the legal descriptions that were written for these lots, included a blanket easement for accessing on all 3 lots. What that doesn't do is specifically define where these access or emergency accesses should be placed. One of the questions is the left/right turn out of the site. He questioned if the MLC Developer has an application pending at DOT for lot 8.03. **Traffic Consultant Drumm** stated that they do not. **Engineer Stout** explained that as part of the original resolution 2010-02-07 is the approval resolution for the MLC Carwash; as part of that application there is to be an agreement between the two property owners to have a shared access. MLC would build the driveway allowing for lot 8.02; however MLC apparently does not have an application pending. The MLC application permitted both a left and right turn lane in and out of the site; there would be a divided highway as one lane in and two lanes out. By doing a divided access, this would give you the emergency access that you would need as opposed to trying to cut across the cul-de-sac at the end of this site. He stated that this would give the emergency access that is required to get into the site, plus it would allow both a left and a right out, subject to DOT's approval. **Attorney Frank** stated they were agreeable to this. **Engineer Stout** then mentioned the cross access easements; which the intent of the 2004 application was to connect all three of these properties. As the engineer as testified the retaining wall

that's on the side between 8.02 & 8.01, is very large; starting a 0 has it goes back to the peak of the cul-de-sac it's about 4 or 5ft, when it gets to the back it is 16ft high. He suggests that the applicant allow a construction easement for lot 8.01 in the future and show that on the plan. The future developer will be able to access the site and create the tie in which was the intent of the original approval. **Attorney Frank** was in agreement. **Traffic Consultant Drumm** stated that they can swap design plans at the DOT to modify the access showing bifurcated and divided entry and allow DOT to adapt as they see fit. **Engineer Stout** suggested the applicant change the location of the dumpster so it is not right in the front when you pull in. He recommended to move the dumpster around the cul-de-sac portion to the other side where it could be screened. **Attorney Frank** agreed to work with the engineer to resolve it and improve the design. **Engineer Stout** then brought up the fence relocation and the waiver that was asked for the front of the building. He is okay with that and agrees with the guardrail to be added as a condition; therefore he is suggesting a guardrail and a fence. **Engineer Stout** then brought up the stormwater management and the proposed underground system that will be below the existing parking lot. He asked for more testimony on the detention tank system. **Engineer Shelly** explained that the storm tank is an underground detention system, they are stackable units. They are 36 inches high by 36 inches wide that are built and stacked into any configuration you need. They can support parking above. Essentially it is an underground chamber that will contain and infiltrate the stormwater runoff from the site. **Engineer Stout** prefers the underground system here as you don't have to worry about stagnant water or clogging. He does believe the infiltration based basin is the better option. **Attorney Frank** explained they are willing to work with all the Engineers comments.

#### **PUBLIC COMMENT: For above application**

**Bob Tallon, 2454 Axe Factory Road** – He explained that this site borders a stream that feeds the sole source stream to Crystal Lake. In a previous application down north of this site there is a 150ft buffer to the back of the stream he questioned if this application has the same buffer. **Engineer Shelly** stated that the Wetlands LOI requires a 50 ft. buffer. Mr. Tallon questioned how the underground stormwater system could be cleaned and whether the septic has been approved. **Engineer Shelly** stated that the testing for the septic has been performed, it's been designed, and the application is pending to the board of health approval. He further explained where the stormwater was going to be and showed where the septic is proposed. Mr. Tallon stated he is worried about the erosion during construction and how that is going to be controlled. **Chairman Preidel** questioned the wetland delineation. **Engineer Stout** stated it was done in May of 2018. **Engineer Shelly** stated that they have applied to DEP for their approvals as well. **Mr. Tallon** questioned if there would be a maintenance manual for the underground stormwater basins and **Engineer Shelly** confirmed there would be. **Chairman Preidel** questioned about a silt fence in the woods around the site during the construction of the retention walls. **Engineer Shelly** explained that they've made an application to Burlington county soils conservation district and have received an approval for the soil control measures. Because the site needs to be built up, the walls will be installed first from the site side. During construction he feels they will be able to contain any runoff because the walls will hold it back. There will be a silt fence against the wall. **Mr. Tallon** then voiced his safety concerns over the accidents that have taken place on Route 206.

There were no further comments from the public; therefore this portion of the meeting was closed.

**Attorney Frank** explained the application and that they comply with the ordinance standards except for a few items which they've requested a waiver or variance. There was no opposition from the professionals regarding the design waivers. The variances for not having connection to public sewer is not within the applicant's control. There are a lot of environmental constraints associated with the site. He

believes all variances can be granted without substantial detriment to the public good. He is asking the board to approve the application this evening.

