

**TOWNSHIP OF MANSFIELD  
PLANNING BOARD  
Monday, July 23, 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 7:10 p.m. with the following in attendance: LaVerne Cholewa, Robert Semptimphelter, Dalpat Patel, Scott Preidel, Douglas Walker and Michelle L. Gable, Secretary. Also present were Thomas J. Coleman, III, Louis Glass, Harry McVey, Al Litwornia, Robert Stout and Gary Forshner (Attorney for James Rockwell). Douglas Borgstrom, Robert Higgins, Gary Lippincott and Arthur Puglia were absent.

The following item was discussed:

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

Gary Forshner, Attorney for the applicant advised the Board and the professionals that he met at the site with his client and the homeowners affected by this project and have come up with some changes to the plan to accommodate the residents.

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 Chairman Preidel at 7:30 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.

**ROLL CALL:**

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

**Professional Staff:** Thomas J. Coleman, III, Solicitor; Louis Glass and Harry McVey, Planners; Alexander J. Litwornia, Traffic Engineer and Robert Stout, Engineer.

**Public Comments:**

**Chairman Preidel** opened the public comments portion of the meeting on non-agenda items.

Hearing no public comments **Chairman Preidel** closed the public comments portion of the meeting.

**MATTERS TO BE CONSIDER BY THE BOARD:**

**COMPLETENESS & PUBLIC HEARING:**

**Application Number PB12-02PFSP&V-2012AMS: Dr. James & Teresa Rockwell/Mansfield Investments, LLC, Block 33.04, Lots 9.01 & 9.23:**

**Chairman Preidel** introduced this Application for Preliminary & Final Site plan with Variances and a Minor Subdivision 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 on 14 Sheffield Drive in the C-3 Office/Residential Zoning District.

**CONCEPTUAL PLAN:**

**Gary Forshner** said they have something conceptually to put on the record. He said Mr. Gasiorowski is here who represents some of the neighbors. They have been talking notably today but over the last few days to address the neighbors concerns. In order to advance this application those concerns need to be addressed. They talked about a number of different items that he would like to review with the Board conceptually. He said first they were asked to convert this project into one building. It will be approximately the same size as it is now. The second floor, which is not as desirable probably, will not be as big as the first floor, so the footprint will change. They have talked about doing this as one building so that it also gives more of a buffer to the residents. In addition, they were asked to increase the front yard buffer to thirty (30) feet noting that the ordinance requires twenty (20) feet. The landscaping in the front yard will probably be some evergreen shrubs and maybe some deciduous trees probably not different then some of the other properties in the area with a small berm in that area within the front yard. In addition, in the common property line with the residents to the north, in lieu of the landscaping that was there they were asked to do a fence either stockade or a board on board fence. It will probably be a composite fence so it is low maintenance but they will do something and will consult with the neighbor in terms of the details. It is up to the Board to approve that but they did tell the neighbor that they would give them the courtesy of consulting with them as to that detail. This was a plan they prepared for a totally different reason but it allows them to explain a little bit of what they are doing. This plan was done conceptually and assuming they were going forward with the original application they prepared this plan solely to show the Board that they could do almost a entirely conforming project with the one building. They thought the other plan was a little bit better. The neighbors prefer something that is closer to this plan. The footprint as he said will probably be bigger because this is just simply a box and as he indicated the first floor is likely to be larger than the second floor. They also may change the orientation on this but they intend to have it as a substantial set back from the residents both to the north as well as across Sheffield Drive. This particular driveway again was done conceptually to minimize the impervious. They are going to use the ingress and egress comparable to what was on the plan that previously was submitted to the Board so it will probably be utilizing the common driveway with the adjacent property. They will still have the driveway to the north. They have been asked to make that as ingress only and they are prepared to do that assuming everything else falls into place. **Mr. Gasiorowski** asked about the location of the signage. **Mr. Forshner** said the location of the signage, they will put that on the record, is not going to change, it is going to be substantially the same as it is shown on the original plan. It is not shown on this conceptual plan because this was not the objective of this plan. They have been asked to agree to a few other details. They agreed to use the existing curb cut for the construction entrance so it would not be as close to the residential properties. In addition, there is to be no external construction activity/site work on the weekend but anything internal to the building they can do and they will be consistent with the Township ordinance. They have been asked to do a deed restriction prohibiting further development as long as it is understood that they have a right to come back before the Board that this project will not change. In other words thirty or forty years from now who knows what is going to be at this property. They need the ability to modify it. It would obviously not be good for the Township or the property owner to be stuck with something that at that point and time is obsolete and couldn't come back before the Board and address it but they agreed to the limited deed restriction so that the residents do not have to worry about them coming back in six months for something different assuming they exercise this approval. **Chairman Preidel** said they mentioned the buffer along Sheffield Drive and then asked about the buffer to the north. **Mr. Forshner** said yes there is a twenty (20) foot

