

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD**

**RESOLUTION NO. 2020-2-7**

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD  
CONCERNING THE APPLICATION OF  
PATEL & SONS  
FOR VARIANCE AND PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

**WHEREAS**, Patel & Sons, Inc. (the “Applicant”) has applied to the Planning Board of the Township of Mansfield (the “Board”) for Variance and Preliminary and Final Major Site Plan Approval for property located at 3312 U.S. Route 206, known as Block 3, Lots 3.01 and 3.02 on the Official Tax Map of the Township of Mansfield (the “Property”), for the purpose of constructing a second floor addition to the existing Motel 6 located on the Property; and

**WHEREAS**, a variance is required as the proposed development of the Property does not satisfy the Ordinance requirements pertaining to rear yard setback; and

**WHEREAS**, the application 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 Exhibit was presented by the Applicant during the February 24, 2020 Public Hearing:

A-1 Revised Site Plan, dated 02/21/20, prepared by Adnan Khan, PE, AWZ Engineering, Inc.; and

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

- February 18, 2020 Review Letter of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Samuel J. Agresta, PE, PP, CME;

- February 19, 2020 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- February 6, 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 Variance and Preliminary and 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 in the Township's Highway Commercial (C-2) Zoning District. The Property is improved with 4 masonry buildings, 1 masonry garage, 1 trailer and related site improvements. The masonry buildings are used for motel uses and a vacant restaurant.
2. The Applicant is proposing to construct a second floor addition to the Motel 6 (identified on the Site Plan as Building #2) located on the Property.
3. An Application has been submitted to the Board by the Applicant for Variance and Preliminary and Final Major Site Plan Approval, providing the Board with a proposed set of plans.
4. The Applicant is proposing the following improvements to the Property:
  - a. Constructing a second floor addition to the Motel 6 and reconfiguring the internal space;
  - b. Re-striping of the existing paved parking spaces, including re-striping to address ADA requirements;
  - c. Re-configuring the existing sidewalk at the south end of the Motel 6 building to improve ADA accessibility;
  - d. Adding a 9 foot by 7 foot trash and recyclable area;
  - e. Installing concrete curbing along the front and southerly edges of the existing gravel areas.
5. The taxes on the Property are current or exempt.
6. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.

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

8. The following non-conforming conditions/uses exist on the Property:

- a. Front yard setback – 75 feet required, 52.02 feet existing for restaurant building along the north side of the Property;
- b. Rear yard setback – 35 feet required. 6.04 feet existing for the Motel 6 building;
- c. Trailer – nonconforming use.

9. The proposed development of the Property will require a variance as the second floor addition to the Motel 6 building does not satisfy the 35 foot rear yard setback requirement.

10. The Applicant is requesting submission waivers as identified in the review letters of the Board's professionals.

11. The Applicant is requesting a design waiver to permit all new parking spaces to measure 9 feet by 18 feet where 9.5 foot widths are required.

12. The Applicant was represented at the February 24, 2020 Public Hearing by David C. Frank, Esquire. Chetan Patel, Adnan Khan, PE and Nehal Jhaveri, RA, testified on behalf of the Applicant.

13. Mr. Patel provided the following sworn testimony during the February 24, 2020 Public Hearing:

- a. He is a representative of the family owned corporate Applicant;
- b. He describes the family's history and involvement in the community;
- c. A majority of the deliveries at the site are for the pick-up and delivery of motel linens and the absence of a dedicated loading area has not negatively impacted the operations of the site;
- d. Furniture is stored in the trailer, it has been on the Property for a substantial period of time;
- e. There are no immediate plans for the restaurant building;
- f. The parking lot will be patched in spots;
- g. Trucks have parked at the site for years without causing parking and circulation issues.

- h. A driving school is not located on the Property as indicated in the Board Planner's review letter; it was a Google error.

14. Mr. Khan provided the following sworn testimony during the February 24, 2020 Public Hearing;

- a. He is a professional engineer with the engineering firm AWZ Engineering, Inc., licensed in the State of New Jersey and has been qualified by New Jersey land use boards to offer expert testimony in the area of site engineering;
- b. Utilizing Exhibit A-1, he describes the existing and proposed improvements to the Property;
- c. The changes to the site will result in an increase in the number of paved parking spaces from 54 to 61;
- d. In addition to the 61 parking spaces, there will be 4 additional parking spaces in the gravel area as well as a 3 car garage that is utilized by the family occupying the 3 bedroom Manager's Apartment space;
- e. There are no changes proposed to the existing site lighting, signage, landscaping or stormwater management facilities;
- f. No measurable impervious coverage will be added to the site; there are no stormwater issues, such as flooding, at the site so the nominal additional impervious coverage will not require a new basin or any changes to the existing stormwater management control for the site;
- g. The trash area will be enclosed;
- h. The existing parking spaces measure 9 feet by 18 feet and the new parking spaces will be of similar size;
- i. A Letter of No Interest will be obtained from the New Jersey Department of Transportation;
- j. The rear yard of the Property is adjacent to the parking area of the NADE facility so there will be no detriment to the public or the adjacent property caused by a less than required rear yard setback;
- k. The proposed development will enhance the use and appearance of the Property;

- l. There are no real changes being made to the site itself, just a second floor addition to one of the existing buildings;
- m. The Applicant will comply with the comments contained in the review letters and will work with the Board's Professionals in addressing their outstanding comments.

