

RESOLUTION NO. 2013-09-10

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD,
CONCERNING THE APPLICATION OF
HOMESTEAD PLAZA II, CORP.
FOR
AMENDED PRELIMINARY AND FINAL SITE PLAN AND VARIANCE APPROVALS**

WHEREAS, Homestead Plaza II, Corp. has applied to the Planning Board of the Township of Mansfield for Amended Preliminary and Final Site Plan Approval for property located at 23200 Columbus Road, known as Block 42.30, Lot 151 (the "Property"), for the purpose of amending a previously approved site plan to install two (2) additional freestanding identification signs for the Homestead Plaza II Shopping Center; and

WHEREAS, by Resolution No, 2007-6-12, the Planning Board granted Amended Preliminary and Final Site Plan Approval to the Applicant to develop the Property as the Homestead Plaza II Shopping Center, to include a 40,800 square foot supermarket, a 23,202 square foot retail building, a 2,950 square foot bank and a 2,400 square foot restaurant pad site; and

WHEREAS, the Applicant's proposal of adding two (2) additional freestanding identification signs is an amendment to the Amended Preliminary and Final Site Plan approved by the Board in 2007; and

WHEREAS, variances are required because the Applicant's proposal does not comply with the requirements for the number, area, height and tenant panels for freestanding signs; and

WHEREAS, the application for Amended Preliminary and Final Site Plan Approval with Variances was deemed complete on August 26, 2013; and

WHEREAS, a public hearing to consider the application for Amended Preliminary and Final Site Plan Approval with Variances was held by the Planning Board on September 23, 2013, 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

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WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for Amended Preliminary and Final Site Plan Approval with Variances, 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 Block 42.30, Lot 151, located at 23200 Columbus Road, approximately 10.11 acres in area, in a residential zoning district, but subject to a Stipulation of Settlement between the Applicant and the Township permitting Lot 151 to be developed commercially in accordance with the requirements of the C-3 Zoning District (the "Property"). The Property is being developed as the Homestead Plaza II Shopping Center and when completed will include a 40,800 square foot supermarket, a 23,202 square foot retail building, a 2,950 square foot bank and a 2,400 square foot restaurant pad site; and

2. The Applicant has submitted an application for Amended Preliminary and Final Site Plan Approval with Variances, providing the Board with a proposed set of plans, photographs and testimony.

3. The taxes on the Property are current or exempt.

4. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.

5. Proper notice of the application for Amended Preliminary and Final Site Plan Approval with Variances has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.

6. The Applicant received Amended Preliminary and Final Site Plan Approval in June 2007, to develop the Property as the Homestead Plaza II Shopping Center.

7. The Applicant is now proposing to amend the prior approval to include two (2) additional freestanding identification signs on the Property.

8. The proposed signs will be 14 feet 8 inches in height with an actual sign area measuring 8 feet by 10 feet. Eight (8) tenant panels are proposed for each sign.

9. The Township Ordinance would (i) limit the number of freestanding signs for the Homestead Plaza II Shopping Center to one (1) freestanding sign; (ii) limit the size of the freestanding sign to 36 square feet; (iii) not permit any tenant panels to be displayed on the

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freestanding sign; and (iv) limit the height of freestanding signs to 6 feet. The Applicant requires variances pertaining to the Ordinance requirements for number, size and height of freestanding signs and for the display of tenant panels on freestanding signs.

10. Brian Muhlbaier, Esquire, represented the Applicant at the September 23, 2013 Public Hearing. Michael Laino testified on behalf of the Applicant.

11. Councilman Higgins recused himself from participating on this Application.

12. Mr. Laino testified as follows:

- a. He is a principal of the Applicant;
- b. The 14 feet 8 inch height of each sign includes a 4 foot base, depending on grade, that will be covered by existing hedges, a 10 foot sign area and an 8 inch top;
- c. The signs also include a 2 foot vertical column for better aesthetics;
- d. The signs are located on the Property and not in the right-of-way;
- e. Major national tenants require that pylon type signs be placed along the street frontages of commercial properties;
- f. Tenant panels are required to properly identify the tenants at the Plaza;
- g. The proposed signs will be as shown on the photographs submitted with the application of similar signs at a commercial center in Burlington County;
- h. The Applicant will comply with the comments contained in the review letters of the Board Engineer and Board Planner.

13. The hearing was opened to the public without comment.

14. The Planning Board Engineer, Planner and Traffic Engineer have reviewed the plans submitted by the Applicant and the Board has reviewed their respective comments.

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 Amended Preliminary and Final Site Plan Approval with Variances.

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

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Mansfield would be advanced by the deviation from the Zoning Ordinance requirements for individual tenant panels on a freestanding signs and the number, height and size of freestanding signs, as requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval would 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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, on the 23rd day of September, 2013, that this Board hereby grants to the Applicant:

1. Variances to permit the installation of two (2) additional freestanding signs for the Homestead Plaza II Shopping Center with each sign being 14 feet 8 inches in height, each sign having a sign area of 8 feet by 10 feet and each sign displaying a maximum of 8 individual tenant panels; and

2. Amended Preliminary and Final Site Plan Approval for the development of the Property, in accordance with the plans submitted by the Applicant, which approvals are subject to the following conditions:

- a. Subject to the Applicant obtaining all other approvals that may be required for the development of the Property, including, but not limited to Burlington County Planning Board approval and Burlington County Soil Conservation District approval. Copies of all other approvals shall be submitted to the Township upon receipt.
- b. Subject to the testimony of the Applicant or its agents and representatives at the September 23, 2013 Public Hearing.
- c. Subject to continued compliance with Resolution No. 2007-6-12, by which the Planning Board granted Amended Preliminary and Final Site Plan Approval to the Applicant for the construction of the Homestead Plaza II Shopping Center.

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- d. Subject to the comments of the Board Engineer as contained in the August 7, 2013 Review Letter of Stout and Caldwell Engineers, LLC by Robert R. Stout, PE, PLS.
- e. Subject to the comments of the Board Planner as contained in the August 13, 2013 Memorandum of Louis Glass Associates by Louis S. Glass, PP, AICP and Harry W. McVey, PP, AICP, with emphasis on Paragraphs D, E and F of said Memorandum.
- f. Subject to the August 16, 2013 letter of Richard W. McGuire, PE, LS, PP, of Taylor, Wiseman & Taylor, the Applicant's Engineer.
- g. Subject to the Applicant's Engineer submitting a letter that the location of one (1) of the freestanding signs on the embankment of a stormwater basin will not impact the basin from functioning as designed.
- i. Subject to no more than eight (8) tenant panels being displayed on each of the two (2) additional freestanding signs.

ROLL CALL VOTE

Those in Favor: 6
Those Opposed: 0
Those Abstaining: 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 September 23, 2013.

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

Attested:

SCOTT PRIEDEL, CHAIRMAN

SECRETARY

Dated: _____

Date of Approval: _____

Date of Memorialization: _____