buffer but the only thing is instead of the landscaping they are showing they have been asked to do a fence. Once they do a fence it will probably be near the end of the parking area. Sight lines have to be appropriate but they will bring the fence out even further. At that point and time it is not necessary to do the landscaping so they agreed to do that fence in that area. **Robert Semptimphelter** asked if the parking is up front now. **Mr. Forshner** said it will be largely up front again but it may change in terms of the orientation but it will look something that approximates this. If you slide the building back or change the orientation of the building the parking field may change to some extent but the objective of the change to the parking was the residents perceive it as an additional buffer between the building and their properties so that is the purpose it is going to serve. **Mr. Semptimphelter** asked it is thirty feet now. **Mr. Forshner** said yes right now it is thirty feet back. They are going to maintain the thirty-foot landscape buffer but in addition the parking will serve as an additional buffer to the residential properties. **Mr. Gasiorowski** said he thinks he also indicated that perhaps you might want to reorient the building to push it further back, which they do not have an objection to. **Chairman Preidel** asked Mr. Gasiorowski to introduce himself. **Ron Gasiorowski** said he is an attorney with offices in Red Bank, New Jersey. He represented certain objectors in the initial lawsuit, he presently represents objectors in this matter as well as the lawsuit, which has been filed and he has consulted with his colleague as well as Dr. Rockwell and obviously this has been a very highly contested issue but the applicant once they reached the point where they wanted to settle this he has been a gentleman dealing with him as has his attorney. The Board attorney Mr. Coleman was also very instrumental in bringing us together and that hopefully we would come to an agreement that they can live with. The only issue that his colleague brought up was that there are certain people who live in that project who were not parties either to the lawsuit or his representation in this matter. He wanted to receive some insurance that if they are in fact present in this room that they would have listened to what has just gone through and would have no objection to and it is something they have to determine. Other than that he thinks his colleague has laid it out and Mr. Coleman has suggested that if we do come to an agreement they could telephone conference this with Judge Bookbinder so that they can get this memorialized and out of the way. He thinks all the parties have reached an agreement where everybody is not completely happy but they are putting this behind them. **Mr. Forshner** said the only last thing he needs to add and Mr. Gasiorowski is aware of this it is critical to them that they reserve their rights should anyone object or if the application not be approved substantially in accordance with this. It also would be subject to dismissing the litigation that there would be no further appeals but irrespective of that he asked Mr. Gasiorowski if there was anything he wanted to add. **Mr. Gasiorowski** said what he said is absolutely true if for example this Board applied for them coming to a settlement for some reason says we don't like it, we don't want to grant this particular waiver and they have a right to do that and then we might be right back at square one. **Mr. Forshner** said both parties have reserved their right under those circumstances should it be the objective from the public, should there be an appeal or should the Board not accept the concept and all they are doing is preserving their rights at that point. **Mr. Gasiorowski** said he has also made the representation to the Doctor, let's say for example that even though everyone present here agrees to this settlement if somebody comes out of the blue whether he is across the street or somewhere else in the subdivision he would not undertake their representation for several reasons.

