

CONSOLIDATED LAND USE BOARD OF THE TOWNSHIP OF MANSFIELD

RESOLUTION NO. 2020-12-21

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD
CONSOLIDATED LAND USE BOARD
CONCERNING THE APPLICATION OF
SEGME MANSFIELD 130, LLC
FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, Segme Mansfield 130, LLC (the “Applicant”), has applied to the Consolidated Land Use Board of the Township of Mansfield (the “Board”) for Preliminary and Final Major Site Plan Approval for property located at 5206 and 5214 US Route 130, known as Block 59, Lots 7.01 and 7.02 on the Official Tax Map of the Township of Mansfield (the “Property”) for the purpose of developing the Property with a warehouse distribution facility and related site improvements (the “Application”); and

WHEREAS, the Property is located within the Light Industrial (LI) Zoning District of the Township of Mansfield and is the subject of the Jones Farm Non-Condensation Redevelopment Area Plan as adopted on June 17, 2020 by Township Ordinance 2020-7; and

WHEREAS, the Application for Preliminary and Final Major Site Plan Approval was deemed complete by the Planning Board on December 28, 2020¹; and

WHEREAS, a public hearing to consider the Application was held by the Board on December 28, 2020², 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

¹ The Board Professionals advised the Board that the Application was Complete for a hearing and that the Completeness Items as identified in the Board Planner’s December 7, 2020 Review Letter could be submitted through testimony or as conditions, if the Application were to be approved.

² The December 28, 2020 Public Hearing was conducted with virtual participation 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.

WHEREAS, the following exhibits were presented by the Applicant during the December 28, 2020 Public Hearing:

- A-1 Aerial photograph of the Property;
- A-2 Color rendering of the Overall Site Plan;
- A-3 Building Elevations; and

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

- December 9, 2020 Review Letter of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Mark E. Malinowski, PE;
- December 7, 2020 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- December 26, 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 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 contract purchaser of the Property located along U.S. Route 130. The Property is approximately 47.216 acres. Lot 7.01 is farmland and Lot 7.02 is improved with a residential dwelling.

2. The Property is located in the Township's Light Industrial (LI) Zoning District and is the subject of the Jones Farm Non-Condensation Redevelopment Area Plan (the "Redevelopment Plan").

3. The Applicant is proposing to develop a warehouse distribution facility on the Property. The proposed warehouse distribution facility is a permitted use in the LI zone and the Redevelopment Plan.

4. A Land Development Application for Preliminary and Final Major Site Plan Approval has been submitted by the Applicant for the proposed warehouse distribution facility and related improvements. The Applicant has submitted the following in support of its Application:

- a. Land Development Application, dated 07/28/20, with Checklists A and B;
- b. Submission letter, dated 10/14/20 from the Applicant's Attorney, Marc D. Policastro, Giordano, Halleran & Ciesla, PC;

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- c. Preliminary and Final Major Site Plan, prepared by Maser Consulting, PA (“Maser”), dated 06/16/20, revised 12/14/20 (43 Sheets);
 - d. Boundary and Topographic Survey, prepared by Maser, dated 09/26/19, revised 11/20/19;
 - e. Subsurface Evaluation Report, prepared by Maser, dated 12/06/19;
 - f. Preliminary Report of Infiltration Evaluation, prepared by Maser, dated 11/21/19;
 - g. Stormwater Management Report, prepared by Maser, dated 06/15/20, revised 07/21/20;
 - h. Environmental Assessment Report, prepared by Maser, dated 07/20;
 - i. Community Impact Statement, prepared by Maser, dated 07/23/20;
 - j. Traffic Impact Study, prepared by Stonefield Engineering & Design, LLC, dated 05/05/20, revised -7/07/20;
 - k. Preliminary Assessment/Phase I Environmental Site Assessment, prepared by TRC Environmental Corporation, dated 01/22/20;
 - l. Architectural Plans (Floor Plan and Elevations) prepared by Lawrence T. Valenza, RA, Mitchell and Hugeback Architects, Inc., dated 07/09/20, revised 12/03/20 (2 sheets).
5. The taxes on the Property are current or exempt.
 6. Proper notice of the Application for Preliminary and Final Major Site Plan Approval has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.
 7. The Applicant is proposing the following development of the Property:
 - a. Construction of a 610,183 square foot warehouse distribution facility (with the option of 15,000 square feet of office space and approximately 595,183 of warehouse space).
 - b. Construction of a well/pump house, water storage tank and wastewater treatment facility with disposal field to serve the warehouse distribution facility.
 - c. Site improvements for accessory parking, lighting, landscaping, stormwater management and utilities.

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d. Highway improvements.

8. The Applicant has re-located the Route 130 freestanding sign to comply with the 25-foot setback requirement, no variances are required in connection with the proposed development of the Property.

