

**TOWNSHIP OF MANSFIELD  
PLANNING BOARD  
Tuesday, May 29, 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 7:00 p.m. with the following in attendance: Douglas Borgstrom, LaVerne Cholewa, Robert Higgins (arrived 7:13 p.m.), Arthur Puglia, Robert Semptimphelter, Dalpat Patel (arrived 7:25 p.m.), Scott Preidel and Michelle L. Gable, Secretary. Also present were Thomas J. Coleman, III, Louis Glass, Harry McVey, Al Litwornia, Mark Malinowski and Gary Forshner (Attorney for James Rockwell). Gary Lippincott and Douglas Walker 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:**

**Mark Malinowski** commented on the septic field and the parking.

**Douglas Borgstrom** commented on the fire truck gaining access to the building.

**Lou Glass** has questions on the buffer, as there are no details.

**Al Litwornia** commented on the driveway and the septic design.

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:** Douglas Borgstrom, LaVerne Cholewa, Robert Higgins, Dalpat Patel, Scott Preidel, Arthur Puglia, Robert Semptimphelter (left 8:14 p.m.) and Douglas Walker (arrived 8:15 p.m.). Gary Lippincott was absent.

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

**REQUEST FOR AN EXTENSION:**

**Application Number PB09-02MNS-012EX: Matthew Militch, Block 31, Lot 7:**

**Chairman Preidel** introduced this request for an extension of Minor Subdivision Approval previously granted as per Resolution Number 2009-05-08 located at 160 Mill Lane in

the R-1 Residential Zoning District.

**Lisa Richport, Legal Counsel** was present representing Mr. & Mrs. Matthew Militch. **Matthew Militch** the applicant introduced himself.

**Ms. Richport** said Mr. & Mrs. Militch were before the Board for approval of a minor subdivision. They are at the portion where the County had to do their last approvals, which have been provided to the municipality by Mr. Militch as well as all other documents that were a condition of his approval. The County Board of Chosen Freeholders provided the fully executed deed of easement, which has been recorded. As a technicality to the statutes, she is requesting that the Board grant this application an extension for final approval of the resolution.

**Solicitor Coleman** said he discussed this with the Board Secretary and he thinks this is an issue where the applicant was caught to some degree in administrative hurdles out of their control and he believes they are here this evening to ask for an extension. **Mr. Militch** said he would like to continue with his subdivision and subdivide the property. **Solicitor Coleman** asked Mr. Militch when would it be feasible for him to return to the Board. **Mr. Militch** said he is waiting for a copy of the deed of the easement for the driveway, which is the last piece of paper he believes he needs. **Ms. Richport** said it has been filed but it has not come back with the recorded date. **Solicitor Coleman** asked for a time limit. **Mr. Militch** said a month should be okay but he really does not know. He tried to expedite it they said there is now way expedite this part. He said applied for this easement in 2009 and he received it in February 2012. He said he did not realize there was a 180-day timetable on this original application when he applied for it not realizing that the time that was involved to get him through all the hurdles is just overwhelming. **Ms. Richport** said two (2) months would be sufficient. **Solicitor Coleman** suggested three (3) months to be safe. **Ms. Richport** agreed. **Solicitor Coleman** said they have ninety (90) days to get the appropriate paperwork in the files.

#### **MOTION GRANTING EXTENSION:**

A motion was offered by **Robert Semptimphelter** and duly second by **Douglas Borgstrom** to grant **Application Number PB09-02MNS-012EX: Matthew Militch, Block 31, Lot 7** an extension of Minor Subdivision approval for 160 Mill Lane in the R-1 Residential Zoning District. The motion carried on a roll call vote taken as follows:

**AYE:** Borgstrom, Cholewa, Higgins, Patel, Preidel, Puglia, Semptimphelter  
**NAYE:** None  
**ABSENT:** Lippincott, Walker

#### **RESOLUTION NUMBER 2012-05-09**

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

#### **COMPLETENESS & PUBLIC HEARING:**

**Application Number PB12-02PFSP&V: 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 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.

