

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
Monday, March 26, 2012
Work Session**

The regular work session meeting of the Mansfield Township Planning Board held on the above shown date was called to order at 7:17 p.m. with the following in attendance: Douglas Borgstrom, LaVerne Cholewa, Robert Higgins, Gary Lippincott, Arthur Puglia, Robert Semptimphelter, Douglas Walker and Michelle L. Gable, Secretary. Also present were Charles Petrone, Louis Glass, Harry McVey, Al Litwornia and Robert Stout. Scott Preidel and Dalpat Patel were absent.

The following items were discussed:

Application Number PB12-02PFSP&V: Dr. James & Teresa Rockwell/Mansfield Investments, LLC, Block 33.04, Lots 9.01 & 9.23:

Al Litwornia commented that he would like a traffic study, which the Board agreed that a traffic study would be required.

Douglas Borgstrom commented on the fire truck gaining access and asked about the basin. Robert Stout said the water does not change

LaVerne Cholewa asked if the Tax Certification had been submitted. Secretary Gable said it has been supplied by the applicant.

Lou Glass commented on the variances, waivers, exemptions of waivers and the community impact statement.

Application Number PB12-01PS: Bright View Group, Block 13, Lots 3.03 & 3.04:

The Board discussed roadway improvements, size of cart way, sidewalks and curbs, which the professionals recommend curbs and the Board would like to have sidewalks on both sides of the road.

There being no further discussion, the work session was closed and the regular meeting was called to order.

Regular Meeting

The regular meeting of the Mansfield Township Planning Board was called to order by Vice Chairman Robert Semptimphelter at 7:36 P.M. on the above shown date followed by the Flag Salute and the following opening statement:

The notice requirements provided for in the 'Open Public Meetings Act' have been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Planning Board on January 23, 2012. Said resolution was published in the Burlington County Times on February 1, 2012, e-mailed to the Burlington County Times, Trenton Times, and Register News, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body, and mailed to each person who has requested copies of the regular meeting schedule and who has prepaid any charge fixed for such service. All the mailing, posting and filing having been accomplished on January 30, 2012.

Those in attendance are as follows:

Board Members: Douglas Borgstrom, LaVerne Cholewa, Robert Higgins, Gary Lippincott, Arthur Puglia, Robert Semptimphelter, Douglas Walker and Michelle Gable, Secretary. Scott Preidel and Dalpat Patel were absent.

Professional Staff: Charles Petrone, Solicitor; Louis Glass and Harry McVey, Planners; Al Litwornia, Traffic Engineer; and Robert Stout, Engineer.

PUBLIC COMMENTS:

Vice Chairman Semptimphelter opened public comments on non-agenda items only.

Hearing no comments Vice Chairman Semptimphelter closed this portion of the meeting.

MATTERS TO BE CONSIDERED BY THE BOARD:**COMPLETENESS ONLY:**

Application Number PB12-02PFSP&V: Dr. James & Teresa Rockwell/Mansfield Investments, LLC, Block 33.04, Lots 9.01 & 9.23:

Arthur Puglia and Gary Lippincott recused themselves on this application.

Vice Chairman Semptimphelter introduced this application for Preliminary & Final Site plan and Variances to construct two (2) 7,950 square foot buildings of professional office space with the site sharing access with existing professional office space located on Lot 9.23 via an access easement and will also have direct access from Sheffield Drive located at 14 Sheffield Drive in the C-3 Office/Residential Zoning District.

APPLICANTS ATTORNEY:

Denis Germano, Attorney for the applicant said they requested a completeness hearing this evening and they understood that was all the Board was going to do. He said he has the reports from the Boards consultants, the applicant has requested a number of waivers and he believes based on the reports the Board is in the position to declare the application complete and grant the waivers.

PROFESSIONAL COMMENTS:

Louis Glass, Planner referred to his report dated March 19, 2012, which is a two-page report. The first item under A. Documents submitted they have sixteen (16) separate documents/plans/studies etc. and then he gives his completeness review. One of the documents submitted was a list of variances and waivers. The variances do not need to be addressed this evening, it is just in order to meet the New Jersey State regulations on what constitutes a complete plan, they have to list the variances that the Board will look at when they get into the site plan review. That list is complete. They also have a list of waivers. If the Board does not grant any of the waivers the application is automatically deemed incomplete, so the Board has to rule on whether it is complete and grant all the waivers. The waivers they are requesting are engineering in nature, which will be addressed by the engineer. The fifth waiver they are asking not to submit a community impact statement. If the Board grants the waiver not to have a community impact statement, he has concluded that the application is complete. Every technical item would have been addressed. The issue from his viewpoint, which covers just the planning, hinges on the community impact statement. The ordinance defines what a community impact statement is and what subjects should be addressed. The applicant has to show why they believe the developments in the public interest and then they have to address population impact analysis and for an office building there is no population it is not a residential housing development. Therefore, that item is mute in that respect. The second item they have to analyze is the school impact. So again because there are no schoolchildren and no residence, there is no impact on the school from the viewpoint of sending children to the school. There would be tax ratables that are generated to the school district and to the Township. The third subject that has to be addressed in a community impact statement is a facilities impact. How is the proposed application affecting public water facilities, sewage, recreation and library facilities and if there is any

negatives how can they be remedied. The next item is a service impact. What is the impact on police protection, fire protection, solid waste and street maintenance services. Again that would be an item that would have to be addressed under the community impact and typically they have seen a number of these over the years in various townships usually it is almost always positive because since there is no school children generated the tax ratables almost always exceed the cost of providing things like fire protection, etc. and the next item is a traffic impact study, which the traffic engineer will address his analysis of that requirement. The last item is a financial impact, after they get done analyzing all of the subjects and what the costs are you then balance that against the tax ratables that are generated from the proposed office building and give it a bottom line conclusion as to whether the project is generating surplus funds to the Township and the School district or whether there is any negative financial impacts. As he noted to the Board because the fact that after having analyzed a considerable number of these community impact statements from developers all over South Jersey over the past couple of decades an office building and industrial sites are almost always positive to the Township based on the fact that there are no residents and there are no school children. Even though there might be some costs for fire protection, library, etc., it almost always indicates that the tax ratables from industrial and office projects generate a surplus to the school district and the Township and on that basis he made a notation in his report that if the Board deems the waiver to be appropriate he takes no exception to that particular issue.

Robert Stout, Engineer referred to his report dated March 19, 2012. They outlined the requested waivers, they did have the same waivers that were requested and Mr. Glass has addressed the Community Impact. Four (4) additional waivers have been requested from an engineering standpoint. Two (2) of them are stream encroachment related, they are New Jersey DEP Floodplain Management lines be shown on the plan and a floodplain line to be shown on the plan, these are checklist items. One thing the applicant has already done, he has received approval from the NJDEP and a letter from the flood hazard. Therefore, because they already got that approved they feel that is sufficient to take care of the completeness portion of the two flood hazards. The other two (2) are the cross sections, plans, and profiles. This is a requirement to show what the proposed streets are going to be. In this case there is no proposed streets, there are roadways inside, they have given them all the information, plans and profiles for that. What they did not do was give them a profile of the existing street. They are not changing the street, they are not touching it so the waiver they feel is applicable because none of that will be affected by their development. With that being said he thinks they can also deem this complete based on those waivers.

Al Litwornia, Traffic Engineer referred to his report dated March 22, 2012. For completeness they recommend it not be deemed complete and what they recommended was that the study, there was a traffic study that was presented but they recommended that the study look at the specific sections of Sheffield Drive so that it shows the exactly and differentiate between the office complex traffic, the proposed office complex traffic and the existing residential traffic so they can get an idea along those sections of Sheffield Drive exactly the number of vehicles that they are talking about and that is the only reason they deemed it incomplete because they felt the data would be very relevant in the Boards review. **Mr. Germano** said they have had an opportunity to discuss this with Mr. Litwornia before coming here tonight and he was under the impression that given that they have submitted a report that gives the fundamentals as long as they had this information to him by the Boards deadline before the April meeting that he has

enough at this point to proceed. He is asking to be declared complete if they don't have the additional information that he requested into him two week ahead of the April meeting you are not going to hear us but a declaration of completeness at least lets them get on the agenda next month.

LaVerne Cholewa asked if the escrow was in place. **Secretary Gable** responded yes.

