

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD**

**RESOLUTION NO. 2020-2-6**

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD  
CONCERNING THE APPLICATION OF  
MANSFIELD REALTY NORTH, LLC  
FOR FINAL MAJOR SITE PLAN APPROVAL**

**WHEREAS**, Mansfield Realty North, LLC, has applied to the Planning Board of the Township of Mansfield for Final Major Site Plan Approval for property located on Route 206 at Aaronson Road, known as Block 3, Lots 5.01 and 10.01 (the “East Tract”) and Block 4, Lots 6.01 and 7 (the “West Tract”) (collectively, the “Property”), for the purpose of developing the Property with warehouse/office buildings; and

**WHEREAS**, by Resolution No. 2019-1-6, the Planning Board granted Variances and Amended Preliminary Major Site Plan Approval<sup>1</sup> to the Applicant for the development of the Property to include a 772,800 square foot warehouse/office building on the East Tract and a 120,120 square foot warehouse/office building on the West Tract; and

**WHEREAS**, the Property is located within the Route 206 Northern Area Redevelopment Plan; and

**WHEREAS**, the Application for Final Major Site Plan Approval was deemed complete by the Planning Board on February 24, 2020; and

**WHEREAS**, a public hearing to consider the application was held by the Planning Board on February 24, 2020, 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 February 24, 2020 Public Hearing:

A-1 Color rendering of the Overall Site Plan, dated January 21, 2019;

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<sup>1</sup> The Applicant received Variance and Preliminary Site Plan Approval in August, 2017, to develop the Property with a 795,600 square foot warehouse/office building on the East Tract and a 150,000 square foot warehouse/office building on the West Tract.

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

- February 20, 2020 Review Letter of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Robert S. Stout, PE, PLS and Samuel J. Agresta, PE, PP, CME;
- February 21, 2020 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- February 5, 2020 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 Final Major 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 at Aaronson Road, known as Block 3, Lots 5.01 and 10.01 and Block 4, Lots 6.01 and 7, located in the Township's Redevelopment Plan U.S. Route 206 Northern Area. The total area of the Property is 84.51 acres; the East Tract is 62.34 acres and the West Tract 20.17 acres. The Property is currently vacant farmland.

2. An Application for Final Major Site Plan Approval was submitted by the Applicant, providing the Board with a proposed set of plans, reports, studies and testimony.

3. The Planning Board previously granted to the Applicant Variance and Amended Preliminary Site Plan Approval, as memorialized by Resolution No. 2019-1-6, for the Property to be developed as follows:

- a. Variance to permit 314 parking spaces on the East Tract, exclusive of dock and trailer spaces;
- b. Variance to permit 106 parking spaces on the West Tract, exclusive of dock and trailer spaces;
- c. Variance to permit a 6 foot high solid wood fence along the top of the berm proposed along Aaronson Road;
- d. East Tract improvements to include a 772,800 square foot building with 742,500 square feet of warehouse space and 22,800 square foot of office space;

MANSFIELD REALTY NORTH - RESOLUTION NO. 2020-2-6

- e. West Tract improvements to include a 120,120 square foot building with 110,120 square feet of warehouse space and 10,000 square feet of office space;
  - f. Site improvements for stormwater management, lighting, signage, access drives and landscaping.
4. The taxes on the Property are current or exempt.
  5. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.
  6. Proper notice of the application for Final Major Site Plan Approval has been given.
  7. Board Chairman Preidel recused himself from participating on this Application as he owns property within 200 feet of the Property.
  8. The Applicant was represented at the February 24, 2020 Public Hearing by Ronald Shimanowitz, Esquire, of Hutt and Shimanowitz, PC. Gregory Oman, PE, and Nathan Mosely, PE, testified on behalf of the Applicant during the Public Hearing.
  9. Mr. Oman provided the following sworn testimony during the February 24, 2020 Public Hearing:
    - a. He was previously qualified by this Board when he testified during the Public Hearing for Amended Preliminary Major Site Plan Approval;
    - b. Utilized Exhibit A-1 to describe the development of the Property and the proposed improvements that included buildings, parking areas, stormwater management facilities, lighting, landscaping, signage and access points;
    - c. Final Major Site Plan Approval is substantially identical to the Amended Preliminary Approval granted in January, 2019;
    - d. With the exception of the New Jersey Department of Transportation (“NJDOT”), New Jersey American Water Company (“NJAWC”) and New Jersey Department of Environmental Protection (“NJDEP”) approvals for off-site sewer and water improvements, the Applicant has received all outside approvals required for the proposed development of the Property;
    - e. The private water and sewer utilities will be maintained by the landowner;
    - f. He addressed the Environmental Commission’s February 11, 2020 letter, that the streams are not classified as “C-1” and that the New Jersey

Department of Environmental Protection (“NJDEP”) has agreed to a 50 foot wide buffer and not 150 feet;

- g. The stormwater managements design is an underground system that will be privately maintained.

