

CONSOLIDATED LAND USE BOARD OF THE TOWNSHIP OF MANSFIELD

RESOLUTION NO. 2021-5-10

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD
CONSOLIDATED LAND USE BOARD
CONCERNING THE APPLICATION OF
ELION ACQ. LLC
FOR VARIANCE, PRELIMINARY AND FINAL MAJOR SUBDIVISION AND
PRELIMINARY MAJOR SITE PLAN APPROVAL**

WHEREAS, Elion Acq. LLC (the “Applicant”), has applied to the Consolidated Land Use Board of the Township of Mansfield (the “Board”) for Variance, Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan Approval for property located at Mansfield Road and Route 206, known as Block 30, Lots 9.02, 10, 11, 12 and 13.02 on the Official Tax Map of the Township of Mansfield (the “Property”), for the purpose of developing the Property with a warehouse facility with office space and related site improvements (the “Application”); and

WHEREAS, the Property is located within the Highway Commercial (C-2) Zoning District of the Township of Mansfield and is the subject of the US Route 206 and Mansfield Road West: Southeast Corner Non-Condensation Redevelopment Plan, as adopted by Township Council on July 15, 2020 by Township Ordinance 2020-11; and

WHEREAS, the Application for Preliminary and Final Major Subdivision Approval and Preliminary and Final Major Site Plan Approval (the “Application”) was deemed complete by the Planning Board on January 25, 2021¹; and

WHEREAS, public hearings to consider the Application were held by the Board on February 21, 2021, March 10, 2021, March 31, 2021 and May 24, 2021², 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

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 addressed through testimony or as conditions, if the Application were to be approved.

² The Public Hearings were 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.

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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 May 24, 2021 Public Hearing:

A-1 Colored Power Point Presentation of the revised Site Plan; and

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

- December 22, 2020 and May 20, 2021 Review Letters of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Mark E. Malinowski, PE;
- December 7, 2020 and May 20, 2021 Review Letters of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- December 8, 2020, March 2, 2021 and May 20, 2021 Review Memoranda of the Board Traffic Engineer, Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP; and

WHEREAS, the Board received the following from interested members of the public:

- Correspondence dated 03/09/21, 03/29/21 and 05/24/21 and e-mails from Mark Roselli, Esquire, attorney for Ad-Dawah Center, owner of adjacent property known as Block 30, Lot 13.01;
- E-mails from George Mateo, Esquire attorney for Dottie Wirth, owner of adjacent property, known as Block 30, Lot 14;
- E-mail dated 02/28/21 from Abdul Razak, representative of the Ad-Dawah Center;
- Correspondence dated 03/01/21 from Mark and Irene Hudson, owners of neighboring property known as 652 Mansfield Road West;
- Undated Memorandum from Ron and Jay Dolan, owners of neighboring property, known as 669 Mansfield Road West;
- 05/14/21 letter from John O'Callaghan analyzing the September 30, 2020 Site Sound Emissions Evaluation prepared by Ostergaard Acoustical Associates; and

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WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its Application, 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 Mansfield Road and US Route 206. The Property is approximately 29.65 acres in area. Lot 9.02 is approximately 28.798 acres of open farmland. Lots 10, 11, 12 and 13.02 are a combined 0.85 acres. Lots 10, 11 and 13.02 are improved with single family residential dwellings. Lot 12 is vacant.

2. The Property is located in the Township's C-2 Zoning District and is the subject of the US Route 206 and Mansfield Road West: Southeast Corner Non-Condensation Redevelopment Plan (the "Redevelopment Plan").

3. The Applicant is proposing to consolidate the 5 lots, re-subdivide the Property into Lot A, a 25.09 acre tract, and Lot B, a 4.56 acre tract, and to construct a warehouse facility on Lot A.