Vice Chairman Semptimphelter said to the rest of the Board in terms of the response and allowing them to get the information back to the Traffic Engineer two weeks prior to the April Planning Board meeting. **Mr. Litwornia** said that would be fine because there was a substantial amount of traffic that was already provided and this additional traffic they can review in time for the Board. **Vice Chairman Semptimphelter** said he concurs with Mr. Litwornia's review he thinks a traffic study should be needed for this. **Mr. Germano** said they are glad they asked for this additional information because he thinks it is going to help the Board and he thinks it is going to ultimately help the applicant.

MOTION FOR COMPLETENESS:

Solicitor Charles Petrone said the motion would be to waive the submission of a Community Impact Statement as well as the four (4) waivers addressed by Mr. Stout and a deeming complete of the application subject to the applicant submitting the requested traffic counts two (2) weeks prior to the April meeting.

A motion was offered by **Douglas Borgstrom** and duly second by **LaVerne Cholewa** to accept the motion as stated above by Solicitor Petrone. The motion carried on a roll call vote taken as follows:

Aye: Higgins, Walker, Cholewa, Borgstrom, Semptimphelter
 Naye: None
 Absent: Patel, Preidel

PUBLIC HEARING:

Application Number PB12-01PS: Bright View Group, Block 13, Lots 3.03 & 3.04:

Vice Chairman Semptimphelter introduced this application for Preliminary Subdivision to subdivide the existing two (2) agricultural lots into ten (10) lots with seven (7) buildable lots located at 298 Georgetown Road in the R-1 Residential Zoning District.

TESTIMONY:

Patrick McAndrew was present representing the applicant noting they will have primarily two (2) witnesses tonight with one being Wayne Ingram, Engineer and the other being Richard Ragan, Planner, which **Solicitor Petrone** swore both in at this time.

Gary Lippincott returned to the meeting.

Arthur Puglia did not return to the meeting.

Patrick McAndrew said it is a 25-acre site developing it into seven (7) building lots with the excess ground to be taken over by the homeowners association. At this point they are asking for preliminary approval and will come back later once they straighten out everything from the conditions of the approval for final.

Rich Ragan is President of Ragan Design Group located in Medford, New Jersey. He holds a Masters Degree in New Jersey, Pennsylvania in Architecture and also in Landscape

Architecture Regional Planning. He is a registered professional architect, a registered professional planner, is currently president of the State Board of Professional Planners and has been on the Board for last 20 years. He has performed a number of Master Plan studies in Burlington County. Currently he is the Planner for Wrightstown and Browns Mills where they are doing redevelopment projects. He has been involved with Master Plans for Cherry Hill, Voorhees, Hainesport and a number of local communities as well as doing large-scale land planning in other States. They design large planning developments in Virginia and Florida.

Mr. Ragan said the site is a 25-acre parcel owned by Bright View Farms in Mansfield Township. **Exhibit A-1 Aerial Photo** shows the subdivisions that are adjacent to Bright View which are Bridle Ridge and Cloverdale Estates as well as some small neighbors. The concept for the subdivision is taking the spirit of the Township ordinance and using it in a way that it was intended. It intended to have cluster developments so they prepared a cluster development. This is fully built out as a full subdivision, to the east they have two residential owners and a farm, and as you move towards Chesterfield, you have more and more farmland some of which is preserved. They approached the design of this subdivision as a transitional subdivision between suburban and rural. Currently the site is full of nursery stock and has been used as a nursery farm for some time. It is adjacent to Bright View, there have been a number of trails that allow for access out to Georgetown Road, and they are proposing to continue to use those trails. The design of the plan includes a seven (7) lot subdivision that was permitted as a matter of right and what that plan did it put a road down here and has seven (7) lots just backing up to maximize the 3-acre subdivision. They felt that was not very responsive. Therefore, what they are trying to do is create a farm style subdivision in the sense that the front of the property is to remain in open space. It will remain in open space with nursery stock on it. Therefore, your view as you come into the property is one of being surrounded by some nursery stock. They have to take care of drainage so they do have some basins. **Submittal of Exhibit A-2 Site Plan.** Their concept is the road would come in and they wanted to take the first home and face it toward the road like it was a farm view. The distance from the road is over 500 feet. Secondly, there would be three (3) lots facing towards to the east and four (4) lots facing towards the west. To the east there are two houses adjacent to the subdivision and then along the eastern property there is one farm. One the western property they are proposing four (3) houses and they will abut three homes that are existing in an existing subdivision. So their design philosophy has been one of then taking the street tree concept, which the ordinance says they can do something a little innovative, so what they wanted to do is focus your view as you come into the property towards the left side of the property by planting trees on this side giving your eye a look up the hill towards the houses. Then as you come around the hill we want you to look into the farm and then you are directed back towards the cul-de-sac, which will have its own trees as a focal point. In addition, in keeping with the farm transition they have proposed a 45-foot dimension between the existing outer property line and the property line of the houses properties so that the house properties will not touch the existing property line. In this case there is a marked trail that has been there for a long time and it is part of serving the Bright View Farm in Chesterfield. On this side they also have a 45-foot area that will be preserved so the property line would be 45 feet before it meets the property and that area would be used as a way of providing some dimension to the adjacent property. They focus the seven (7) houses in the middle of the tract and they wanted to design a plan so it would be an open space area. The homeowners association would actually contract with the nursery provider and continue to grow stock in the open space and if the homeowners ever decide they do not want to do that they can agree to stop and create meadows. They are also proposing to transition Georgetown Road. As you come to the subdivision there is curb up

to a certain point on Georgetown and the road is wider. They are proposing to widen Georgetown Road to the same dimension to their entrance and install curbing and the feeling is they are going more rural. There will be sign at the entrance, they are proposing a median and they are talking about put in some post and rail fence along the front. They are proposing sidewalk on one side of the road not both. They would prefer no sidewalk but the Board professionals are very strong about it so they are proposing one side. In terms of traffic access and turn around all the houses have two and three car garages with driveways that are more than 20 feet in length and would meet a parking criteria to park three or four cars. It is unanticipated that there will be any difficulty on the road. The originally submitted the subdivision with a 28 foot cart way width and the Board professionals had so no to make it 30, which they did. They are also proposing a rural look to the road with no curbs but swales on both sides of the roads. They met with the neighbors on the east Amy and David who have property abutting the proposed subdivision, which is a farm with horses, and their concern is residents coming to the gate. There is a fence on this property and their property and they have asked if the applicant would allow them to maintain that fence so there would be no problem. The applicant has agreed that they would work that out in the homeowners association and grant that easement. They have also suggested that they put a few trees along the line so that horses are not encouraged to be scared by people. They have also looked at taking some under drain along the bottom so there is no water going in that direction coming down towards the basin and out to the wetland. He thinks they have worked out a number of situations with their agricultural neighbor. With regard to their residential neighbors they have not had a chance to talk to them about any issues but he is sure they will hear them tonight. There are large pin oak trees that are currently along the entire property line. **Vice Chairman Semptimphelter** said he is a little confused and asked Mr. Ragan on clarification on which direction the houses are facing. **Mr. Ragan** said the first house is facing north but the others are facing the proposed road. **Submittal of Exhibit A-3 Photos.** **Mr. Ragan** reviewed the photos noting they are of the frontage and the view looking out onto Georgetown Road and that it would be like a hidden subdivision from the road. He said most of the neighbors have eastern white pine trees on their side of the property. **Submittal of Exhibit A-4 Photos.** **Mr. Ragan** said the top picture is the view looking on the inside of the fence looking through the current nursery stock and the first house would be past where you see the evergreens. Some of the photos were nursery stock, which will be used to create the tree area adjacent to the horse farm. There is a trail, which his part of the buffer.