10. Mr. Mosely provided the following sworn testimony during the February 24, 2020 Public Hearing:

- a. He is the Applicant’s Traffic Engineer and has been qualified by land use boards in the State of New Jersey to offer expert testimony in the area of traffic engineering;
- b. The Applicant is finalizing the NJDOT approvals required for the light signals;
- c. The traffic signal proposed by the Applicant will be coordinated with the existing light located to the North so that traffic progresses safely;
- d. There have been no substantive changes to the Traffic Impact Statement previously submitted;
- e. The Applicant will comply with the review comments contained in the Board’s Traffic Engineer’s review letter.

11. The Applicant’s Attorney, Ronald Shimanowitz represented to the Board that the Applicant will comply with the respective review comments of the Board’s professionals, no tenants have been identified for either of the warehouse buildings but the warehouses will operate 24 hours a day.

12. The following questions and testimony were provided by interested members of the Public during the February 24, 2020 Public Hearing:

- a. Bob Tallon who expressed environmental concerns and that the project should not be approved; he was also concerned with the underground stormwater system and questioned whether the Mapleton sewer plant could handle the wastewater generated by the warehouse facilities.
- b. Jamie Devereaux who had concerns regarding an increase to his sewer rates resulting from the warehouse wastewater directed to the Mapleton plant and farmland preservation and questioned whether tax breaks were being given to the developer;

- c. Frank Pinto who thought that the warehouse development will be a bad ratable as empty warehouses exist along the New Jersey Turnpike and that this development is too close to residential uses;
- d. Sanjev Shandel who objected to the proposed development;
- e. Marshall Mojina who objected to the development;
- f. Craig Kendall who objected to the development because it will lead to a decrease in property values;
- g. Catherine Tallon who questioned the landscaping plan and was concerned with watershed issues; she also questioned the Redevelopment Plan for this area of the Township;
- h. John O'Callahan who urged the Board to deny the Application;
- i. Hishan Mansour who objected to the warehouse development because it's too close to residential properties;
- j. Deborah Smith who objected to the development;
- k. Laurie Stevenson who compared this hearing to a hearing for a different warehouse project and whether the public was given an opportunity to be heard;
- l. Andrew Sparks who had concerns regarding noise and traffic;
- m. Thomas Stevenson who thought that the additional truck traffic will be a disaster;
- n. Katherine O'Callahan who had questions regarding the C-1 stream classification;
- o. George Bunker who knew the Property was zoned for commercial use but wanted more consideration for the buffer area;
- p. Rosemarie Bunker who testified that they are the closest residential property and that their property value will decrease;
- q. Anaja Kumar who testified that she is a real estate agent and that property values will be cut in half.

18. The Board Professionals reviewed their respective review letters/memoranda for the Board and the Public and the Applicant, through its agents and representatives, testified that

the Applicant will work with the Board Professionals to resolve all outstanding review comments prior to final approval.

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

1. The Applicant has submitted a Complete set of plans in connection with its application so that the Board has the necessary information to make a decision on the application for Final Major Site Plan Approval.

2. The plans submitted for Final Major Site Plan Approval conform to the plans that received Variance and Amended Preliminary Site Plan Approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Mansfield, on the 24<sup>th</sup> day of February, 2020, that this Board hereby grants to the Applicant Final Major Site Plan Approval to develop the Property with a 772,800 square foot warehouse/office building and related site improvements on the East Tract and a 120,120 square foot warehouse/office building with related site improvements on the West Tract, in accordance with the Applications, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant with its Applications for Preliminary, Amended Preliminary and Final Major Site Plan Approvals, which approvals are 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, New Jersey American Water Company 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 by the Applicant's agents and representatives at the February 24, 2020 Public Hearing as well as the January 23, 2019 Public Hearing for Amended Preliminary Site Plan Approval and the July 24, 2017 and August 28, 2017 Public Hearings for Preliminary Site Plan Approval.

c. Subject to the submission of revised plans complying with the comments of the Board's professionals and with this Approval.