4. A Land Development Application for Preliminary and Final Major Subdivision Approval and Preliminary and Final Major Site Plan Approval has been submitted by the Applicant for the proposed development of the Property. The Applicant has submitted the following in support of its Application:

- a. 05/13/21 Application submission letter from the Applicant's Attorney, Patrick F. McAndrew;
- b. Preliminary and Final Major Site Plan, prepared by MEH Consulting Engineers, Inc ("MEH"), dated 05/01/20, revised 05/12/21 (22 sheets)
- c. Soil Erosion and Sediment Control Plan, prepared by MEH, dated 05/01/20, revised 05/12/21 (4 sheets);
- d. Boundary and Topographic ALTA/NSPS Survey, Block 30, Lot 9.02, prepared by James P. Deady, PLS, James P Deady Surveyor, LLC, dated 04/29/19, revised 07/07/19 (2 sheets);
- e. Topographic Survey of Block 30, Lots 10, 11, 12 and 13.02, prepared by John C. Ritt, PLS, James P. Deady Surveyor, LLC, dated 08/21/19;

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- f. Minor Subdivision Plan³, Block 30, Lots 9.02, 10, 11, 12 and 13.02, prepared by John C. Ritt, PLS, dated 05/22/20;
- g. Architectural Plans (Floor Plan, Partial Elevation and Elevations). Prepared by Rick Pratt, AIA, Pratt Design Studio, dated 04/06/20;
- h. Reports prepared by MEH including:
 - Drainage Report, dated 05/01/20;
 - Proposed Infiltration Basin #1 Flow Analysis Report, dated 05/01/20;
 - Proposed Infiltration Basin #2 Flow Analysis Report, dated 05/01/20;
 - Community Impact Statement, dated 05/01/20;
 - Environmental Impact Statement, dated 05/01/20;
 - Sanitary Sewer Report, dated 05/01/20;
 - Stormwater Management Facility Maintenance Manual. Dated 05/01/20;
 - Water System Design Report, dated 05/01/20;
- i. Traffic Report, prepared by Dolan and Dean Consulting Engineers, LLC, dated 02/10/20;
- j. Traffic Impact Analysis, prepared by Elizabeth Dolan, PE and Gary W. Dean, PE, Dolan and Dean Consulting Engineers, LLC, dated 05/14/20;
- k. Geotechnical Engineering Report, prepared by Allison Tether, PE and Dennis C. Loh, PE, Geo-Technology Associates, Inc., dated 04/30/19;
- l. New Jersey Department of Environmental Protection (NJDEP) Freshwater Wetlands Letter of Interpretation (LOI), dated 09/20/19;
- m. Evaluation of Site Sound Emissions, Revision 2, prepared by Michael T. Conway, PE, Ostergaard Acoustical Associates, dated 05/07/21;
- n. MEH responses to Board Professionals Review Letters, undated;
- o. Slide Exhibit Presentation, prepared by Applicant, dated 05/24/21;
- p. Burlington County Soil Conservation District Certification of Soil Erosion and Sediment Control Plan, dated 03/01/21;
- q. Burlington County Planning Board Conditional Approval, dated 03/11/21;

³ The Applicant originally applied for Minor Subdivision Approval for the consolidation and re-subdivision of the Property but amended its Application to include Preliminary and Final Major Subdivision as the proposed development improvements include the re-alignment of Mansfield Road West, requiring Major Subdivision Approval.