A motion to approve the above application with the conditions listed below by the attorney was offered by **Mr. Cain** and was seconded by **Mr. Allen**. **Attorney Petrone** explained that the motion was for preliminary and final site plan approval together with the variances and design waivers as requested. The approval is subject to the review letters of the board professionals except as modified here this evening. Subject to submission by the applicant to this board of the application filed with the DOT providing the signature of lot owner of 8.03 with the applicant notifying the DOT of the modification to the entrance drive to utilize the MLC design as approved back in 2010 for the carwash as well as notifying the DOT for consideration of accell decell lane for the property and a left turn lane if deemed appropriate by the traffic engineer. Subject to the applicant working with the board traffic engineer and working with the board engineer. Subject to all the approvals that the applicant will require from outside agencies. Subject to the play area being approved by the appropriate state agency. A stormwater maintenance plan must be submitted and approved by the board engineer and filed with the County. The cross easement will be reviewed by the board solicitor's office. The legality of the sidewalk contribution to be reviewed by the board solicitor and applicant's attorney. A temporary construction easement will be noted on the plan for lot 8.01.

Motion carried on a roll call vote recorded as follows:

**AYE: Allen, Cain, Patel, Preidel** (comments below)

**NAY: None ABSTAIN: Kampo NOT VOTING: Higgins**

**ABSENT: Borgstrom, Lippincott, Fleming**

**Chairman Preidel** made the following comments prior to his vote: He believes the applicant has done a good job with their site plan and application. The left hand turn going north on Route 206, he realizes is not the applicants jurisdiction; however it seems like he is voting for an accident to happen because it is going to happen there and he is concerned for the children. He feels like he is in a bad spot, however he cannot vote the applicant down as they did do everything that is required as far as the Township goes, and the township will be writing a letter; however it is not a matter of if an accident is going to happen, it's of matter of when. Someone will get rear-ended making a left turn into the site. He is hopeful that their application will come back from the DOT requiring a left hand turn lane going north which would solve everything.

**RESOLUTION PB2018-8-12:**

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD  
RESOLUTION NO. 2018-8-12  
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD,  
CONCERNING THE APPLICATION OF  
THE TOWNSHIP OF MANSFIELD  
VARIANCE AND MINOR SUBDIVISION APPROVAL**

**WHEREAS**, The Township of Mansfield has applied to the Planning Board of the Township of Mansfield for Minor Subdivision Approval for property located at 24548 East Main Street, known as Block 28, Lot 5 on the Official Tax Map of the Township (the "Property"), for the purpose of subdividing Lot 5 into two (2) lots, proposed Lot 5.01 and proposed Lot 5.02; and

**WHEREAS**, the Applicant submitted a Minor Subdivision Plan prepared by Carroll Engineering, dated 08/13/18; and

**WHEREAS**, variances are required in connection with minor subdivision approval as the proposed subdivision of the Property does not comply with the Lot Frontage and Impervious Coverage requirements in the R-4 – Columbus Village Redevelopment Zoning District; and

**WHEREAS**, the Application for Variance and Minor Subdivision Approval was deemed complete by the Board on August 27, 2018; and

**WHEREAS**, a public hearing to consider the Application was held by the Planning Board on August 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 Applicant presented evidence to the Planning Board through testimony, plans and other evidence, introducing the following Exhibit during the August 27, 2018 Public Hearing;

A-1 Plan of Minor Subdivision; and

**WHEREAS**, the Planning Board after carefully considering the evidence presented by the Applicant in support of the 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 Applicant is the owner of the Property located at 24548 East Main Street in the R-4 - Columbus Village Redevelopment Zoning District. The Property is approximately 3.080 acres in area. The Northern Portion of the Property is improved with a 1.5 story masonry building that housed the former Township Municipal Building, a 1.5 story masonry and frame single family residential dwelling, a frame garage, gazebo and paved parking area. The Southern Portion of the Property is improved with a paved parking lot and baseball field.

2. The Applicant has submitted an application for Minor Subdivision Approval and for Variances from the ordinance requirements relating to lot frontage and impervious coverage.

3. The Applicant is proposing to subdivide the Property into proposed Lot 5.01 and proposed Lot 5.02. Proposed Lot 5.01, fronting on East Main Street, will be 1.048 acres in area and includes the Northern Portion improvements. Lot 5.02, having no frontage on a public street, will be 2.032 acres in area and includes the Southern Portion improvements.

4. The taxes on the subject property are current or exempt.

5. The Applicant has 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. Mayor Higgins and Councilman Cain recused themselves and did not participate during the Planning Board's August 27, 2018 Public Hearing.

8. The following variances are required in connection with the Minor Subdivision Application:

a. Proposed Lot 5.01 – Impervious Coverage – 40% maximum permitted, 45% proposed;

b. Proposed Lot 5.02 - Lot Frontage – 30 feet required; no frontage proposed.

9. As identified in the review letters of the Board's Professionals, the Applicant is requesting waivers of items listed on the General and Subdivision Checklists.

10. The Applicant was represented by Erin A. Szulewski during the August 27, 2018 Public Hearing. Chris Briglia testified on behalf of the Applicant.