**Arthur Puglia** recused himself as he has a property within 200 feet and as Mayor he has to step down. **Solicitor Coleman** said he had an opportunity to discuss the Mayor's conflict and he truly is within 200 feet of this applicant. He then suggested to the Mayor and he thinks the decision is supported by NJ Case Law that not only does he step down this evening but he would ask the Mayor to exit the room as well. He thinks that is appropriate under the circumstances. He thinks he is supported by the New Jersey Case Law in that not that he would expect him to

make any hand gestures or facial expressions but given the sensitivity of this application he would ask that the Mayor exit the room please. **Mayor Puglia** said he is doing this on the Solicitors recommendation. He did not want to do it but he is taking the Solicitors recommendation.

**TESTIMONY:**

**Gary Forshner** of the Firm Stark & Stark is present on behalf of the applicant Dr. James and Teresa Rockwell as well as Mansfield Investments, LLC. They are prepared to proceed with the application this evening. There are a number of things that need to be addressed not only the application itself but also completeness.

**Ron Gasiorowski** is an attorney with offices in Red Bank, New Jersey and represents a group of objectors in this matter. He was the Attorney of record on the earlier matter, which proceeded up to Judge Bookbinder, which remanded back to this Board and he would be entering his appearance this evening.

**Mr. Forshner** said one of the reasons he mentioned Mr. Gasiorowski is he had mentioned that he had an application procedural item that he wanted to bring up to the Board, which he thought should be addressed at the outset rather than wait.

**Mr. Gasiorowski** said when he is involved in cases involving objectors he attempts to raise what he considers procedural questions right up front rather than a later time. He said he just became aware a short period of time prior to the hearing and he did discuss it with his colleague but he did not have the opportunity to discuss it with the Boards Attorney. He said the basis of the question is having to do with the Open Public Meetings Act, which requires that notice be given not only by an applicant as to specific application but also by the Board to just by way of a generic applications and that is normally done in the beginning of the year and you in fact did do this back in the beginning of the year and if you look at your agenda you will see that this done on January 23, 2012. At that time you presented a list of the normal regular meeting dates and the date given in that notice was May 28, 2012. He thinks inadvertently the Board did not realize that May 28<sup>th</sup> on this year was going to be Memorial Day. So therefore you have moved your meeting date to May 29<sup>th</sup> of 2012 but he does not believe that notice of that was given pursuant to the Open Public Meeting Act. He said he will stand corrected if he is wrong. He does not believe it was and he thinks if it was not he thinks there if a jurisdictional question and he apologizes to the Board Attorney for not discussing it with him earlier but he himself just became aware of it. **Solicitor Coleman** said he sees Ms. Gable is exiting to get her paperwork and we will see what Ms. Gable has to determine if Mr. Gasiorowski is correct or not. If he is the Board has an obligation to not only publish but also post the correct meeting date. **Mr. Gasiorowski** is correct today is the 29<sup>th</sup> and if in fact there has not been an amended notice there will be a jurisdictional concern with respect to this evenings meeting and he does not think that the fact that the applicant has noticed for the 29<sup>th</sup> will trump that as well. **Ms. Gable** gave the notice to Solicitor Coleman noting that it was published in the Burlington County Times and posted on the bulletin board as well. **Solicitor Coleman** asked Ms. Gable if there was a proof of publication for this notice. **Ms. Gable** said yes. **Solicitor Coleman** showed the notice to Mr. Gasiorowski. **Mr. Gasiorowski** said if that is what she published back in January it does say May 29<sup>th</sup>. **Solicitor Coleman** said that is what it appears to say and Ms. Gable is going to get the proof of publication. **Mr. Gasiorowski** said if she represents on the record that, that is what was published and that she has proof of publication he will accept that. **Solicitor Coleman** said okay. **Mr. Gasiorowski** said your secretary should be commended for her diligence. **Solicitor Coleman** said the record should reflect that Ms. Gable has handed him the proof of publication published in the Burlington County Times on February 7, 2012, which reflects that a meeting date of Tuesday, May 29, 2012 was published so jurisdictionally speaking we are legally allowed to be here this evening. **Mr. Gasiorowski** said that is fine and thank you.