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- r. Burlington County Department of Health Certification approval subsurface sewage disposal system for 1,750 gallons per day for 80 warehouse employees, 20 part time employees, 10 visitors and 3,200 square feet of office space, dated 03/25/21;
 - s. New Jersey American Water Company potable water main extension approval, dated 05/10/21.
5. The taxes on the Property are current or exempt.
6. Proper notice of the Application for Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan Approval has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.
7. Board Members Taharik and Higgins recused themselves from participating on this Application.
8. The Applicant is proposing to develop the Property as follows:
- a. Consolidating and re-subdividing the Property into Lot A (25.09 acres) and Lot B (4.56 acres).
 - b. Vacating a portion of Mansfield Road West.
 - c. Realigning a portion of Mansfield Road West with the existing signalized intersection at US Route 206 and Mansfield Road East.
 - d. Constructing a 351,000 square foot warehouse with 3,200 square feet of office space on Lot A.
 - e. Constructing site improvements for the warehouse use, including highway access, parking, lighting, landscaping, buffers, sound walls, fencing, stormwater management and signage.
 - f. Granting access easements to adjacent property owners for access to re-aligned Mansfield Road West.
 - g. Installing an off-site monument sign on Lot B for the warehouse use on Lot A.
9. The Applicant will require a waiver of design standards to permit the use of flared end sections rather than standard head walls with trash bars, to permit no further widening of the cartway and R-O-W beyond the existing limits resulting in a cartway width of 20 to 22 feet and a R-O-W of 49.5 feet of the remaining portion of Mansfield Road West.

10. The Applicant was represented at the Public Hearings by Patrick F. McAndrew, Esquire. Vincent Griffith; Ben Mueller, PE; Jan Rafel , LLA; Elizabeth Dolan, PE; Mohammad El-Hawwat, PE and Michael Stellino testified on behalf of the Applicant at one or more of the Public Hearings⁴.

11. Mr. McAndrew made the following representations during the course of the Public Hearings on behalf of the Applicant:

- a. The Applicant consents to the virtual Public Hearings conducted via the Zoom platform;
- b. The Application submitted by the Applicant requested two approvals, subdivision and site plan, but the Applicant, in response to comments and concerns expressed by Board Members and the public, revised the site plan to include 8 foot high fence sections partially located in a front yard setback area; as such, variances are required for the height and location of the fence;
- c. A condition of the Redevelopment Plan requires truck traffic exiting the warehouse be directed to Route 206;
- d. The Redevelopment Agreement between the Applicant and Mansfield Township requires the Applicant to realign Mansfield Road, the western most driveway be limited to cars only and that no trucks be directed west on Mansfield Road.
- e. In response to concerns raised by the Board, agreed that trucks can only operate between the hours of 7:00 a.m. and 10:00 p.m.
- f. The Applicant will satisfy the Township's soil testing ordinance requirements prior to final approval.
- g. Additional landscaping will be added around the basin, as requested by the Ad-Dawah Center.
- h. The Applicant will not redesign its stormwater management system to accept stormwater runoff from the Ad-Dawah Center property.

⁴ Based on their education, experience and licensing, Mr. Mueller, Mr. El-Howwat, Ms. Raphel and Ms. Dolan were qualified to offer expert testimony in their respective areas of Acoustical Engineering, Site Engineering, Landscape Architecture and Traffic Engineering.

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- i. An access easement will be provided to the Ad-Dawah Center but it will be a shared access easement with the Wirths, not a separate easement for Ad-Dawah's use only.
 - j. The Applicant will consider additional berms and buffering along the southeast corner.
 - k. A sign package is not included as an end user has not been identified.
12. Mr. Griffith provided sworn testimony during the Public Hearings:
- a. He is an authorized representative of the Applicant.
 - b. The location is ideal for the proposed warehouse facility, with its proximity to State Highways.
 - c. The Applicant has not identified a tenant at this time.
 - d. The Applicant will provide Agway with an easement to gain access to Mansfield Road.
 - e. The Applicant will provide whatever is necessary to mitigate sound levels, including the use of parapits, buffering and walls.
13. Mr. El-Hawwat provided the following sworn testimony during the Public Hearings:
- a. He is the Applicant's professional engineer and is a Professional Engineer licensed in the State of New Jersey.
 - b. He describes the consolidation of the 5 lots and the re-subdivision of same to create Lot A, a 25.09 acre lot to be developed with the proposed warehouse facility, and Lot B, a 4.56 acre lot for future development.
 - c. Utilizing the Site Plan submitted with the Application, he orients the Board and public with Lot A and Lot B, the realignment of Mansfield Road to align with the existing Route 206 traffic signal and the improvements proposed for Lot A, including the warehouse building, truck docks, parking, stormwater facilities, lighting and access drives.
 - d. The proposed warehouse building includes 3,200 square feet of office space.
 - e. A New Jersey Department of Environmental Protection ("NJDEP") Treatment Works Application ("TWA") is not required as the warehouse

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building, including office space, will generate less than the 2,000 gallons per day threshold which would require TWA approval.