9. The Applicant was represented at the December 28, 2020 Public Hearing by Marc D. Policastro, Esquire. Julia G. Algeo, PE, PP, Lawrence Valenza, RA, Matthew Seckler, PE, PP, PTOE, Jack Zybura, PE, and Keenan Hughes, PP, AICP, testified on behalf of the Applicant during the Public Hearing³.

10. Ms. Algeo provided the following sworn testimony during the December 28, 2020 Public Hearing:

- a. She is a Professional Engineer licensed in the State of New Jersey and is the Applicant's design engineer with Maser Consulting, PA.
- b. Utilized Exhibit A-1 to describe the location of the Property, the proposed improvements for the warehouse distribution facility and neighboring uses.
- c. The tract is located along Route 130 and abuts the Kinkora Trail.
- d. The total area of the Property is approximately 47.216 acres and is an irregularly shaped tract.
- e. Lots 7.01 and 7.02 will be consolidated into one lot.
- f. A portion of the Property with an area of questionable title along the Kinkora Trail will be transferred to the County.
- g. A Letter of Interpretation was issued by the NJDEP for the wetlands located on the Property with the LOI requiring a 50-foot transition area.
- h. The proposed warehouse distribution facility is permitted on the Property.
- i. 15,000 square feet of the 610,183 square foot building will be office space.
- j. Loading docks are proposed for both sides of the building.
- k. The access drive is a right in/right out driveway.
- l. 173 parking spaces are proposed.
- m. The facility will operate 24/7 with 2 to 3 shifts per day.

³ Based on their education, experience and licenses, Ms. Algeo and Mr's. Valenza, Seckler, Zybura and Hughes were qualified by the Board to offer expert testimony in their respective areas.

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- n. The site will be secured by a black vinyl chain link fence, 6 feet in height, along a portion of the easterly and southern property lines.
- o. Trash compactors will be utilized to manage trash with private waste removal.
- p. The total impervious coverage for the developed site will be 57%.
- q. The stormwater management system complies with NJDEP Best Practices requirements.
- r. Stormwater runoff will be controlled by three (3) on-site basins: two (2) inter-connected underground wet ponds that act as one (1) basin, and one (1) above ground dry detention basin with a grassed bottom.
- s. All stormwater will ultimately discharge to Crafts Creek.
- t. An on-site sewerage disposal system is proposed for the site with a 20 foot by 20-foot treatment building constructed in the northwest corner of the site. The treatment building will be constructed above ground with all other sewerage treatment facilities below ground.
- u. Water will be provided by an on-site well/pump house.
- v. The landscaping for the site complies with the requirements of the Redevelopment Plan, including an enhanced buffer of 30 feet along the Kinkora Trail.
- w. Along certain sections of the Kinkora Trail, the fence will be changed to an 8-foot solid fence.
- x. The site will be illuminated by LED lighting on a 24-foot-high pole.
- y. A sidewalk is proposed along the site's entrance road off Route 130.
- z. The Applicant will contribute to the Township's General Fund for the portions of the sidewalks that are not installed along the Route 130 frontage.

11. Mr. Valenza provided the following sworn testimony during the December 28, 2020 Public Hearing:

- a. He is a registered architect, licensed in the State of New Jersey.
- b. The warehouse will be a distribution facility with possible or representative uses that include assembly, packing and shipping.

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- c. The facility will be a 24/7 operation with a maximum of 220 possible workers on the largest shift.
- d. The building will be concrete panel construction with a neutral grey exterior.
- e. The tallest section of the building will be 50 feet.
- f. Identification signs include one (1) wall mounted sign and one (1) monument sign. The signs comply with the Redevelopment Plan.

12. Mr. Seckler provided the following sworn testimony during the December 28, 2020

Public Hearing:

- a. He is a professional engineer licensed in the State of New Jersey.
- b. He is the Applicant's traffic engineer and prepared the traffic report for the proposed warehouse distribution facility.
- c. The traffic report was prepared with a.m. peak times of 6:00 to 9:00 and p.m. peak times of 4:00 to 7:00.
- d. The expected traffic for the warehouse distribution facility is consistent with the traffic in this area of the Township.
- e. The number of parking spaces meets industry standards for this type of facility.
- f. NJDOT has jurisdiction of the access points and highway improvements required for the development of the Property for a warehouse distribution facility.
- g. The NJDOT has issued a "comfort" letter that the Applicant's NJDOT Application will be approved.

13. Mr. Zybura provided the following sworn testimony during the December 28, 2020

Public Hearing:

- a. He is a professional engineer licensed in the State of New Jersey.
- b. He is the Applicant's noise expert.
- c. The site under normal operating conditions will meet all state noise standards.
- d. Backup alarms will be prohibited.

14. Mr. Hughes provided the following sworn testimony during the December 28, 2020 Public Hearing:

- a. He is a professional planner licensed in the State of New Jersey.
- b. The Preliminary and Final Site Plan meets all of the standards of the Redevelopment Plan.