Patrick McAndrew said this is a fairly innovative design. He asked Mr. Ragan your basic concept is you wanted the view from Georgetown to remain roughly the same. **Mr. Ragan** said yes. **Mr. McAndrew** said that is why you have open space up front. **Mr. Ragan** responded correct. **Mr. McAndrew** said then you have a curved road meander different views as you go through there and the development is actually towards the back of the property. **Mr. Ragan** said that is correct. **Mr. McAndrew** reviewed the 45-foot strip lots that abut the adjoining residential subdivision noting the location of the open space lot. **Mr. Ragan** said in addition to that there is a small piece of land that is in Mansfield Township that you do not see on this plan but it is on the engineering plans that runs parallel to this subdivision and that is being subdivided and incorporated into the Bright View farm but it has to be a separate lot because it is in Mansfield but it has no relevance to this subdivision. They did not want to require the homeowners association to take care of a piece of land that is more part of the farm. **Mr. McAndrew** asked those three pieces are not going to be developed they will remain open space. **Mr. Ragan** said correct and used as they are now. **Mr. McAndrew** said along that line there is a farm path and asked if it was going to stay as a path. **Mr. Ragan** said yes and the purpose of the farm strip is

the larger farm uses that to run a tractor down there occasionally as needed to get out to Georgetown and they will continue to do that otherwise they would have to go out to Route 68 and drive up the road, which does not seem farm friendly. **Mr. McAndrew** said the cul-de-sac also has a stub and asked what is the purpose. **Mr. Ragan** said in terms of planning if the Bright View farm were to be developed or needed an access that would give them the right to do that. There is a 50-foot right of way in this subdivision, which they chose not to take advantage of but the Town currently owns a 50-foot strip and one could argue that they could make a connection. They felt for only seven lots and for trying to do a transitional subdivision that was not valuable. **Mr. McAndrew** said in terms of good planning it makes sense when you designed this to allow them that opportunity. **Mr. Ragan** said absolutely. **Mr. McAndrew** asked to build the seven lots are any variances needed. **Mr. Ragan** responded there are no variances on the seven building lots. **Vice Chairman Semptimphelter** said you talked about an accelerated lane coming out an egress of the development. **Mr. Ragan** said it really is not an acceleration lane. If you are coming out and want to turn right the road has been widened so if you are coming you have a little wider so you can slow down and it will be paved.

PROFESSIONAL REPORTS:

Harry McVey, Planner referred to his report dated March 20, 2012. This is a cluster subdivision, it is the type of development that we have been encouraging and have seen consistently over the last ten to fifteen years. However, it is different in that it does not follow the traditional development pattern primarily the street improvements. The width of the street is what is standard in terms of what we have been getting the 30 feet. However, we have been requiring curbs on both sides. Mostly sidewalk on both sides they are proposing one sidewalk. That is generally acceptable under some the state codes but he knows the Board still wants to see the dual sidewalk. He thinks it is more important here because of the potential of the stud out. We do not know what type of development will occur or could occur on the farm in Chesterfield and the amount of traffic on this road could increase substantially. If we do not get what we want now it is going to be more difficult to fix it down the road. He recommends we get the sidewalks and curbs at this point, which is an important element. **Vice Chairman Semptimphelter** asked Mr. McVey to explain how there could more development. **Mr. McVey** said as their planner indicated they are stubbing the road out to the main farm in Chesterfield, it is zone residential, it could be developed residentially and this could provide either a main access or secondary access depending on how much of the farm is developed. It is all going to come through here it is not just going to be seven lots accessing this street. There is a potential for a lot more. Without knowing what that is he thinks we need to plan for it now and that is why he is suggesting we need the curbs and sidewalks. He has been consistently saying that and he still feels that way. The road he does not have a concern with he thinks that is the type of development we have seen and would expect to see. He thinks it gives a better view than just a straight shot street. In terms of the street trees he knows what Mr. Ragan is trying to do and he does not have a problem with the front of the subdivision but he thinks any lots that front on that street have to have the street trees in front because he has been to council meetings and committee meetings where in the future the owners ask why does he have trees and I don't. He said we have a set development pattern, we have two subdivisions immediately adjacent where we have established those parameters with sidewalks, curbs, street trees and he thinks it needs to be continued here. He recommends both sides, he does not have a problem with the way they laid it out in the front to the two farm lots but he thinks at the back with the homes they need the street trees. **Mr. Ragan** asked you want street trees in front of every lot. **Mr. McVey** said

correct. The two farm lots, the open space lots, it was a little unclear who is going to own them and notes are needed on the plans that indicate the homeowners association is going to own them, deed restrictions are needed on those lots to prohibit any future development of those lots except what is permitted by ordinance. **Mr. McAndrew** said that is agreeable. **Mr. McVey** said the sidewalk on Georgetown Road and he is sure the traffic engineer will get into the roadway improvements, he understands what is happening to the east, he understands there area drainage swales and ditches that preclude sidewalks extending beyond this property in the future but that is today, tomorrow the County or Chesterfield whoever may decide to pipe those ditches and that would go away he thinks we need to have the sidewalk on both sides. The fact that it is does not connect out to two existing sidewalks is something that we allowed to happen in the past, we do not allow that, we require along the entire frontage again he is making that recommendation also. We talked about the Homeowners Association he thinks that is critical. They have agreed to do that, we need the documents but that can be deferred until final because they need to lay out exactly what they are going to own and what they are going to maintain. There is a street sign, there are two islands that the Township is not going to maintain. The homeowners association is going to have to maintain that. The off-street drainage all has to be dealt with, which can be handled at the time of final. **Mr. Ragan** talked about the deciduous trees on the western side of the property line. **Mr. McVey** would like to see those located on the plan so there is not confusion by somebody going to clear those sites. He wants to see them located and protected. He does think it makes a nice transition between the two subdivisions. There is a required affordable housing fee for these lots, which is standard and that is payable at the time of the building permit process. He said their major concerns are the street improvements. **Mr. McAndrew** asked for clarification on the sidewalks if it was in front of the building lots. **Mr. McVey** said he was prepared to say that under the State codes sidewalk on one side is generally acceptable but he is hearing from the Board they want to see sidewalks on both sides. **Mr. McAndrew** said that is the main issue they need to discuss because they are trying to go for a more natural look then a more rural look and they are going to end up with 2,000 feet of curbing and sidewalk for seven houses, so it hurts that look and with these densities the sidewalk is not going to get a high use if it gets any use. **Douglas Walker** asked if the school bus is going to pick up the children at the end of the neighborhood, so the children would have to walk from their houses out to the main road to get on the bus so whether you live on the west side or east side of the development so you don't have to cross the street they have a sidewalk that takes them right out to the street. **Mr. Ragan** said it is seven lots then the kids are just going to walk down the middle of the street like they do on any small cul-de-sac. **Douglas Borgstrom** said it is seven lots now but it could be seventy lots total if the Bright View Farm in Chesterfield develops. **Mr. Ragan** said what if the developer of Bright View if it ever happens, it may be sold for farmland, but what if the Bright View owner would agree that if it were ever sold for development that they could come back and put the second sidewalk in. **LaVerne Cholewa** said this is going to be what she thinks an upscale development. You have someone coming to your party in an upscale development, they step out of their car into dirt or would you rather them be on a sidewalk. **Mr. Ragan** said they are going to pull right into your driveway and go into your house. **Ms. Cholewa** said she is not talking ten people at her party, this is going to eventually be an upscale area even if they go into a couple hundred houses behind. **Mr. Ragan** said I see what you are saying but if I go to your farm house and I go to a party there he is going to pull into the driveway and walk into your house. He is just saying this is the kind of feel they were trying to develop. If you do not want it, it is the Boards decision, they are here to work with the Board not to argue. **Mr. Borgstrom** said if the stub was taken away completely sidewalks on one side

would more acceptable because of the traffic need in the future would be non-existent. **Mr. Walker** said every development we have has curbing and sidewalk on both sides. **Mr. McAndrew** said the reason a stub out is a good idea is actually practical. A lot of times in an adjoining development you just put dotted lines on the plan to show that maybe it will be extended in the future and what dotted lines lead to is controversy because when you come back in ten years people get upset because they didn't realize it was going to be built through. He thinks the reason why this is a good idea is because it is more clear the fact that it could be built through. It does not guarantee it, it may never happen but at least this way people cannot say well that was just a dotted line on a plan. I did not know that was ever going to happen. It is a little more realistic and it helps prevent arguments in ten years or so. **Mr. McVey** said he agrees with the idea of putting the stub in now, if that is a possibility in the future and he agrees with **Mr. Ragan** it is proper planning and if you do not put it in now it does lead to controversy in future but it also means you get the road improvements that you want now.