- f. Describes the grade elevations of the site and that a berm can be created to shield the parking area.
- g. A berm can also be added along the northwest property line and from the street to half-way down the building.
- h. In order to provide a higher berm, the Applicant will explore reducing the cartway width along the western side of the site to not less than 26 feet, subject to approval of the Township fire official.

14. Mr. Mueller provided the following sworn testimony during the Public Hearings:

- a. He is the Applicant's sound engineer, a Professional Engineer licensed in the State of New Jersey.
- b. The Sound Study submitted by the Applicant was prepared under his direction.
- c. The State standard is 65 dBA between 7:00 a.m. and 10:00 p.m. and 50dBa at night.
- d. The 25 HVAC units proposed for the warehouse will not generate greater than 40 dBA at any time.
- e. The warehouse building will act as a noise buffer and shield the residential uses on Route 206 from sound.
- f. The air-brake, back up alarm and de-coupling sounds from the truck port will not exceed the state standard, nor will the sounds of a truck movement at any location.
- g. The warehouse use will not be able to meet the 50 dBA standard during nighttime operations unless additional mitigation (sound barriers) is provided beyond what the Applicant has agreed to and is included in this Resolution.
- h. The Sound Study has been revised to incorporate the new landscaping plan and sound mitigation techniques now included in the revised site plan.
- i. The proposed fence will be commercial grade with the fence in the northwest corner measuring 8 x 8.

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- j. The revised sound study map high-lites how the sound fencing/wall attenuates the sound during daytime operations.
 - k. On the north side of the warehouse building, the fencing will be installed at a grade above the building.
 - l. For a facility as proposed, there will never be 2 or more noise sources going off at the same exact time.
 - m. As the warehouse facility is a spec building, the sound study utilized a traditional roof top HVAC set-up.
 - n. There are other existing sound sources in the area that exceed the 65 dBA.
15. Ms. Rafel provided the following sworn testimony during the Public Hearings:
- a. She is the Applicant's landscape architect, licensed in the State of New Jersey.
 - b. The Site Plan has been revised from the initial submission to include an enhanced landscape buffer.
 - c. The number of plantings has tripled from the initial site plan.
 - d. More than 100 trees and shrubs have been added to the landscaping plan to increase the buffer plantings.
 - e. A 6 foot high vinyl, heavy-duty commercial fence will be added to mitigate noise levels.
 - f. Along the east side of the Property, a new double-row of trees has been added.
 - g. The western side will have the densest plantings.
 - h. Ninety to ninety-five percent of the plantings will be native species.
 - i. The entire warehouse site will be irrigated.
 - j. The plantings will be maintained by the owner with a 2 year maintenance bond posted with the Township to insure continued growth of the species.
 - k. A 2 to 4 foot high berm, at a 3 to 1 slope, is proposed along the frontage of the warehouse use.
 - l. The Applicant will work with the Board Professionals to discuss the extension of the proposed fencing.
16. Ms. Dolan provided the following sworn testimony during the Public Hearings:

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- a. She is the Applicant's traffic engineer, a Professional Engineer licensed in the State of New Jersey.
- b. The realignment of Mansfield Road will create a safer intersection.
- c. Improvements to Route 206 will include turning lanes on both the north and south bound sides.
- d. There will be 64 a.m. and 84 p.m. peak hour trips anticipated for the warehouse use.