15. The Board Engineer, Planner and Traffic Engineer reviewed their respective Review Letters/Memoranda and the Applicant, through the testimony of its witnesses, agreed to comply with their review comments and recommendations.

16. The December 28, 2020 Hearing was opened to the Public with members of the Public addressing the Application as follows:

- a. Dan Golenda who objected to the proposed development because of perceived impacts to traffic, noise and the environment.
- b. Robert Tallon who questioned the impervious coverage calculation as well as raised concerns about environmental impacts and the size of the facility.
- c. George Fox who objected to the development.
- d. Kate O'Callahan who felt that the Plan was not complete for Board action.
- e. John O'Callahan who objected to the development of the Jones Farm.
- f. Brian Knight who supported the project because of the minimal impacts the warehouse will have on the Township.

AND WHEREAS, based upon the above factual findings, the 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 render a decision on the Application for Preliminary and Final Major Site Plan Approval.

2. The Preliminary and Final Major Site Plan complies with the requirements of the Zoning Ordinance and the Redevelopment Plan for a warehouse distribution facility.

NOW, THEREFORE, BE IT RESOLVED by the Consolidated Land Use Board of the Township of Mansfield, on the 28th day of December, 2020, that this Board hereby grants to the Applicant Preliminary and Final Major Site Plan Approval to develop the Property with a 610,183 square foot warehouse distribution facility, including up to 15,000 square feet of office space, and site improvements for well water, water storage tank, wastewater treatment facility with disposal

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field, accessory parking, landscaping, lighting, stormwater management facilities and utilities, in accordance with the Applications, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant with Preliminary and Final Major Site Plan Approval 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, Burlington County Soil Conservation District, Burlington County Board of Health, New Jersey Department of Environmental Protection and New Jersey Department of Transportation approval. Copies of all other approvals shall be submitted to the Township upon receipt.

b. Subject to the sworn testimony by the Applicant's agents and representatives at the December 28, 2020 Public Hearing, whether formalized in this Resolution or not.

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 December 9, 2020 Review Letter of Stout and Caldwell Engineers, LLC, by Mark E. Malinowski, PE, except as may be modified in this Resolution.

e. Subject to the comments of the Board Planner as contained in the December 7, 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 December 26, 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 issuance of permits being delayed.

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 the Applicant making its contribution to the Township's General Fund if sidewalk is not installed along the Property's Route 130 frontage. The amount of the contribution, if required, shall be calculated by the Board Engineer, based upon the portion of the sidewalk not installed along the Property's Route 130 frontage, and shall be made prior to the issuance of any construction permits for the warehouse distribution facility.

l. Subject to the Applicant's professionals working with the Board's professionals to address all outstanding comments and recommendations prior to the Board's execution of the Final Approved Site Plan, including, but not limited to, a u-turn analysis supplementing the traffic study, the redesign of the median, fire truck circulation and turn around, revisions to the site's interior and perimeter fencing and landscaping.

m. Subject to the submission of a post-construction sound study demonstrating compliance with State noise standards.

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

o. Subject to the submission of a soils test of the soils where the underground infiltration will be located

p. Subject to the submission of a dewatering analysis for the dry detention basin.

q. Subject to the submission of an Operations and Maintenance Manual for the warehouse distribution facility.

r. Subject to the submission of a lighting analysis confirming no off-site light spillage.

s. Subject to the submission of a Deed of Lot Consolidation for review and approval prior to recording.

t. Subject to the dedication of a small area of questionable title of the Property along the Kinkora Trail to the County.

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u. Subject to the Applicant providing security fencing along the perimeter of the development, except in areas where such fencing is restricted (i.e. within the freshwater wetlands buffer area, steep slopes and vegetated areas), and where safety fencing is provided (i.e. stormwater basins).

v. Subject to the submission of a stormwater maintenance plan for the stormwater control facilities proposed for the developed Property. 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. Said declaration shall be submitted for the review and approval of the Board Engineer and Board Solicitor prior to recording.

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

x. Subject to the Applicant making its affordable housing development fee payment in accordance with the Township's Housing Element and Fair Share Plan and New Jersey State requirements.

ROLL CALL VOTE

Those in Favor: 10

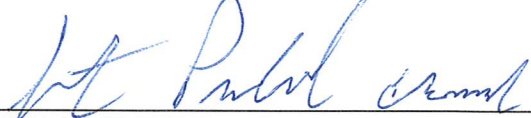
Those Opposed: 0

Not Eligible to Vote: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Consolidated Land Use Board of the Township of Mansfield in accordance with its decision at its regular meeting on December 28, 2020.

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



SCOTT PREIDEL, CHAIRMAN



LINDA SEMUS, SECRETARY

Dated: January 25, 2021

Date of Approval: December 28, 2020

Date of Memorialization: January 25, 2021