Al Litwornia asked about access and easements and how you get to the back property and if you get from the back property from Bright View Farms do you cross what is now going to be this developments property via an easement or are you going to own the property and give the other people an easement? **Mr. Ragan** said in terms of farm activity they would use what they have had for the last how many years. That would happen with an easement to the benefit to Bright View Farm from the Homeowners Association. **Mr. Litwornia** asked if the easement is going to be only for farm equipment or is it going to be for something else? **Mr. Ragan** said farm equipment. **Mr. Walker** asked what is the need for the farm equipment to come out to that road? **Mr. Ragan** said it is a connection between the nursery and the farm to use the facilities. **Mr. Litwornia** does not want cars coming in and out of the easements. **Robert Stout** asked for clarification the nursery stock that is there today is that going to be maintained by Bright View Farm. **Mr. Ragan** said it would be maintained by the nursery person who operates it now under Bright View farms. **Mr. Stout** asked it will be maintained and owned by the Homeowners Association. **Mr. Ragan** said right, Bright View owns the farm now but the nursery person does his own deal with the stock. **Mr. Stout** said so when this subdivision if it is approved and built, you have seven houses, you now have an association that now maintains the stormwater basins and all of the open space. **Mr. Ragan** said right. **Mr. Stout** asked including the nursery stock. So then the homeowners association would have to lease it out to the nursery. **Mr. Ragan** said right and they would get an income from that. **Mr. McVey** said this is permitted under our code. We did talk about the remainder lot, it is being created and it does require a variance to do so. It does not have frontage, it cannot meet the setbacks, nonetheless it is going to be owned by the farm in Chesterfield and the only reason for the subdivision line is the Township line. There are variances, it needs to be deed restricted from any future development other than farm use. He does not care what they do in Chesterfield but they cannot put a home on this lot in the future and from that perspective he does not have a problem with the variances, which are required. **Mr. McAndrew** said this is not to be a building lot, it is to be a buffer strip, so they agree it is not a developable lot.

Vice Chairman Semptimphelter asked for comments regarding trees on both sides of the street. **Mr. Ragan** said trees are acceptable in front of the houses as long as they can keep the other trees as proposed where they are not in front of the homes. **Mr. McVey** said yes.

Robert Stout, Engineer referred to his report dated March 26, 2012. They did receive revised plans and do have a few open items, which most have been worked out. Item #3 was the 30-foot roadway, which they have agreed to do. Item #3b. Is the question on curbing and

sidewalk, again however the Board feels for both sides. On page 2. Item H. They agree with Mr. McVey on the road widening for the Sykesville Road portion being fully developed to match the development before this proposed development. The farm road has been historically the subject of some washouts and erosion coming into the road itself so they are looking for some maintenance on the farm portion of that road. Since it is going to be maintained they would like to see at least the first 20 foot paved so they can keep the sediment from coming into the street system. They would like more details. **Mr. Ragan** said it is agreeable. **Mr. Stout** said Item 5. There is some lighting shown on the plan. The lighting is very inadequate, it is only specified as a 50 watt high pressure sodium, which is actually a light they would not use anymore (high pressure sodium), so they are asking the applicant go back and look at those, give some isolux's for the lighting and better spacing along with some details. **Mr. Ragan** said they are trying to do a transitional subdivision so they were putting a light at the entrance and a light at the cul-de-sac as the major lighting. If you want lighting straight a way every 400 feet the way every other subdivision is, just say so. Their thought was because these are upscale houses everybody has the nice little lights they put out in front of their house and a light at the major points and then those lights would make it more like what they are trying to create in terms of a rural place to live. However, if the Board wants 400-foot lights just say so they will do because he does not want to argue. **Vice Chairman Semptimphelter** asked how far is the opening to the end of the cul-de-sac. **Mr. Ragan** said it is about a 1,000 feet. **Mr. Walker** said they need to illuminate that because there will be kids parking all around. **Mr. Ragan** asked if they could use something else other than cobra lights. **Mr. Stout** said he is fine with that and suggested a small ornamental light with a 150 watt, which might be more than adequate at the entry and the cul-de-sac and he would agree somewhere along the bend because there is a basin in that area. **Mr. Borgstrom** said if there is going to be pedestrian traffic the kids are going to be walking in the wintertime and it will be dark. **Mr. Stout** said it could be a smaller light, a more residential feel like a light post about 12 to 14 feet in height. **Mr. Ragan** said they might have to go with 16 foot. **Mr. Stout** said they are okay and they will work with the applicant on this matter. He said his final comment is stormwater related. They did go through the stormwater extensively, they have made changes but there are still some items that need to be addressed and the applicant will have to come back to him with some additional information. The main concern is the site has a very high water table and based on the soil borings that they had given most of them are for the septic systems from the health department. There is a question on a 2-foot separation between the water table and the bottom of the basin especially in the location of where the basin is. He does not feel with the information provided that it works properly at this time. He thinks it can be worked but it needs to have additional testing done, some more changes to the grades to have to done. There is also within their drainage report there is some warnings for the recharge facilities that need to be addressed, they cannot be within the drainage report but again these are things that can be worked out with their engineer but those all have to be addressed just to make the stormwater workable. With that being said what they end up deciding with the sidewalks and the additional impervious that will in fact change their drainage again. However the Board ends up deciding which way they want to go with this depends on how they will come back to our engineer with the drainage. He thinks it can be worked but at this point and time it is not where it should be.

Patrick McAndrew asked that the drainage be a condition of approval and they will confirm that the design between now and final.

Al Litwornia, Traffic Engineer referred to his reports dated December 30, 2011 and March 20, 2012 noting that most of the comments were addressed. He wants additional site

triangles to be placed on the map especially with some of the curves because they are going to put trees in. The trees along Georgetown Road he would like to have selective cuttings to increase the site triangles. He would also like along Georgetown Road to have the widened road go further along as he showed in the photographs in his December memo. As you go towards the site the road narrows in on that side. So if they provided the wider road they would provide the deceleration lane, which the applicant is agreeing to and then as they were questioned about the acceleration lane. The ditches do not come into play on this part of the property or along the site frontage it is further down the road. If they widen the road along the site frontage the same way it was widened all the way up Georgetown Road for all the other developments and put the sidewalks in like was done for the other developments and if some else comes up they can get the same cross section and the same sidewalk connections all along so kids can walk between developments and the road is going to be a continuous width. He would like to see the cross section extended further across the road frontage and the sidewalks along the main road and the development road as well. The other points were signage and access. They do not know what is going to happen in the rest of the development but he does want to deed restrict as much as possible some of the cross connections that they showed on the site as far as roads that are on either side of this development that are used for farm vehicles only as opposed to having the possibility of some how having that used as a roadway to go to a development in the back so he would like to have a deed restriction built in. **Mr. Ragan** said they are going to eliminate the one on the east side. **Mr. McAndrew** said at one time they discussed a walking path, which was removed and there is only one farm lane existing between them and the existing development. **Mr. Litwornia** said he wants it deed restricted to farm vehicles. **Mr. Ragan** said okay. **Mr. Litwornia** said it is going to be part of the buffer and it would be deed restricted against using it for vehicular use. **Mr. McAndrew** said the idea was to put 45 feet between their rear lot line and the neighbors and the homeowners association with maintain it as a buffer. The only exception is the existing farmland they are going to retain so on a very rare occasion if they need access. **Mr. Litwornia** said he wanted it clear that it is not to be used for any vehicular access in the future. **Vice Chairman Semptimphelter** asked in terms of the four issues with the site triangles, the select trees, wider road and sidewalks. **Mr. Ragan** said they agree.

PUBLIC HEARING:

Vice Chairman Semptimphelter opened the public hearing on this application.