17. Mr. Stellino provided the following sworn testimony during the May 24, 2021 portion of the Public Hearings:

- a. He is the Applicant's Senior Manager of Development.
- b. Between the March 31, 2021 and May 24, 2021 Public Hearing dates, the Applicant revised the site plan to address comments and concerns expressed by Board Members and the public.
- c. The Route 206 access point will be northbound in and out only.
- d. The 8 foot high fence and ply wall fence will damper the sound.
- e. There has been a 95% increase in the overall square footage of the sound attenuation wall on the revised Site Plan.
- f. The sound wall itself is 2000 linear feet.
- g. The berm has been increased to 5 to 8 feet, depending on grade, with an 8 foot high wall on top.
- h. Seven (7) truck bays on the north west side have been eliminated.
- i. The office space has been relocated toward Route 206, with the office entry point now located 100 feet from the residents.
- j. A secondary truck access point has not been added based on feedback received from neighboring property owners.
- k. Traffic counts have been revised to reflect the school being open.
- l. Traffic exiting the warehouse site will be limited to right turn only onto Mansfield Road West.
- m. The landscape plan includes 455 new trees and 767 new shrubs.
- n. Lighting will be "smart LED" lights complying with the Township's foot candle requirements.

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- o. The stormwater basins are dry basins.
- p. There will be a historical documentation about Mansfield Friends.
- q. The Applicant will utilize ground penetrating radar to document the presence of grave sites associated with the adjacent Friends cemetery on the storm basin site to confirm that grave sites are not present in this location.
- r. The Applicant agrees to comply with the review comments contained in the Board Engineer's Review Letters.
- s. The Applicant will utilize on-site signage and include in its leases that traffic cannot cross the intersection onto Mansfield Road East, truck engines must be off prior to 7:00 a.m., trucks can only operate between the hours of 7:00 a.m. and 10:00 p.m. and truck traffic is prohibited from going south on Route 206 when exiting the site.
- t. The Applicant has requested the option to seek a payment in lieu of taxes ("PILOT") agreement with the Township.
- u. The Applicant has contacted the adjoining Neighbors, Fire Department, Police Department, Township and School District to review the project site plan, concerns and how they are being addressed

18. The Board Engineer, Mark E. Malinowski, PE, reviewed his review letters for the Board and Public and testified that:

- a. The Applicant agreed to comply with his review letter conditions.
- b. Similar to the easement to be granted to Agway, an access easement but not a driveway will be provided to the Wirths at a location to be determined.
- c. He is concerned that a TWA is required and not County approval for the septic system. The number of employees should be limited to that permitted under the Burlington County Department of Health Individual Subsurface Sewage Disposal System Approval.

19. The Board Traffic Engineer, Alexander J. Litwornia, PE, reviewed his review letters for the Board and Public and testified as follows:

- a. The Sound Study should utilize a 2 or 3 truck model, not a one truck model

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- b. The level of truck traffic will depend on the type of warehouse facility that will operate on the Property; for example, a cold storage warehouse will have approximately 50% less traffic than other warehouse types.
- c. The traffic study may be flawed if the traffic counts are from a day that the nearby schools were closed.
- d. The New Jersey Department of Transportation's review of the Application will require road or signal improvements to ensure that the existing traffic signal functions properly.
- e. Recommends that the hours of operation for the warehouse use be limited to 7:00 a.m. to 10:00 p.m.
- f. Recommends that the warehouse be for a ITE Land Use 150 facility and not for a distribution facility.
- g. Details for the sound fence be provided for review to determine the sufficiency of same to mitigate off-site sound impacts.
- h. It is his recommendation that a post-occupancy sound study of the warehouse use be submitted documenting compliance with State noise standards.

20. The Board Planner, Edward Fox, PP, AICP, reviewed his review letters for the Board and Public and testified that:

- a. A bulk variance is not required for the Route 206 road frontage as Route 206 is the side yard for the warehouse building.
- b. All adjoining properties be shown on the revised plans.
- c. A COAH Fee will be required in accordance with the Township's Affordable Housing Ordinances.