**Mr. Gasiorowski** said the other issue he would like to raise is and he will put it on the record before you go forward is he believes and he would submit to this Board that this matter is not properly before the correct Board. He believes that this application should be before the Zoning Board of Adjustment rather than the Planning Board because in affect in this application the applicant should properly be seeking a D3 variance, which would require a use variance. The property in which the zone is located is the C-3 zone. It lists certain conditions, which must be met in order to it to qualify as a conditional use. One of those conditions is set forth in a section of your ordinance, which clearly says that you must have a buffer whenever your have a location of property which is adjacent to a residential zone. This particular piece of property is bordered on three sides by residential zones. Now be it, it is in the C-3 zone on the opposite side of Sheffield Drive it is in fact a residential zone and the ordinance clearly says that if in fact you are either adjacent to residential zone or separated by a municipal street that is less than 100 feet in width then you must have a clear buffer between those two zones. As he looks at this plan there is absolutely no buffer, which runs along Sheffield Drive. **Chairman Preidel** said that maybe something that has to be worked out with planners and we are looking for completeness right now before they move onto preliminary. **Lou Glass** said he had recommended that buffer trees be added between the proposed septic system and Sheffield Drive and was trying to physically determine where land could be appropriated for the planting of the buffer trees. That was an open design issue that he set forth to the applicant that they would have to work out. They did get a response report where they did address the issue of buffers along Sheffield Drive. We do not know what the final design is. The applicant did respond by saying they would discuss the issue this evening. **Mr. Gasiorowski** said addressing the issue at a later date is different then when you file your application. This application was filed, it did not provide for those buffers and until he so provides them he once again submits to the Board they do not have jurisdiction. **Mr. Forshner** said it seems clear to him just in this very brief look at the ordinance that the use itself is permitted and it is not a conditionally permitted use, it is a permitted use. All of the other requirements that are being talked about are either bulk variances or design exceptions. They are clearly not conditions of the conditional use; this is clearly no a D3 variance. **Mr. Gasiorowski** said the ordinance clearly says that in order for this to be permitted you must meet certain conditions. One of those conditions, which you must meet, is the buffer. If you cannot meet a condition it only becomes a permitted use if you satisfy those and you have not done that. **Solicitor Coleman** said I do not think that is what it says Mr. Gasiorowski and I think you are assuming respectfully that the applicant is not going to satisfy that condition. **Mr. Gasiorowski** said if he is going to satisfy them they have a right to see them on a plan at least ten (10) days prior to the hearing and then read the language of the ordinance, which says permitted use. In any C-3 Office/Residential district land building or premises shall be used by right only for one or more of the following uses provided that they meet the conditions in subsection J1 thru 10 to the satisfaction of the planning board. When they say it must meet the conditions that means it is a conditional use. If you have not satisfying the issue with regard to buffering properties adjacent to a residential zone you have not satisfied the condition therefore you need a use variance. **Solicitor Coleman** asked Mr. Gasiorowski if he was concerned about a completeness issue or is he concerned that the applicant has not satisfied all the use requirements. **Mr. Gasiorowski** said he has to satisfy each and every one of those conditions. He has not satisfied one nor has he shown on his plan how he can satisfy it. **Solicitor Coleman** asked that is a completeness issue or am I wrong. **Mr. Gasiorowski** said I think you are wrong. I think when you read the intent of this ordinance it lists the permitted uses one of the permitted uses is professional and general offices. This ordinance says you can do those uses if you meet the conditions and they say you must meet the conditions of J1 thru 10. **Solicitor Coleman** said he is not going to sit here and debate but he is also not going to prejudge this application or suggest to the Board that they prejudge the application until they actually had an opportunity to listen to

testimony. **Mr. Gasiorowski** said he appreciates that but he has not seen a plan that shows those plantings or that buffer. **Solicitor Coleman** said so it is really a completeness issue then. **Mr. Gasiorowski** said that is the second issue he raised if the Board can either entertain it or not they can then proceed forward.