Allen Fox an Attorney from Capehart & Scatchard and he represents the neighbors Mr. Stoddard and Amy Brown who own 320 Georgetown Road, Block 13, Lot 3.07. They have the horse farm immediately adjacent to the property. They have had communications with the applicant, they met today with their engineer, their planner and their attorney and they did reach some agreements, which he needs a little more clarification. They have the horse farm operation and they are concerned about the public having access to the horses. They think it is a liability issue for the homeowners association and Mr. Stoddard and Ms. Brown to just have the general public go out there and get too close to horses. They agreed the 45 foot along their property line would actually be an easement, it would either show up in a deed restriction or the homeowners association. They agreed that area would have no improvements. They also agreed that they prohibit the homeowners association from putting a public path so people would not have access to the horses. They worked out the detail that there is going to be a tree buffer that is going to run between their property lines, which would be 15 foot off the property line so the horses cannot eat the trees. It is going to be double lined and they agreed that they will run the species by them so they do not put anything there harmful to the horses. They also agreed there is an

existing fence that his client has maintained for ten (10) years and his client is going to continue to maintain that fence, which is approximately 48" high. They are going to put in the easement that they are going to continue to maintain it and they will give his client access to come on the property to maintain it. Therefore, there would be the fence, 15 feet off that will be the tree buffer, and then there would be a 45-foot more or less like a conservation easement, which he understands will be controlled by the homeowners association. There were some discussions about how they are going to handle the drainage along the property line to make sure that there is not any further drainage impact onto their property. That is their major concern because under the cluster development they have to consider the impact and they just wanted to make sure they are aware that the general public is not going to come in and have too much access to the horses because horses can be a liability to the public. **Mr. Ragan** said the tree line will start at the edge of the first house on the east side and continue all the way through the property and it would be a staggered line. **Mr. Fox** said on the nursery area they agreed there would remain one line of trees in case there was a clear cut that the nursery would keep a line of trees along there. **Mr. Ragan** said yes that is fine and noted right now there is a series of white pines and black pines that are the evergreen species. **Vice Chairman Semptimphelter** asked Mr. Fox with these concessions does this give his client a comfort zone. **Douglas Borgstrom** asked Mr. Fox as far as the 45-foot buffer with the trees is this going to prohibit any kind of mowing or maintenance by the Homeowners Association. **Mr. Fox** said the concern is they do not the general public accessing the horses and the buffer is going to provide some screening. The other thing was whether they could have a stipulation that the tree buffer would go in place before the construction starts. That would also buffer some of the noise from the construction. He had Mr. Shourds' come up to discuss the drainage issues.

Mark Shourds is a professional engineer and planner licensed in the State of New Jersey. He has testified before this board before. **Solicitor Petrone** swore in Mark Shourds an engineer for the neighbors of 320 Georgetown Road to give public comment on this application. **Mr. Shourds** wants to put on the record some of the discussions that they have had with regard to this application and what their understandings are as it relates to his representation of the adjoining property owner. They talked about the buffer, Mr. Fox put that on the record with regard to the buffer and he thinks that is pretty clear as to what they foresee is going to happen along the easterly property line. With regard to the storm drainage they had a couple of concerns which they again he believes has been worked out to the satisfaction of the neighbor. The properties on the east side of the proposed road drain toward the east and in the original plan there were no stormwater management facilities there. The questions that arose in his mind with regard to the water quality is when they convert this property to a residential property typically lawns are put in place and along with lawns are typically nitrates and that flowing directly into the neighbors property there were concerns. In the most recent set of plans the engineer has designed cut off swales and under drains that would impede that flow. They have not seen calculations with regard to its capacity but they believe in concept that is going to work very well to assist in the water quality. The quantity itself has been dealt with based on the impervious coverage that the plan is designed for. They could put in some increased impervious areas with some barns or large patio areas that would increase the stormwater flow from the three properties that flow towards the Stoddard and Brown farm. Their issue was with the water quality, they believe in concept it will work. He knows that the Board Engineer Mr. Stout will be looking at that, making some sense with regards to the sizing of the pipe and quantity in those swales. **Mr. Stout** said they have looked at that and the revised plans do outline what Mr. Shourds has outlined, they have put several swales behind each one of the houses, they are connected with a

series of under drains, which are connected in. They have given him calculations, they have done a pre and post developed drainage analysis and his initial findings are they acceptable as they stand subject to some of the other stormwater comments.

Mr. Fox said he wants to confirm that the existing trees that are along the eastern line are going to be saved and kept in the tree line. **Mr. Ragan** said they will remain. **Mr. Fox** asked **Mr. McAndrew** with respect to the easement are the things he spoke about acceptable. **Mr. McAndrew** said everything that was stated by both you and Mark was agreeable to the applicant but it would not be a conservation easement it would be a deed restriction. **Mr. Fox** said we are in agreement that it would be either in the form of an easement or deed restriction. **Mr. McAndrew** said a deed restriction.

Jonathan Brunt, 9 Surrey Court located on western side of the proposed development was sworn in by Solicitor Petrone to give public comments on this application. **Mr. Brunt** said in this proposed development they are requesting a cluster and when he reviewed the plans they have just seven (7) lots and no drainage so can they really get seven (7) houses on three (3) acre zoning to benefit as a cluster plan. **Mr. McVey** thinks what he is asking does there have to be a storm drainage lot and by the ordinance there does not have to be. You could have the drainage by easement on the seven (7) lots and the number of lots is consistent and permitted. **Mr. Brunt** said on the road there has been a lot of controversy, he knows it is an existing farm lot but one of his biggest concerns is the farm lane and if the people are going to use it as a back way to get into their yard or to do some kind of landscaping so then this road becomes really just every bodies use, it is owned by the Homeowners Association and they are going to say they own that road anyway so they are going to use it. He does not think that is really the intent to farm the back piece because you can easily get through here to the south or through her existing entrance on 545. The other issue is he is losing a lot of his white pines and they did not put any trees on this side at all. They put a nice tree buffer along the other side so he thinks they need to agree to a buffer on his side. He asked how long would it take to put this in because he has very small kids and he does not want to living in a construction zone for ten years. He asked is there anything to make sure it gets completed in a timely fashion. **Vice Chairman Semptimphelter** said in terms of the farm road they are saying they do not want the public using that. **Mr. Walker** asked they are asking about a timeline. Are these houses going to be someone who purchases the lot and brings a set of drawings to the builder for a house or is there a developer involved. **Mr. McAndrew** said the farm lane is the farm lane today. It is not nothing new. It is not intended to be a back alley to anybodies house. They can address that with he thinks with fencing and gates and signage if necessary but it is not anything new it is there today. They did not propose buffers to the residential uses because typically you do not buffer residents to residents. Just like in there development there is not a buffer between neighbors it is their houses. They did buffer the horse farms because they are different uses. **Mr. Brunt** said he bought the house because it was in a rural very small neighborhood community and now you are taking away from that community but he does like the lighting plan because he does not want any lights out there. **Mr. McAndrew** said he understands what he is saying but you bought into a development next to ground that was not preserved it was zoned for development. They wanted to maintain a separate farm lane because they wanted to keep the farm vehicles separate from that road. In terms of when does everything get built, it is like any other development it will probably be market driven, they do not have a developer selected for the final phase. What they are intending on doing is getting preliminary approval and then find a developer who will come in and hopefully say they are develop the final phase and then they can give a better idea of

timelines, types of houses and types of development. **Mr. Borgstrom** asked could the Homeowners Association rules prohibit the use of that lane by the homeowners for access. **Mr. McAndrew** said it will.