21. George Mateo, Esquire, appeared before the Board during the Public Hearings and offered the following representations and/or requests:

- a. He represents the Wirth family, owner of adjacent property known as Block 30, Lot 13.
- b. The realignment of Mansfield Road is paramount, and his clients support the Application.
- c. The Applicant has agreed to grant an access easement to the Wirths.

- d. The easement area to be granted to his client should be specifically identified prior to final site plan approval for the warehouse use.

22. Mark Roselli, Esquire, appeared before the Board during the Public Hearing and represented and/or made the following requests:

- a. He represents the Ad Dawah Center, owner of adjacent property known as Block 30, Lot 13.01.
- b. His client, similar to Agway and the Wirths, is requesting access to Route 206 as well as across Lot 12.
- c. Fencing and landscaping be placed around the basin.
- d. Stormwater run-off from the Ad-Dawah property be able to flow to the Applicant's stormwater management basin(s).
- e. Additional buffering be provided at the southeast corner.

23. The Hearing was opened to the Public and the following interested persons testified as follows:

- a. Joe Van Mater who opposed another warehouse use in the Township.
- b. Mark Hudson who opposed the Application as to close to his property and will impact their quality of life; the Applicant never contacted the neighboring property owners, those most affected by the warehouse. Disappointed that the Applicant's initial submission was the bare minimum without any consideration of the nearby residential uses.
- c. John O'Callaghan, who represented to the Board that he is an engineer by study and questioned the accuracy of the sound study based on a single truck movement and not simultaneous movement of multiple trucks. He also questioned whether the Township's Environmental Committee had the opportunity to review the Application. He further testified that the warehouse use will create negative community and environmental impacts.
- d. Darren Stanker who had questions regarding the revised site plan, was concerned with current and future power losses, thought that the warehouse building was too big and as owner of the second house from the western property line requested higher berms and additional landscaping to buffer his property.

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- e. Megan Wolff who opposed the Application and questioned what Township Committee was going to do to address the existing flooding problem in the area of the Property.
- f. Kate Tallon O'Callaghan who also testified that flooding was a major issue in the area, a post-occupancy sound study should be required and that the Township's Environmental Commission needs to participate in review of these Applications.
- g. Kristyn Dyson who questioned the Traffic Study submitted by the Applicant and that same was prepared on a day when schools were closed, the Applicant has not submitted a soil study as required by the Township application requirements and that the Township will need more police officers.
- h. Daniel Berg who lives directly across the street from the warehouse use and questioned the sound study, the size of the septic system and that the Applicant made no attempts to get to know the neighbors and what could be done to address their concerns.
- i. Margaret Zola who testified that noise from multiple idling trucks was not included in the sound study and that additional traffic will be a negative.
- j. Fred Kane who was concerned with how close the warehouse will be to the Village of Columbus.
- k. Laura Archer who was concerned that the increased truck traffic would be unsafe for children.
- l. Tom Knezick who was concerned that only 25% of the plantings were native species.
- m. Marisol Fayes who lives three houses from the warehouse testified that the site may be contaminated and that she was concerned with construction noise and violations of the Clean Air Act.
- n. Agnes Marsella, a Chesterfield resident who testified that the Application should be denied because of warehouse sprawl in New Jersey and referenced a North Jersey Planning Article.
- o. Andrew Arengé who had questions regarding the PILOT agreement.

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- p. Carrie Stanker, resides in the second house from the warehouse, who questioned the sound study, thought that the traffic data is incorrect and that grading and plantings need to be improved.
- q. Justin Parker who testified that there will be an increase in municipal required services resulting from the warehouse use.
- r. Bill Shannon who opposed the Application and that the Board should “put themselves in the neighbors’ shoes” before acting on the Application.
- s. Laurie Marchetti who testified that there are too many warehouses and this does not reflect the true Mansfield.
- t. Joy Dolan who was concerned that the warehouse driveway is only 60 feet from her driveway.
- u. Abdul Razek, representative of the Ad-Dawah Center, who requested additional buffering and a sound barrier.
- v. Kristianne Goodenough who questioned New Jersey statistics.
- w. Mark DiLeo who questioned the sound study and noise modeling utilized by the Applicant’s noise consultant.
- x. S.A Chandel who had questions regarding the PILOT program and tax breaks to be received by the Applicant.
- y. Joshua Rose who wants an independent analysis of the sound study.