15. Mr. Jhaveri provided the following sworn testimony during the February 24, 2020 Public Hearing:

- a. He is a Registered Architect, licensed in the State of New Jersey and has been qualified by New Jersey land use boards to offer expert testimony in the area of architecture;
- b. With the addition of the second floor, the Motel 6 will be reconfigured with 9 motel rooms on the first floor and 13 motel rooms on the second floor;
- c. The manager's apartment has been there for years and will be maintained in the reconfigured Motel 6;
- d. It is common in the motel industry to have apartments for the motel's manager;
- e. A staircase will connect the first and second floors;
- f. The second floor will not extend further into Motel 6's existing rear yard setback than presently exists.

16. The Applicant's Counsel, David C. Frank, represented to the Board that (i) the trailer has been on the site for years and is a non-conforming use; (ii) the Applicant will secure the necessary letter that the existing septic systems are adequate for the improved site; and (iii) the Applicant is working with the County to verify the location of the septic filed(s). Mr. Frank also requested that the Board not require the consolidation of the 2 lots as there are 2 separate septic systems servicing the Property.

17. During the Public portion of the February 24, 2020, Robert Tallon commented on the impervious coverage and that the stream that runs by the Property is classified as a C-1 stream.

17. The Board Professionals reviewed their respective Review Letters/Memorandum and had no objections to the submission waivers requested or the proposed development of the

Property as the Property is fully improved and there are no significant changes to the site and the building footprints.

**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 act on the application for Waivers, Variances and Amended Major Site Plan Approvals.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the Zoning Ordinance of the Township of Mansfield would be advanced by the deviation from the Zoning Ordinance requirement for rear yard setback, as described herein and requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirement specified herein would substantially outweigh any detriment to the public good as variance approval and waivers allow for the development of the Property, and otherwise promote the safety, health and general welfare of the community.

4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Mansfield.

5. The granting of the submission waivers, as identified in the June 20, 2019 Review Letter of the Board Planner, is reasonable as the Property is a developed non-residential site and the Applicant addressed the waivers through testimony and the waivers have been recommended and/or can be a condition of approval.

6. Lot consolidation will not be required.

**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 the following:

1. Submission waivers as identified in the February 19, 2020 Review Letter of the Board Planner;

2. Design waiver to permit all existing and new parking spaces to measure 9 feet by 18 feet;

3. A variance to permit the rear yard setback for the second floor addition of the Motel 6 building to be 20 feet;

4. Preliminary and Final Major Site Approval for improvements to the Property that include the (i) construction of a second floor addition to the Motel 6 building and the reconfiguration of the internal space into a manager's apartment, 9 guest rooms on the first floor and 13 guest rooms on the second floor; (ii) the re-striping of the existing paved parking spaces, including re-striping to address ADA requirements; (iii) the re-configuration of the existing sidewalk at the south end of the Motel 6 building to improve ADA accessibility; (iv) the addition of an enclosed 9 foot by 7 foot trash and recyclable area; and (v) the installation of concrete curbing along the front and southerly edges of the existing gravel areas, in accordance with the Application, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant, which approval is 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, and State of New Jersey approval. Copies of all other approvals shall be submitted to the Township upon receipt.

b. Subject to the testimony of the Applicant and its agents and representatives at the February 24, 2020 Planning Board Public Hearing.

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

d. Subject to the comments of the Board Engineer as contained in the February 18, 2020 Review Letter of Stout and Caldwell Engineers, LLC, by 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 19, 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 6, 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's escrow account for the review of the Application for Preliminary and Final Major Site Plan Approval being current. Failure of the escrow account to be current may result in the non-issuance of permits.

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

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

j. Subject to the revised Final Site Plan showing 61 paved parking spaces.

k. Subject to the trash and recyclable area being enclosed.

l. Subject to the rear yard setback for the second floor addition being at least 20 feet.

m. Subject to the submission of a Letter of No Interest from the New Jersey Department of Transportation.

n. Subject to the submission of a letter from either the Burlington County Board of Health or the New Jersey Department of Environmental Protection that the existing septic systems will be adequate for the approved site.

o. Subject to the submission of a stormwater management narrative, prepared by a professional engineer licensed in the State of New Jersey, that the existing stormwater management system can handle the stormwater management for the site post-construction.

p. Subject to the Applicant being put on notice that notwithstanding that the consolidation of the 2 lots is not a condition of this approval, the transfer of one of the lots from common ownership may require amended site plan approval to ensure that the lots under separate ownership continue to function and operate as one (1) site.

q. Subject to the Applicant posting all performance guarantees, maintenance guarantees and inspection fees required by 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: 7  
Those Opposed: 0  
Not Eligible to Vote: 0

**CERTIFICATION**

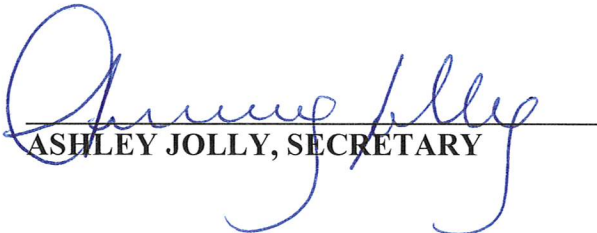
I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Mansfield in accordance with its decision at its regular meeting on February 24, 2020.

**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