Michael Brotman, 11 Surrey Court was sworn in by Solicitor Petrone to give public comments on this application. **Mr. Brotman** said he would like to further Mr. Brunt's points. Pointing out where his property is there is roughly 500 foot of fencing that abuts the proposed development. We are looking at a tree line and a buffer zone over here that buffers natural farmland but nothing against the properties here. They believe that tree buffer that would be installed here as it is on the east side would control some of the drainage issues that they already have as far as wet yards and wet basements. You remove the top soils, the natural plantings and grasses there for the proposed development, once they strip the top soil off and the plantings that soaked up that ground water that water will now drain on their properties and create an issue. This farm lane if they did not get the plantings this already is a hard packed road so there is a drainage issue as is seen with the erosion of the street and of this lane itself. Secondly, were this to continue to another development this would be used as a main thoroughfare and any cars that would access this development back here would run down this lane and onto this road and intersect with Herman Black and Chesterfield-Georgetown, which is not designed for that kind of traffic. They are asking that until this development is proposed that it be cut off at the end of the cul-de-sac. They are also asking for that buffer to soak up some of the ground waters. Additionally, at the last meeting a fellow from the Burlington County Watershed Commission had stated that a lot of the retention basins that are in these developments already are not adequate and they are left to the Homeowners Association as is proposed here to maintain and you only have seven houses instead of the other developments in the Township that have 30 or 40 homes to maintain those and they cannot afford that. These seven homes would certainly not be able to maintain these retention basins or their inadequacies if they are not designed properly. **Vice Chairman Semptimphelter** asked if he is incurring drainage issues right now on his property. **Mr. Brotman** said yes, in fact everyone here has a constant wet yard and wet basements also. His house at 11 Surrey Court was built on the ground and not in it and his basement is still wet. The way the yards are and the water table the water just seems to collect towards the homes and they suspect that once this is stripped of top soil and natural plantings for the houses to go in that it will become a greater issue. That is why they are asking for the tree buffer to keep the surface water on that property itself. **Ms. Cholewa** asked how old are the homes in his section. **Mr. Brotman** said 10 years old. He said they do have curbs and sidewalks on both sides with drains intersecting the curbs to control some of the surface water from the streets that would actually go to their retention basins and of course that has been addressed already in saying you would like to see that. **Wayne Ingram** said he is a graduate of Rutgers University with a Bachelor in Civil Engineering, he is a licensed professional engineer in New Jersey, has been practicing for eight (8) years and has been qualified before multiple Townships mainly in Hunterdon and Mercer Counties. **Mr. McAndrew** asked his to address the drainage question. **Mr. Ingram** said their stormwater report divided the site into two major drainage areas. One is where the water is heading in a northwesterly direction and the other in a southeasterly direction. Along the property line they have designed swales that will convey the water to the front of the property to the basins that they are proposing. They are basically cutting off a large percentage of the water and moving it in front of the lots. Same as they discussed on the eastern side of the property they are putting in the under drain swales to direct the water to the back. In affect the water that is seen that sheathing across these properties now do to their drainage report and the measurers they put in it should be significantly cut from what they are

today. **Mr. McAndrew** said that plan that Mr. Ingram is referring to he is going to mark as **Exhibit A-5** – Color rendered Site Plan and Mr. Ingram's firm did prepare this exhibit. **Vice Chairman Semptimphelter** asked will that hold true for all of those properties on the west side. **Mr. Ingram** said he does not know if the swales go all the way to the back but they do begin much further to the south. Currently it is direct sheath flow to the west but the water will be directed towards the front. **Vice Chairman Semptimphelter** asked Mr. Stout if that does make sense. **Mr. Stout** said it does. There is a break line approximately three-quarters of the way down so the smaller section runs to the back, everything else has been directed to the basin that is shown in the blue color at the first bend. What they have tried to cut off the water before it gets to the farm road not the adjacent houses. **Vice Chairman Semptimphelter** said it is actually improving the situation that they have currently is what he is hearing. **Mr. Stout** said it will. **Mr. Ingram** said one of the key points of their design at this point and what their intent was to get the water to come off the driveway and swales that they have along both sides of the road, get it off as soon as possible and give it a maximum amount of time to travel within a vegetative swale, slow it down, give it time to infiltrate and basically take it all to the front of the property. Therefore, both swales they have designed are going to be keeping the water that is coming off the roadway, which is the main part of the impervious surface and get it off before it even has a chance to get to the back properties.

Linda McCann was sworn in by Solicitor Petrone to give public comment on this application. **Ms. McCann** said she lives behind the basin. She questioned how big and how deep is the basin. **Mr. Ingram** said it is a somewhat shallow structure and the main reason for that is the elevated water table that was mentioned. The basin is only a few feet deep, it is gradually sloped, they designed it so it would not have a quick drop off and appear as a basin it is something that will blend in with the land. It is shown as a pond but really it is a ground depression. It will drain in less than 72 hours after any storm event so there will not be standing water for long periods of time. The outlet of the structure is on the northern end. Therefore, any water that leaves this under high intensity storms will go towards the street it will not over flow coming towards your house. **Ms. McCann** asked about the other basin. **Mr. Ingram** said the State requires them to treat all water not just for quantity but for quality because they have an effort to treat for quality the road water towards the front of the property they need a small basin area with which to direct the water in before leaves the site. That was a very small percentage of water from the site. Again, the size is controlled by the water table. **Ms. McCann** asked it is going to just be an indent. **Mr. Ingram** said it is just going to be a depression. **Ms. McCann** said earlier it was mentioned they were going to put in marsh or grass or something in there. **Mr. Ragan** said they may put meadow grass in there as part of the landscape. **Ms. McCann** said she is concerned with mosquito's and is there anything that is going to be put in the basins to counteract the breeding mosquito's. **Mr. Ingram** said they have not made provisions for mainly because these basins are designed for a hundred year storm event. Therefore, they are designed to get large amounts of water. The typical everyday storms, the two year storms, the ten year storms they are so oversized for those that there will be no standing water and they also take a 50% backward safety with a rate that they consider the water within the basin so in terms of the true sense the water should drain out rather quickly to the point where a mosquito hazard is not an issue. **Ms. McCann** said she is concerned with the farm lane/access road because she does believe these folks if and when they move in and they decide to do a pool or whatever like most of us have of course they are going to use this road because it is easy access. She does not know how they would mandate to not use that road other than farming. She is also concerned with the maintenance of the open space and that the Homeowners Association is not going to

agree. **Mr. McAndrew** said they would like to develop more houses there and have more contributors but this is what is allowed. He said the associations are not a perfect device, he is not going to tell you they are but they have been around for 35 to 40 years now and they work fairly well most of the time and it is really the best alternative. **Mr. Ragan** said there are a number of Homeowners Associations that are successful but the ones he find make some sense are the ones where there is an income stream so the owners are not taking all the money out of their pocket. **Mr. Walker** asked did anybody in your neighborhood that did install a pool or anything in their backyard use the access road. **Ms. McCann** said no because there is a fence there. **Mr. Ragan** said the fence is going to stay.

Earl Stillwell was sworn in by Solicitor Petrone to give public comment on this application. **Mr. Stillwell** said he owns the property right across from where they want to put their highway. He said as you can see in their drawing they say they are trying to keep this a rural look this is almost four times as wide as Georgetown Road emptying out across from his house. He does not see anybody here who would like to have a four-lane highway aimed at their house. He does not know how they will fix this by narrowing it down to make it look like the entrance of the neighboring development, which has 22 homes. They have a regular road with sidewalks on each side and it is maybe 35 feet wide this is almost 80 feet wide between the two roads and the island where they want to put a big sign up and it is aimed right at his house. He suggested either moving it and narrow the one side off and just have a regular access like the development next door. They want to have a sign with lighting. The neighboring development does not have one. They are planning for 100 homes to use it later on. No body needs this size of an entrance even if there is going to be another 100 homes. He also commented on the basins. He said he knew when he bought here approximately 9 years ago there could be development across from him but he did not know there was going to aim a four-lane highway at his house. It needs to be narrowed down and moved and use a two lane like a normal drive that the neighboring development. **Mr. Walker** asked if he has any trees in front of his house now. **Mr. Stillwell** said yes maple trees that are about four foot in diameter. **Mr. Walker** suggested getting a couple of trees to block the headlights. **Mr. Stillwell** said does it need to be that big of an entrance. **Mr. Walker** said if they build another development on the other side of that then it is going to need to be. **Mr. Walker** said only one car can go out the road at a time. **Vice Chairman Semptimphelter** asked what is the opening. **Mr. Ingram** said it may appear to be very wide it terms of the right of way but the center island that they are planning to have the sign on, he does not believe it is to be lighted. It is approximately 20 some feet wide and then basically it is a single lane in and single lane out so the widths have been designed basically in accordance with the RSIS standards in terms of width just to provide a safe ingress and egress, turning of fire trucks and really for safety measures. He believes it is really the center island, which was done to be kind of aesthetics, which makes it appear very wide. **Mr. Stillwell** said right at the moment there are seven houses that have a road that size he will object to it as much as he can. **Mr. Ragan** said they certainly did not want to put the road in front of Mr. Stillwell. **Mrs. Stillwell** said it catches the corner, the road is tapering out to the right and when those people turn that is going to be in her bedroom and living room. It is really going to devalue the property. **Mr. Ragan** said they can look at potentially making it 10 feet narrower and pull it over more as one solution to accommodate them and that is the reason they came to the Board for preliminary and not final so they can work things out.