MANSFIELD REALTY NORTH - RESOLUTION NO. 2020-2-6

d. Subject to the comments of the Board Engineer as contained in the February 20, 2020 Review Letter of Stout and Caldwell Engineers, LLC, by Robert R. Stout, PE, PLS, and Samuel J. Agresta PE, PP, CME, except as may be modified in this Resolution.

e. Subject to the comments of the Board Planner as contained in the February 21, 2020 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified in this Resolution.

f. Subject to the comments of the Board Traffic Engineer as contained in the February 5, 2020 Review Memorandum of Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution.

g. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees required by the Municipal Land Use Law of the State of New Jersey prior to commencement of site work and construction.

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

i. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

j. Subject to this approval not guaranteeing the issuance of any zoning permit, construction permit or certificate of occupancy; the Applicant is subject to all applicable rules, regulations, codes, ordinances and statutes in obtaining said permits or certificates.

k. Subject to retail sales being prohibited as part of the approved uses to be developed on the Property.

l. Subject to the Applicant making its contribution to the Township's General Fund in lieu of installing the otherwise required sidewalk. The total contribution as calculated by the Board Engineer is \$58,704.00 (\$32,352 for Aaronson Road, \$15,488 for Route 206 North and \$10,864 for Route 206 South). The contribution shall be made prior to the issuance of any construction permits for the warehouse/office development.

m. Subject to the Applicant's professionals working with the Board's professionals to address all outstanding comments prior to the Board's execution of the Final Site Plan Approved,

MANSFIELD REALTY NORTH - RESOLUTION NO. 2020-2-6

including submission of sound wall details, site triangle information and trip generation information.

n. Subject to the Applicant being advised that a post construction sound study must be submitted to the Planning Board demonstrating that the sound levels comply with State and County noise standards.

o. Subject to all signage complying with the requirements of the Township Zoning Ordinance and Redevelopment Plan.

p. Subject to the submission of a stormwater maintenance plan for the stormwater control facilities proposed for the developed sites. A stormwater maintenance declaration, referencing the approved stormwater maintenance plan, shall be recorded in the County Recording Office for the County of Burlington prior to construction.

q. Subject to the submission of all easements, restrictions and declarations, including the stormwater maintenance declaration and the utility easement for the sanitary force main located on the East Tract that will serve the West Tract, that are required for the development of the Property as approved. Approval of the Board Engineer and Solicitor are required prior to the filing of the easements, restrictions and declarations with the County Recording Office.

r. Subject to the conditions of Preliminary Site Plan Approval and Amended Site Plan Approval, as memorialized by Resolutions 2017-8-11 and 2019-1-6, except as may be modified by Final Major Site Plan Approval.

s. Subject to the Applicant making its pro-rata share contribution to the traffic signal at the Township Municipal Building access drive and Route 206. The amount of the Applicant's pro-rata share shall be calculated in accordance with current NJDOT analysis and shall be reviewed by the Board Traffic Engineer.

t. Subject to the Applicant addressing the washout of the southerly Route 206 culvert with NJDOT and NJDEP and submitting the plan approved by NJDOT/NJDEP that alleviates this culvert problem.

u. Subject to the Board's execution of the approved Final Site Plan expressly conditioned on the Applicant satisfying the conditions of this Resolutions and the review comments contained in the review letters of the Board Engineer, Board Planner and Board Traffic Engineer.



v. Subject to the Applicant posting all performance guarantees, maintenance guarantees and inspection fees required in accordance with the Municipal Land Use Law of the State of New Jersey for the development of the Property as approved.

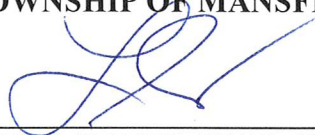
**ROLL CALL VOTE**

Those in Favor: 4  
Those Opposed: 2  
Not Eligible to Vote: 0

**CERTIFICATION**

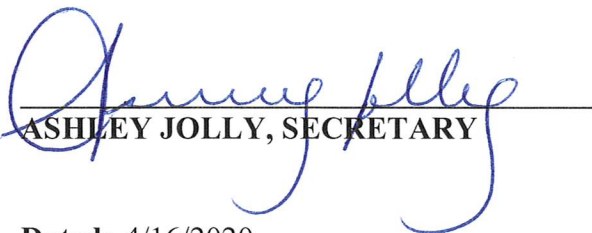
I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Mansfield in accordance with its decision at its regular meeting on February 24, 2020.

**THE PLANNING BOARD OF THE  
TOWNSHIP OF MANSFIELD**



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**LINDA SEMUS, RMC, CMR  
MUNICIPAL CLERK**



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**ASHLEY JOLLY, SECRETARY**

**Dated:** 4/16/2020

**Date of Approval:** 2/24/2020

**Date of Memorialization:** 4/15/2020