**Solicitor Coleman** said first and foremost for the Boards concern he thinks Mr. Forshner addressed it briefly. This conceptual settlement that we may potentially put on the Board in a minute or so this is not in any going to bind the Board. Just as Mr. Forshner's client Dr. Rockwell is reserving his rights we are in affect reserving out rights. We are still going to have a hearing on this application. We are still going to afford the public anybody that may want to come that evening to come and express their concerns about this whole project. He thinks what

may happen at some point this evening is that Mr. Forshner may come forward and ask for a continuance of this application so that Dr. Rockwell and his professionals have an opportunity really to put a sharper pen to paper and prepare a plan that he thinks hopefully will satisfy the residents concerns. **Mr. Semptimphelter** asked if the Board would be then looking at an all new application. **Solicitor Coleman** said not a brand new application but a significantly revised application.

**Mr. Gasiorowski** asked if we could make a determination whether or not there is anybody present in the room. **Chairman Preidel** then suggested a fifteen minute recess so anyone present could review the plan. **Mr. Forshner** said before a recess he thinks where Mr. Gasiorowski was heading with this and what he would concur if whether the Board does or one of them do ask if there is anyone here that is not directly represented by Mr. Gasiorowski because it is important they accept the concept as well in order to be able to go forward under these circumstances so they do not end up in a situation where they have some objectors and some that have settled it so if you do not mind again whether the Chairman makes the announcement or Ron or he makes the announcement, they would like to identify if there is anyone else here. **Solicitor Coleman** said they would do the recess now so they can collectively see who is here and he would like to take the Board out of the room and then come and get the Board once they are done.

#### **MOTION FOR RECESS:**

A motion was offered by **Chairman Preidel** and duly second by **Robert Semptimphelter** to take a 15 minute recess at 7:43 p.m. Motion carried.

A motion was offered by **Robert Semptimphelter** and duly second by **Dalpat Patel** to reopen the meeting at 7:55 p.m. Motion carried.

**Mr. Forshner** said they had the opportunity and again he thanks Mr. Gasiorowski, he and his clients have been a terrific help as well as the Boards professionals. They took a recess to review what they conceptually put on the record with the residents that were here as well so Mr. Gasiorowski makes sure first of all his clients had no questions or concerns as well as other members of the public. There is consensus or at least no one who has voiced any lingering objections to the application so the next step would be a couple of things. One is they are going to ask that the Board would indulge them to just have those folks that are not represented by Mr. Gasiorowski to identify themselves and number two they will ask the Board to continue this until the next available meeting, which is August 27<sup>th</sup>. Obviously this will require them to submit revised plans consistent with what they put on the record this evening.

The following is a list of public that are not represented by Mr. Gasiorowski and do not have any objects to the concept put before them this evening:

- Judy & Bob Harrison – Mansfield Road West
- Karen Csenteri – 32 Sheffield Drive
- Joe Csenteri – 32 Sheffield Drive
- Bob Applegate – 40 Sheffield Drive

The following is a list of residents who are represented by Mr. Gasiorowski:

- Dorothy DeFlece – 18 Sheffield Drive
- Lisa Cottrell – 9 Sheffield Drive
- Elizabeth Murphy – 16 Sheffield Drive
- Tracy Jones – 11 Sheffield Drive
- Joseph Jones – 11 Sheffield Drive
- William Kraus – 6 Green Court

Jonathan Howard – 5 Green Court  
Bob DeFlece – 18 Sheffield Drive

**Mr. Forshner** asked that this be scheduled to be heard at the next hearing. **Mr. Coleman** asked that they renounce for that hearing and they are prepared to do so.

**Mr. Gasiorowski** said he understands the plans must be in ten (10) days prior to the date of August 27<sup>th</sup>. He requested that at the same time his clients and himself be copied so that maybe there is no need for him to even come back on the 27<sup>th</sup> to save his clients some money and so they would have it all worked out before the 27<sup>th</sup>. **Mr. Forshner** said not a problem.

**Mr. Gasiorowski** said he would further represent that based on what was discussed upon the Board approving the revised plans he will dismiss with prejudice the lawsuit that is filed.

**Mr. Forshner** thanked everyone for being cooperative.

#### **MEMORIALIZATION OF RESOLUTION:**

##### **RESOLUTION NUMBER 2012-05-10:**

Granting Application Number PB09-02MNS-012EX: Matthew Militch, Block 31, Lot 7 an extension of a Minor Subdivision Approval previously granted as per Resolution Number 2009-05-08 located at 160 Mill Lane in the R-1 Residential Zoning District.