Sarah Stillwell was sworn in by Solicitor Petrone to give public comment on this application. **Mrs. Stillwell** said her perspective is completely different in two ways. It is what they are going to be looking at and the road even when it is widened is still not that wide of a

road, so it is pretty much going to be in their face. Her concern is what they are going to be facing and also what is going to be facing them. The headlights at night, the traffic in and out and the sign. They are thinking how is this house going to sell if there is not an aesthetically pleasing right across the street. She appreciates the design of trying to keep it more rural. She personally is for less lights but she does not think a sign fits in with that picture. People are concerned about the road. They have kids that ride their quads and she thinks that the kids that will be living in the proposed houses will be racing up and down the lane. She asked why do they have to connect to the Chesterfield property because this will end a throughway and a short cut, which will create more traffic on an already dangerous intersection. She thinks this should be its own quiet development and whatever comes down the road let it face out to the busier 545. **Mr. Ragan** said they will consider their request he was thinking this is a twenty-foot island and it could go down to eight feet and bring it eight feet over. **Vice Chairman Semptimphelter** asked what is the magic of the island. **Mr. Ragan** said it was just creating an entrance. **Mrs. Stillwell** said she would like it to seem a quiet little country road going back in to a country estate, not entrance to a development with a sign and an island. **Mr. Ragan** said he agrees with her but it should not have curbs and sidewalks. **Mrs. Stillwell** asked is the pond just a slight depression. **Mr. Ragan** said yes. **Mrs. Stillwell** asked if there is going to be a fence around it. **Mr. Ragan** said there is proposed fencing, the same kind that is around the property. **Mrs. Stillwell** said it is great the houses being tucked away but what she is looking at is retention ponds plus the big entrance and feels it is totally out of character of what is already there. She asked if any of the nursery stock is going to be removed. **Mr. Ragan** said it is going to be replanted however the nursery person wants to do it. He said it is not a basin as the engineer indicated it is going to be holding water on a 48-hour basis. It is a slight depression that has an outfall and is two feet above seasonal high and it is going to perc. **Mrs. Stillwell** then asked about fencing. **Mr. Ragan** said the fencing they propose was to maintain the fencing that is out there, which is the equestrian type of fencing and they are not proposing chain link. **Mrs. Stillwell** then asked what the footage is from the new road to the retention pond. **Mr. Ingram** responded about 50 feet from the right of way line, which is another 25 or 30 feet back from the road.

Maureen Radwell, 304 Georgetown Road was sworn in by Solicitor Petrone to give public comments on this application. **Mrs. Radwell** said she is very concerned with the drainage because her property does not drain well. No matter what they do to have the water drain it stays. Whatever happens she wants to be ensured that the basins will drain given their soil. **Vice Chairman Semptimphelter** asked did he hear testimony to the effect that, that it is going to be changed there with the swale. **Wayne Ingram** said the main reason they located the basins where they have, the area is known to be wet, it is the wettest part of the property. It also has the worst soils of the property, which is why they have located their basins away from that. It is better permeable soils. **Mrs. Radwell** asked how is this going to change for her. **Mr. Ingram** said they have a large swale design that is going to cut through and pick up all the water in certain locations and direct it all into the basins so they should see significant less water then they do now because the swale is cutting off all the drainage area that currently gets to her property is going toward the front and into the street. **Mrs. Radwell** asked if any of the fence or trees will be affected by the plan. **Mr. Ragan** said it stays.

Jeff Claire, 3 Surrey Court was sworn in by Solicitor Petrone to give public comments on this application. **Mr. Radwell** said this seems to be an unusual concept to him where they are reducing the lot sizes to have open space and he likes that idea but then the farmer is still running that open space as a business and dictating the terms for the landscaper and the association and

then when the association disagrees on the potential use of the property he hears that they can sue each other or put a lien against each other. He is asking is this a new thing, is there precedence in other developments in the community where the business owner that develops the property gets to dictate the terms of the open space. **Vice Chairman Semptimphelter** said he cannot speak to the law but he knows that the associations have been in place for many years. **Mr. Claire** said he is not so much speaking about the association he is talking about the development. The person who designs the development and builds the development gets to dictate the terms of the open space in the guides of an association, which they really control. **Mr. McAndrew** said the applicant is not going to be the farmer and the nursery has always been operated by other people. What they envision is the open space will remain a nursery and be used by a tenant like it is now and that income will go to the homeowners association because there is a lot of open space to maintain and use. They are just trying to find a way to make it viable. **Vice Chairman Semptimphelter** said he sees that as a positive. **Mr. McAndrew** said it is a positive and they are trying to do things a little innovatively and maintain the 45 foot around the perimeter and keep it as much as they can open space. Once they create the open space they have to find something to do with it, so leaving some of the nursery in place and letting the homeowners association get the income he thinks that is a great thing but it does not benefit the applicant directly. **Mr. Claire** asked if you are not going to farm it why do you need to road. **Mr. McAndrew** said they are going to maintain their farm where it is and if they need to get tractors in the back of the farm or they need to get access between them and the nursery area for whatever reason. It will get used like it does now a few times a year. He has walked it and it is not much of a road, it is a very ruddy farm lane. He does not see it being a bypass to the main road. **Vice Chairman Semptimphelter** asked is that Mr. Claire's question or comment. **Mr. Claire** said he was looking for other examples in our community, in Mansfield or this area where this type of set up is in place.

Harry McVey said several of the cluster developments do have farms in and around it, in the open space. It is unusual, usually the farm maintains that but again our ordinance is set up to encourage farm use. It would not be different because a good deal of the farmland in town is leased by other people not by the person that owns the land.

Michael Brotman, 11 Surrey Court said when these houses built they were built according to the zoning that was in place at the time and they have the swales that are suppose to control the rain water of which had been inadequate. His property specifically has swales running to drain the water towards the back and of course between the adjoining properties there was a swale that was graded to make it run towards the street. None of those actually function as they were designed. Many of the homeowners in this neighborhood have installed various plantings to try to absorb some of the water and keep it out of their houses. Secondly they are asking for this to be developed as residential so a farm lane is not needed. If the nursery is going to be in the front they can access through the road that they are proposing. They also ask that if the swales do not work who is responsible for all the water. This is designed to go to future development. His neighborhood ends at the cul-de-sac. They ask that this one also ends in the cul-de-sac and any future development would be accessed through 545 being that is an entire different Township. They do not necessarily need connecting roads and all the issues that come along with that.

Residents asked if they would be noticed when the applicant appears before the Board for Final Preliminary approval. **Solicitor Petrone** said under the Municipal Land Use Law for Final approval they do not have to give notice.

Mrs. Stillwell said it sounds like a great idea to have the nursery working and it looks for aesthetics and she would love for there to continue to be shrubs and beautiful things across from her but what if does not work. The homeowners that will be there what if after a while they do not want to smell diesel, they do not want the tractor crossing from one side of the development to the other. **Vice Chairman Semptimphelter** said he appreciates her comment but they could play what if the rest of the night and that is why we have the experts here to give the Board the presentation and information and they are listening to the experts. **Mrs. Stillwell** said just consider that.

Patrick McAndrew said in terms of the final his feeling is they would give notice on that because it is fairer and he also thinks it turns on the ordinance and certain things in the ordinance whether it is required or not. He does not think it is a per say rule. What typically happens is sometimes as you go through plans they change and there are variances needed so he would like to give notice just in case there is a variance needed on the second go round and it is fairer. In terms of tonight the main issue in terms of planning had to do with sidewalks and curbs and he thinks the Board has a position on that. He thinks most of the other issues they have worked through or will work through by providing a little bit more detail between now and final. They are asking for preliminary, it is just seven (7) building lots on 25 acres. They have accommodated the neighbors to the east, which has a horse farm and some different use issues. The residents, which have issues you typically don't buffer or have all that separation between residential uses so they will address the drainage but they are not going to provide the same type of buffer as they would to a horse farm or a different use. So basically if the Board is comfortable they would like preliminary approval tonight but they would give notice when they come back for final.

Al Litwornia said if the Board grants preliminary tonight they would like to see the driveway design at the interface with Georgetown Road put off to finals so they could have input on modifying it the way some of the citizens have objected to it. **Mr. McAndrew** said they agree to modify it. **Vice Chairman Semptimphelter** advised the public that the applicant agreed to modify it and wait for final from some of the stuff and grant the preliminary this evening. They will take the public's comments into consideration and have the professionals look at that and that may be modified at final.