11. Chris Briglia provided the following sworn testimony during the August 27, 2018 Public Hearing:

a. He is the Township Engineer for the Township of Mansfield, 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 land engineering;

b. He describes the proposed subdivision of the Property and that the subdivision is to effectuate the sale of a portion of Lot 5 for redevelopment purposes consistent with the Columbus Village Redevelopment Plan;

c. No improvements are proposed in connection with the subdivision of the Property;

d. Waivers from submission items are appropriate as no improvements are currently proposed, only a subdivision line that divides the Property into the two (2) proposed lots;

e. The Applicant will comply with the comments as contained in the Review Letters of the Board's Professionals, including increasing the width of the proposed access easement to 24 feet and to provide a cross easement for parking.

12. The August 27, 2018 Hearing was opened to the Public without comment.

13. The Board Engineer, Planner and Traffic Engineer reviewed their respective review letters with the Board and the Applicant's representative testified that the Applicant will comply with each letter. The Board's Professionals had no objection to the submission waivers requested by the Applicant as no improvements were proposed and the Applicant provided testimony addressing the waivers.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the Township of Mansfield would be advanced by the deviation from the ordinance requirements for lot frontage and impervious coverage, as specified herein, as requested by the Applicant.

2. The benefits of the deviation from the ordinance requirements specified herein would substantially outweigh any detriment to the public good by this deviation from such requirements, as variance approval would allow for the development of the Property as proposed by the Applicant, and otherwise promote the safety, health and general welfare of the Community.

3. 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.

4. The Applicant has 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 27<sup>th</sup> day of August, 2018, that this Board hereby grants to the Applicant:

1. Waivers for the checklist items identified in the Review Letters of the Board's Professionals;
2. A variance to permit no lot frontage for proposed Lot 5.02;
3. A variance to permit an impervious coverage of 45% for proposed Lot 5.01; and
4. Minor Subdivision Approval to subdivide the Property into Lot 5.01 (1.048 acres) and Lot 5.02 (2.032 acres) as shown on the Plan of Minor Subdivision, in accordance with the Application, Plans and Testimony provided by the Applicant, subject to the following conditions:
  - a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies, including the Burlington County Planning Board, having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.
  - b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the minor subdivision plan or deed be signed or any required building permit, certificate of occupancy or zoning permit be issued.
  - c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
  - d. Subject to 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. The Lot Numbering for Lots 5.01 and 5.02 shall be confirmed with and approved by the Township Tax Assessor.
  - e. Subject to the comments of the Board Engineer as contained in the August 20, 2018 Review Letter of Stout and Caldwell Engineers, LLC, by Robert R. Stout, PE, PLS, except as may be modified herein.
  - f. Subject to the comments of the Board Planner as contained in the August 20, 2018 Review Letter of Environmental Resolutions, Inc., by Barbara Fegley, AICP, PP, except as may be modified herein.
  - g. Subject to the comments of the Board Traffic Engineer as contained in the August 21, 2018 Review Memorandum of Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP;
  - h. Subject to the sworn testimony of the Applicant's agents and representatives presented during the August 27, 2018 Public Hearing.
  - i. Subject to the submission of revised plans complying with this Resolution and the review letters of the Board Professionals, as required.
  - j. Subject to the Applicant's escrow account for the review of its Application being current. Failure of the escrow account to be current may result in the Board not executing the required Minor Subdivision Deed/Plat.
  - k. Subject to variance and minor subdivision approval not to be interpreted as the Board's authorization for any improvements being made to the Property.
  - l. Subject to the width of the easement providing access to land-locked Lot 5.02 being widened to 24 feet.
  - m. Subject to a cross easement being provided for the shared use of the parking spaces located on each Lot.
  - n. Subject to the access and cross easements being submitted for the review and approval of the Board Engineer and Board Solicitor prior to recording.

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

**AYE: Kampo, Preidel**

**NAY: None NOT VOTING: Allen, Cain, Higgins, Patel ABSENT: Borgstrom, Lippincott, Fleming**

**APPROVAL OF MINUTES:**

A motion to approve the minutes from August 27, 2018 was offered by **Mr. Kampo** and was seconded by **Chairman Preidel**. Motion carried on a roll call vote recorded as follows:

**AYE: Kampo, Preidel**

**NAY: None NOT VOTING: Allen, Cain, Higgins, Patel ABSENT: Borgstrom, Lippincott, Fleming**

**COMMENTS FROM THE BOARD:**

There were no further comments from the board.

**PUBLIC COMMENT:**

Colleen Herbert, 2 Millennium Drive – She explained that she is concerned about the traffic and the left hand turn lane. She stated that the accidents on Route 206 are a concern and people came to the meetings for the warehouses and spoke about issues with the properties across the street and the trucks and traffic. She thanked Chairman Preidel for stressing the importance of the effect of traffic on Route 206 and the accidents that occur because of it. She is hoping the Committee addresses this very important issue.

There were no further public comments. **Chairman Preidel** closed this portion of the meeting.

Prior to adjournment, Secretary Jolly questioned the Professionals as to whether or not they have received any updated documents/plans from the Ad-Dawah Center application. All Professionals answered that they have not yet received any updated documents or plans.

**MOTION FOR ADJOURNMENT:**

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

Respectfully Submitted by:

Dated Approved:

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Ashley Jolly, Land Use Coordinator

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