#### **PROFESSIONAL REPORTS:**

**Louis Glass, Planner** noted that his last report for the application was dated April 24, 2012. He said since that time he has not had any communication with the applicant except for an e-mail from the applicant, a response report received in his office at 1:38 p.m. and it is an eighteen (18) page response report, which covers traffic, engineering and planning. Most of the items indicate that they will comply. He believes what they are saying is if they get approval from the Board they will revise the plans and show how they are complying with all of the outstanding issues. Since it came in around 1:30 this afternoon he had to quickly review this and try to come to a conclusion as to what was going on. The one thing that he needed to confer with the Township Engineer was the response to the buffer along Sheffield Drive because the applicants' response was that the approved septic design and grading plan do not reflect a mound. The plans up to this point simply show a rectangular area that was set aside for the design of a septic system but this response report says the approved septic design. Now that he has to infer and he would like concurrence by the applicant by saying the approved septic design they mean the County and the point he is making is he does not believe any of the professionals have ever seen a design of the septic system. That is critical because it will determine whether the entire rectangular area was used for the septic system or whether 90% or 80% of it he has no idea but that materially affects the ground area available for a buffer area, so we are missing that data and that area of the septic field becomes critical because there is a proposed driveway at the northern end on Sheffield Drive. The introduction of a new driveway creates the need for clear sight triangles. The clear sight triangles cut right through the area between Sheffield Drive and the proposed septic system, which then means you cannot plant trees in a clear sight triangle. The applicant is saying that the grading plan does not reflect a mound, the septic system is approved at grade and is consistent with the grading plan proposed. The applicants prepared to discuss the buffer requirements and the ability to modify the buffer in accordance with a section of the Township ordinance. So what they are having between the building closest to Sheffield Drive and the septic system are these missing pieces of information all of which materially affect the design of the buffer, the design of the sight triangle, the location of the septic system and with that information missing they really do not know what the impact is and what the options and availability are to correct and introduce buffers, etc. He is reluctant to say that this is a complete application because that is a material design issue that is missing and according to our normal procedure if the Board grants approval it would be subject to the applicant satisfying all the outstanding conditions, which means the Board would never see the final plan. The plan is modified by the applicant would come straight to the Board professionals and if they accepted it they would stamp them approved and the applicant could go in and get his building permits. Therefore, the Board would never see it at that point so he thinks the missing information and the fact that the only got the report today in the afternoon means that they do not have firm grasp of these critical design issues. He is reluctant to say that it is a complete application. They did answer some of the design issues for instance he had recommended that the rear of the building be architecturally redesigned to look like a front of a building. They agreed to that design situation. They agreed that there be no utility boxes, etc. facing Sheffield Drive. These are architectural redesign situations that have been used successfully in other Townships where you can hide these features and in essence make the back of the building look like it is another front of a building, they have agreed to all of that. There is some information that has been submitted addressing some of these questions but he is still flying blind in regard to the septic system

design, the clear sight triangle, the buffer and the driveway issue. **Vice Chairman Semptimphelter** said he is having problems with them receiving this at 1:38 this afternoon and asked is there a ten (10) day requirement prior to, to get this to our professionals. **Mr. Glass** said all applicants are subject to exchanging data ten (10) days in advance. **Vice Chairman Semptimphelter** said why are we having this discussion then because he is having a tough time with this. They had ten (10) days to get this information to us prior to tonight. It did not happen. Why are we having this discussion. **Mr. Forshner** said as far as the report that they are referring to that was faxed over to your professionals today that was a report that was intended to deal with the substance of the application and provide new documentation and it was not something required to be submitted ten (10) days in advance. It was simply something to be able to facilitate this hearing so they would not have to go through reports as they would typically with each and every application and go through each and every item. They are just simply advising the Board through the professionals of the fact that most the items that they had requested in their reports were accepted. It was intended to streamline this process and nothing more than that. He did note that this application previously has been deemed complete. He in fact was asked to submit one additional document, which they had previously submitted quite some time ago and hence why this application was scheduled for this evening. **Chairman Preidel** said you are saying it was previously deemed complete. **Solicitor Coleman** said he will let Mr. Forshner clarify. **Mr. Forshner** said two things he understands correctly. You are aware that he recently substituted in as Counsel for this item so if he is not 100% accurate on his facts he trusts the Board will be understanding of that but this is not the first time that this Board has heard this application. This application had previously been deemed complete. It is also his understanding that they had gotten a report previously from the Board professionals and the one item that the professionals requested that they submit was some additional supplementation to the traffic report. That item had been identified as a completeness item previously addressed and hence the application was scheduled for this evening. Yes, you are here absolutely to address both completeness and the application but what he is suggesting to the Board is all the items they have been requested to submit previously have in fact been submitted.