Mrs. Stillwell asked if they would also look at and seriously consider making the developments so the potential second development be completely separate so that is not a thruway. **Mr. McAndrew** said they could look at that but it is tough to do because it is just bad planning. There is always opposition but it is something they can think about but if they stick with good planning it will be shown on the map.

A motion was offered by **Douglas Walker** and duly second by **LaVerne Cholewa** to close the public hearing on this application. Motion carried.

BOARD COMMENTS:

Gary Lippincott asked about plantings in the infiltration basins. Mr. Stout said it cannot be planted in but they can do landscaping planting around the perimeters but the sand bottom they cannot.

SOLICITOR COMMENTS:

Solicitor Petrone this would be motion a motion to grant preliminary approval for the subdivision as proposed with the variances for the non-buildable lots as outlined, subject to a number of conditions, a Homeowner's Association documentation to be submitted prior to final approval, providing the HOA with all the responsibilities as testified to this evening by the applicant, its professionals and the representations of Mr. McAndrew. He has not heard a waiver for sidewalks, so as of right now sidewalks and curbing will be required along both sides of the street as well as along Georgetown Road. The applicant will design modifications to the entrance road at Georgetown to respond to comments of the Stillwell's with respect to lights shining from cars existing out of the development and the width of Georgetown Road to be widened. The applicants engineer will work with the Boards professional staff with respect to the widening of Georgetown Road. As it relates to the existing horse farm on the east side of the property. The applicant will submit either an easement or deed restrictions outlining the agreement between the applicant and the owners of the horse farm to delineate what can happen within that specific area. That is the planting of trees that are no harmful to the horses, granting the horse farm owners the right to maintain fence so an easement will have to be granted for that purpose. The applicant will work with board engineers with respect to additional information for storm drainage purposes be it additional soil borings or what ever Mr. Stout is going to require. Will also coordinate with Mr. Stout's office either the placing of another light fixture on the main road as well as the wattage and height for the lights. Plans will have to be revised to show trees along the westerly side. The applicant will be responsible for the affordable housing fee at the time of building permit and co issuance. The location of the additional trees (street trees) in front of the houses will be coordinated with the Board Planner. Sight triangles will be added along Georgetown as well as a note that there will be selective cutting of the trees along Georgetown Road. The farm lane on the westerly side of the property will be deed restricted to prevent other than farm vehicles coming from the farm operation to the rear of the property. All other use of that farm lane will be discouraged. The farm lane on the east side of the property will be eliminated. The 45-foot strip on the east side will be designed so that it does not look like a public path from Georgetown Road all the way back to the property to again discourage people from congregating adjacent to the horse farm. Prior to final approval the applicant will do an analysis to determine whether or not that the stub street is going to be required. Further subject to the applicant complying with the review letters of the Boards professionals and subject to the testimony that was provided on the applicants behalf this evening.

MOTION FOR APPROVAL:

A motion was offered by Douglas Walker and duly second by LaVerne Cholewa to approve Application Number PB12-01PS: Bright View Group, Block 13, Lots 3.03 & 3.04 for Preliminary Subdivision to subdivide the existing two (2) agricultural lots into ten (10) lots with seven (7) buildable lots located at 298 Georgetown Road in the R-1 Residential Zoning District with conditions as stated above by Solicitor Petrone. The motion carried on a roll call vote taken as follows:

AYE: Borgstrom, Cholewa, Higgins, Lippincott, Walker, Semptimphelter
NAYE: None

ABSENT: Patel, Preidel, Puglia

RESOLUTION NUMBER 2012-03-08

(A copy of the foregoing Resolution is spread on the following pages.)

DISCUSSION:

Solar Energy Facilities on Farms

This item will be held for discussion at the Monday, April 23, 2012 meeting.

APPROVAL OF MINUTES:

A motion was offered by **Douglas Borgstrom** and duly second by **LaVerne Cholewa** to approve the minutes of February 7, 2012 Work Session and February 27, 2012 Regular minutes. Motion carried.

BILL LIST:

Raymond, Coleman & Heinold, LLP

General Planning Board	\$ 252.00
Rockwell	\$1,729.00
Rockwell	\$1,932.00
Rockwell	\$1,631.00
Rockwell	\$ 66.00
Brightview	\$ 168.00
Total:	\$5,778.00

Litwornia Associates, Inc.

Rockwell	\$ 668.75
Brightview	\$ 184.00
Total:	\$ 852.75

Louis Glass Associates

Rockwell	\$ 480.00
Rockwell	\$ 379.00
Rockwell	\$ 294.00
Brightview	\$1,161.00
Brightview	\$ 98.00
Total:	\$2,412.00

Stout & Caldwell Engineers

Rockwell	\$ 375.00
Rockwell	\$ 762.50
Rockwell	\$ 250.00
Rockwell	\$ 475.00
Brightview	\$3,635.00
Total:	\$5,497.50

A motion was offered by **LaVerne Cholewa** and duly second by **Douglas Walker** to approve the bill list as submitted. Motion carried.

ACCEPT, RECORD & FILE CORRESPONDENCE:

Louis Glass

- Date: March 20, 2012
 Re: Bright View Group – Preliminary Major Subdivision
 Block 31, Lots 3.03 & 3.04 – 298 Georgetown Road
- Date: March 19, 2012
 Re: James Rockwell – Variances, Preliminary & Final Major Site Plan
 Block 33.04, Lots 9.01 & 9.23 – 14 Sheffield Drive
 C-3 Office – Residential Zone

Proposing two Office Buildings
Completeness Review

Litwornia Associates

3. Date: March 20, 2012
Re: Bright View Farm, Inc. – Preliminary Major Subdivision
Block 13, Lots 3.03 & 3.04
4. Date: March 22, 2012
Re: James Rockwell/14 Sheffield Drive
Preliminary & Final Major Site Plan with Bulk Variances
Block 33.04, Lots 9.01 & 9.23
Completeness Review

Stout & Caldwell Engineers

5. Date: March 19, 2012
Re: James Rockwell – Offices
Block 33.04, Lots 9.01 & 9.23
Completeness Review
6. Date: March 19, 2012
Re: New Jersey American Water
Block 30, Lot 4 – Route 206 and Columbus-Hedding Road

Ragan Design Group

7. Date: March 9, 2012
Re: Preliminary Major Subdivision
Bright View Group
Block 13, Lots 3.03 & 3.04 – 298 Georgetown Road
Response to Louis Glass comments

E&LP Associates, Inc.

8. Date: March 14, 2012
Re: Bright View Subdivision
Block 13, Lots 3.03 & 3.04 – 298 Georgetown Road
Response to review comments from Louis Glass Associates, Litwornia Associates & Stout & Caldwell Engineers

Remington & Vernick Engineers

9. Date: March 9, 2012
Re: Coving Manor Estates

Bob Tallon

10. Date: July 31, 2011
Re: Stormwater Basin study completed by Emerald Environmental Solution
Covington Manor Estates – Block 31, Lots 6.01, 6.02 & 8.01
The Legends at Mansfield – Block 25, Lots 7 & 10
The Meadows at Mansfield – Block 24, Lots 25 & 38.01
Sheffield Drive Professional Offices – Block 33.04, Lot 9.01

Burlington County Soil Conservation

11. Date: March 5, 2012
Re: OPS NO. T600.102C Ins. Of Var. Mess. Sign
Soil Erosion & Sediment Control Plan Conditionally Certified
12. Date: March 15, 2012
Re: Jack Howard – Block 24, Lot 42.09
Soil Erosion & Sediment Control Plan Certified

NJPO

13. Date: December 2011
Re: The New Jersey Planner
14. Date: January/February 2012
Re: The New Jersey Planner

The Planning Board agreed to accept, record and file the correspondence as submitted.

NEXT MEETING:

It was noted that the work session scheduled for Tuesday, April 3, 2012 will be canceled and the next regular meeting of the Mansfield Township Planning Board will be held on Monday, April 23, 2012.

FINANCIAL DISCLOSURE STATEMENTS:

Secretary Gable asked that everyone fill out their Financial Disclosure Statements and submit them to the Township Clerk's office as soon as possible.

MOTION FOR ADJOURNMENT:

There being no further business, a motion was offered by **Robert Higgins** and duly second by **Douglas Walker** to adjourn the meeting at 10:00 P.M. Motion carried.

Respectfully submitted,

Michelle L. Gable, Secretary

5/29/12

Approved