A motion was offered by **Robert Semptimphelter** and duly second by **Dalpat Patel** to memorialize **Resolution Number 2012-05-10**. The motion carried on a roll call vote taken as follows:

**AYE:** Cholewa, Patel, Preidel, Semptimphelter  
**NAYE:** None  
**NOT VOTING:** Walker  
**ABSENT:** Borgstrom, Higgins, Lippincott, Puglia

#### **APPROVAL OF MINUTES:**

A motion was offered by **LaVerne Cholewa** and duly second by **Robert Semptimphelter** to approve the minutes of **May 29, 2012** regular meeting. **Chairman Preidel** abstained. Motion carried.

#### **BILL LIST:**

##### **Litwornia Associates**

Bright View Farms	Inv. #11894	\$1,033.00
Bright View Farms	Inv.#11919	\$ 11.50
Mansfield Investments (Rockwell)	Inv.#11947	\$ 594.00

##### **Louis Glass Associates**

Bright View Farms	March 2012	\$1,110.00
Mansfield Investments (Rockwell)	May 2012	\$ 245.00

##### **Stout & Caldwell Engineers**

Bright View Farms	Inv.#MPB-12-001-0002	\$1,412.50
Mansfield Investments (Rockwell)	Inv.#MPB-08-011A-0002	\$3,156.25
NJ American Water	Inv.#MPB-06-0009A-0004	\$ 212.50

##### **Raymond Coleman Heinold & Norman, LLP**

Bright View Farms	Inv.#12761	\$ 483.00
Bright View Farms	Inv.#12979	\$ 434.00
Bright View Farms	Inv.#13172	\$ 385.00
Mansfield Investments (Rockwell)	Inv.#13164	\$ 588.00

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

**ACCEPT, RECORD & FILE CORRESPONDENCE:**

**Louis Glass Associates**

1. Re: Rockwell Professional Offices  
Block 33.04, Lots 9.01 & 9.23 – 14 Sheffield Drive  
Amended Preliminary & Final Site Plan – Minor Subdivision  
Date: July 17, 2012

**Litwornia Associates**

2. Re: James Rockwell/14 Sheffield Drive  
Completeness for Preliminary & Final Site Plan with bulk variances  
Block 33.0, Lots 9.01 & 9.23  
Date: July 17, 2012

**R.S. Gasiorowski**

3. Re: Preliminary/Final Site Plan Application  
14 Sheffield Drive Professional Offices, Mansfield Investments, LLC  
Block 33.04, Lots 9.01 & 9.23, Township of Mansfield  
Date: July 3, 2012

**Linda Semus, Clerk**

4. Re: NJLM – Housing Trust Funds  
Appellate Division to Consider Issue of Housing Trust Funds; Failure of Council on Affordable  
Housing to Adopt Trust Fund Commitment Regulations  
Date: July 3, 2012
5. Re: NJLM Daily Advisory  
Date: July 18, 2012

**New Jersey Planning Officials**

6. Re: Affordable Housing Trust Funds  
The Court Rules on Affordable Housing Trust Funds
7. Date: July 16, 2012  
Re: The New Jersey Planner  
Date: May/June 2012

**Maraziti Falcon & Healey**

8. Re: Redevelopment Alert  
Court Holds that well-drafted redevelopment plan protects redevelopment from Challenge by  
property owners  
Revd: June 25, 2012

A motion was offered by **Robert Semptimphelter** and duly second by **LaVerne Cholewa** to accept, record and file the correspondence as submitted. Motion carried.

**NEXT MEETING DATE:**

It was noted that the next regular meeting will be held on Monday, August 27, 2012.

**MOTION FOR ADJOURNMENT:**

There being no further business a motion was offered by **LaVerne Cholewa** and duly second by **Dalpat Patel** to adjourn the meeting at 8:03 p.m. Motion carried.

Respectfully submitted,

\_\_\_\_\_  
Michelle L. Gable, Secretary

8/27/12  
Approval