24. Board Members expressed concerns with granting final site plan approval until the Applicant addresses all concerns.

25. The revised site plan submitted in advance of the May 24, 2021 Board Hearing, included the following revisions to the initially submitted site plan:

- a. The number of loading docks was reduced from 105 to 98 docks.
- b. The northerly loading docks were shifted further away from the Mansfield Road West residential properties.
- c. The Mansfield Road West Employee parking area was shifted further east of the existing driveway on adjacent Lot 9.04 by 114 feet.
- d. The warehouse location was shifted to increase the westerly building setback from 85 feet to 95 feet.

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- e. The emergency access drive was shifted and the cartway width reduced resulting in an increase of the westerly buffer from 45 feet to 59 feet.
- f. Solid 8 foot high fences with 4 foot to 12 foot high berms along Mansfield Road West frontage and westerly side property line.
- g. Landscaping in buffer areas increased.
- h. Refrigeration unit removed.

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 Subdivision Approval and Preliminary and Final Major Site Plan Approval.

2. The Preliminary Major Site Plan complies with the requirements of the Zoning Ordinance and the Redevelopment Plan for the proposed warehouse facility, but Final Site Plan Approval is not appropriate as the Applicant has to finalize revisions to the Final Site Plan.

3. 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 requirements for fencing, as described herein and requested by the Applicant.

4. The benefits of the deviation from the Zoning Ordinance requirements 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.

5. 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 Consolidated Land Use Board of the Township of Mansfield, on the _____ day of _____, 2021, that this Board hereby grants to the Applicant:

- 1. Design Waivers to permit:

;

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- a. Flared end sections without trash bars; and
 - b. A cartway width of 20 to 22 feet and a R-O-W width of 49.5 feet for the portion of Mansfield Road West to remain .
2. Variance approval to permit the installation of fencing at a height not to exceed 8 feet, and partially located in front yard setback areas.
 3. Preliminary and Final Major Subdivision Approval for the consolidation and re-subdivision of Lots 9.02, 10, 11, 12 and 13.02 of Block 30 into Lot A (25.09 acres) and Lot B (4.56 acres).
 4. Preliminary Major Site Plan Approval for the development of a warehouse use on the Property, including:
 - a. The construction of a 351,000 square foot warehouse building with 3,200 square feet of office space, on Lot A;
 - b. Site improvements for the warehouse use that includes car and truck parking areas, access drives for cars, trucks and emergency access, on-site vehicular routes, lighting, buffering, landscaping, fencing and stormwater management;
 - c. Installation of a monument sign on Lot B for the warehouse use on Lot A
 - d. Vacation of a portion of Mansfield Road West; and
 - e. Realignment of Mansfield Road West with the existing signalized intersection at U.S. Route 206 and Mansfield Road East.
 5. The above approvals are in accordance with the Application, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant with Waiver, Variance Subdivision and Site Plan Approvals 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 approvals. Copies of all other approvals shall be submitted to the Township upon receipt. All required approvals shall be approval of the revised site plan submitted in advance of the May 24, 2021 Public Hearing. Existing approvals may require re-approval to reflect the Site Plan, revised 05/12/21.

