

**LAND USE BOARD OF THE TOWNSHIP OF MANSFIELD**

**RESOLUTION NO. 2021-4-9**

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD LAND USE BOARD,  
CONCERNING THE APPLICATION OF  
SANJIV CHANDEL  
VARIANCE AND MINOR SUBDIVISION APPROVAL**

**WHEREAS**, Sanjiv Chandel (the “Applicant”) has applied to the Land Use Board of the Township of Mansfield (the “Board”) for Minor Subdivision Approval for property located at 330 and 338 Mansfield Road East, known as Block 901, Lots 4.01 and 4.02 (the “Property”), for the purpose of a lot line adjustment; and

**WHEREAS**, variances pursuant to *N.J.S.A. 40:55D-70(c)* are required as the proposed subdivision does not satisfy the lot area and lot width requirements for Lot 4.01; and

**WHEREAS**, the current Application for Variance and Minor Subdivision Approval was deemed complete by the Board on March 22, 2021; and

**WHEREAS**, a public hearing to consider the Application was held by the Board on April 26, 2021 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<sup>1</sup>; and

**WHEREAS**, the 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 in the Township’s Residential – 1 Zoning District (R-1). Existing Lot 4.01 is 0.59 acres in area and is improved with a single family residential dwelling and related improvements. Existing Lot 4.02 is 5.831 acres and is vacant.

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<sup>1</sup> The April 26, 2021 Public Hearing was conducted electronically in accordance with the Open Public Meetings Act, *N.J.S.A. 10:4-6*, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant

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2. The Applicant is proposing to install a ground mounted solar system on Lot 4.01 and the lot line adjustment will result in a 2.2 acre increase in Lot 4.01's lot area. The lot line adjustment will result in lot areas of 3.621 acres and 2.80 acres for Lots 4.01 and 4.02, respectively.

3. The Applicant submitted an application for Minor Subdivision and Variance Approval and provided the Board with the following:

- a. Land Development Application, dated 11/06/19;
- b. General Checklist A and Minor Subdivision Checklist D;
- c. Plan of Survey and Re-subdivision, prepared by Tim J. Maser, PLS, Maser Surveying, LLC, dated 01/10/20, revised 04/09/21;
- d. New Jersey Department of Environmental Protection, Freshwater Wetlands LOI Line Verification, dated 01/13/21;
- e. Legal Descriptions prepared by Maser Surveying.

4. The taxes on the subject property are current.

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. The following variances are required for the proposed lot line adjustment:

- a. Lot Area for Lot 4.02 – 3 acres required, 2.80 acres proposed;
- b. Lot Width for Lot 4.02 – 200 feet required, 190 feet +/- proposed.

8. The Applicant provided the following sworn testimony during the April 26, 2021 Public Hearing:

- a. The lot line adjustment is required to that he can increase the size of Lot 4.02 in order to install a ground mounted solar system.
- b. He received approval in the 1970's to construct a house on Lot 4.01 but abandoned that approval. Lot 4.01 will continue to be a buildable lot and he may construct a dwelling in the future.

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- c. He understands that prior to the construction of a house on Lot 4.01, he will be required to demonstrate that Lot 4.01 can accommodate a septic system to serve a new dwelling.
- d. He agrees to comply with the requirements of the Ordinance regarding the ground mounted solar system to be installed on Lot 4.02.
- e. He agrees to satisfy the comments contained in the review letters of the Board Engineer and Board Planner.

9. The April 26, 2021 Hearing was opened to the Public without comment.

10. The Board Professionals reviewed their respective review letters with the Board and offered no objections to the Application, as the Applicant testified that he will comply with their respective review letters. The Board Planner testified that the proposed ground mounted solar system is a permitted use and Board approval will only be required if the Applicant does not satisfy Section 65-7 of the Ordinance.

**AND WHEREAS**, based upon the above factual findings, the 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 specified herein for lot area and lot width, 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.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Township of Mansfield, on the 26<sup>th</sup> day of April, 2021, that this Board hereby grants to the Applicant:

1. Variances to permit a Lot Area of 2.80 acres and a Lot Frontage of 190 feet +/- for Lot 4.02; and

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2. Minor subdivision approval for a lot line adjustment between Lots 4.01 and 4.02, 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 have 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 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.

e. Subject to the comments of the Board Engineer as contained in the April 19, 2021 Review Letter of Stout and Caldwell Engineers, LLC by Mark E. Malinowski, PE, except as may be modified herein.

f. Subject to the comments of the Board Planner as contained in the April 21, 2021 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified herein.

g. Subject to the sworn testimony of the Applicant during the April 26, 2021 Public Hearing for this Application, whether formalized in this Resolution or not.

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h. Subject to the submission of revised plans complying with this Resolution and the review letters of the Board Engineer and Board Planner, if required by the Board’s Professionals.

i. Subject to the Applicant obtaining all permits required prior to the commencement of construction activity on the Property, including site clearing. Variance and minor subdivision approvals do not guarantee the issuance of construction permits, as the Applicant is required to comply with all rules, regulations, codes and statutes governing the issuance of such permits.

j. Subject to the Applicant complying with Section 65-7 of the Borough Code for the placement of the proposed ground mounted solar system. Board approval will be required if the requirements of Section 65-7 cannot be satisfied prior to installation.

k. Subject to the Applicant complying with the Affordable Housing Development Fee requirements of the Ordinance.

l. Subject to the Applicant, prior to the development of Lot 4.01, providing the necessary information that demonstrates that Lot 4.01 can support the proposed improvement and the installation of a septic system servicing such improvement.

**ROLL CALL VOTE**

Those in Favor: 9  
Those Opposed: 0  
Those Abstaining: 0

**CERTIFICATION**

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Land Use Board of the Township of Mansfield in accordance with its decision at its regular meeting on April 26, 2021.

**THE LAND USE BOARD OF THE  
TOWNSHIP OF MANSFIELD**

**Attested:**

**EFTHIMIOS TSIKNAKIS, CHAIRMAN**

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**LINDA SEMUS, SECRETARY**

Dated: \_\_\_\_\_

Date of Approval: \_\_\_\_\_

Date of Memorialization: \_\_\_\_\_