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b. Subject to the representations and sworn testimony of the Applicant's agents and representatives at the Public Hearings held on February 22, 2021, March 10, 2021, March 31, 2021 and May 24, 2021, 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 22, 2020 and May 20, 2021 Review Letters 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, March 23, 2021 and May 20, 2021 Review Letters 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 8, 2020, March 2, 2021 and May 20, 2021 Review Memoranda 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 Lot A's Route 206 and Mansfield-Hedding Road Realignment frontages. The amount of the contribution, if required, shall be \$18,080.00 as calculated by the

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Board Engineer, and shall be made prior to the issuance of any construction permits for the warehouse 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 extending sound fencing/walls for sound attenuation, additional landscaping around the stormwater basin closest to the Ad-Dawah Center's property, additional berms and landscaping in the southeast corner, access easement locations and traffic advisory signage.

m. Subject to the Applicant submitting a post-occupancy sound study, prepared by an independent acoustical company, six (6) months after warehouse occupancy certificate commences, with the Applicant taking immediate measures to reduce sound levels that violate the State standard. The post-occupancy sound study shall be conducted in the presence of the Board Engineer or Board Traffic Engineer or such other person as designated by the Township.

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 prior to final site plan approval. .

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

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

s. 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.

t. Subject to the Board's execution of an approved Site Plan expressly conditioned on the Applicant satisfying the conditions of this Resolution, the review comments contained in the review letters of the Board Engineer, Board Planner and Board Traffic Engineer and receipt of Final Site Plan Approval from the Board.

u. 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

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v. Subject to the Applicant complying with the US Route 206 and Mansfield Road West: Southeast Corner Non-Condensation Redevelopment Plan, including the archeological survey and historical documentation requirements.

w. Subject to the hours of trucks operating on site being limited to the hours of 7:00 a.m. to 10:00 p.m.

x. Subject to the Applicant replacing any landscaping that did not survive planting prior to the posting of the 2 year maintenance guarantee required for the approved landscaping plan.

y. Subject to the type of warehouse to be constructed on Lot A limited to an ITE Land Use 150 generic warehouse use, plus 50 additional trips.

z. Subject to a ground penetrating radar analysis being performed to determine if graves are located where the stormwater management basins are proposed. If graves are discovered, the stormwater management system will require redesign.

aa. Subject to a deed restriction or declaration being recorded that all existing grave stones/markers will remain untouched.

bb. Subject to the Applicant complying with New Jersey motor vehicle idling regulations; the Applicant is encouraged to consider electrical hook-ups to limit vehicle idling.

cc. Subject to the Applicant granting the access easements to Agway, the Wirth family and the Ad-Dawah Center. The access easements shall be specifically identified prior to final site plan approval. The access easement granted to the Wirth family and the Ad-Dawah Center shall be a joint easement.

dd. Subject to the number of employees for the warehouse building and office space not to exceed 100 employees.

ee. Subject to the Applicant adding signage to the site that traffic cannot cross the intersection into Mansfield Road East, that truck engines must be turned off before 7:00 a.m. and that trucks are prohibited from going south on Route 206. The Applicant shall also include these restrictions in Tenant leases.

ff. Subject to all HVAC units being roof mounted.

gg. Subject to the Board Engineer and Board Solicitor approving the Major Subdivision Plat and legal descriptions prior to the recording of the approved Plat with the County of Burlington. The Applicant shall confirm the lot numbering for Lot A and Lot B with the Township Tax Assessor prior to Plat recording.

hh. Subject to site plan approval not permitting the construction of any improvements on Lot B, other than the monument sign for the warehouse use authorized by the Redevelopment Plan.

ROLL CALL VOTE

Those in Favor:

Those Opposed:

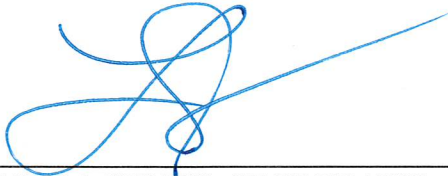
Not Eligible to Vote:

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 _____, 2021.

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



EFTHIMIOS TSIKNAKIS, CHAIRMAN

LINDA SEMUS, SECRETARY

Dated: 6-28-21

Date of Approval: 5-24-21

Date of Memorialization: 6-28-21