**Solicitor Coleman** said he appreciates Mr. Forshner's response and asked to hear from the rest of the professionals.

**Al Litwornia** referred to his report dated May 3, 2012 and in addition to that they have received the K2 response letter today, which was to be addressed this evening as opposed to putting them in the letter. The only thing they addressed that was open at the previous memorandum that they provided was the fact that they wanted some additional traffic analysis provided, which had been done. The only concern they have now would be the sight distance coming out of the proposed driveway, which was mentioned in the previous report that was not addressed. **Chairman Preidel** asked if the sight triangle has any thing to do with what Mr. Glass is talking about. **Mr. Litwornia** said it is going to the same spot. He was under the impression it was a raise septic tank, they did not see the completed plans so they really do not know what the testimony is going to be on how that and the buffer fit in but the applicant was suppose to provide some additional testimony tonight according to his memo that was provided this afternoon. Therefore, without the testimony there is a problem and concern about the one driveway sight distance. That was the only thing he mentioned in his previous memo that had not been addressed. He met all the major concerns but the only concern they have left is the proposed sight distances going through the septic area and they would like to know with testimony how it is going to work.

**Mark Malinowski** referred to his report dated May 11, 2012. There were a substantial

amount of technical items within the report however one of the items pertains to the buffer and its relationship with the sight triangle easement and the proposed septic system. They do not have any information on the design of the septic system and the extent of it as far as the approval of that system by the Burlington County Health Department. With that said that information would be critical, as it looks tight to provide that required buffer along Sheffield Drive, which may also substantially alter the design of the site. Another item in the report is a request for a soil boring performed in the location of the proposed basin. The plans that were submitted did show a boring located in that area but upon the technical review of the stormwater management calculations the basin was actually analyzed using boring information from the septic field, which is upstream of the basin location. Those borings should not apply to the analysis of the proposed stormwater control basin. Therefore, that is important information to have on the plans and use for the analysis because if there is any change in that boring information for example if the estimated seasonal high water table is not as deep in that location as it is in the septic field location then that could also substantially impact the design of the stormwater control system and affect the layout of the site also. There are some concerns there with regard to that information, which needs to be submitted for a substantially complete application.

**Dalpat Patel** asked Mr. Glass in his opinion how much is complete in the 18 page report. **Mr. Glass** said he estimates about 80% has the comment will comply meaning they will redesign the drawings after this meeting, which normally it is the other way around it is 80% complete and 20% of the missing data will supplied afterwards and usually it is small things that do not usually affect the substantial design of the project. In this case the information again that they are all focusing on is the critical area behind the building closest to Sheffield Drive where they just became aware this evening that there are some design changes.

**Gary Forshner** said the items we are talking about are not completeness items. There is nothing that is there that we are talking about in his humble opinion that is not on the checklist #1 and #2 again we have gone back down this road before. This is going to be the third bite at this apple by the Board. In other words the first time was when the Board approved it back in 2010, the second time was when they got the reports asking for them to submit one additional item, which they have submitted and here they are visiting things once again. They will comply is no different than hundreds and hundreds of applications that they have handled and certainly hundreds of applications that this Board has addressed whereby you conditionally approve an item. Just because we chose to try to streamline it by submitting an actual letter in advance to the Board so that the Board's professionals would have an opportunity to take a look at it in advance. It is no different then if they sat here and painstakingly went through item by item each one of those reports and those items have not changed in any material way or certainly that he is aware from the previous time that this Board voted on this application substantively. He thinks the comment was also made about the possibility of not coming before the Board. As the Board is well aware, this Board can grant preliminary approval or can grant conditional final approval and grant some discretion to their professionals who are certainly very well respected historically by this Board and have been able to address those kinds of comments as conditions of approval. It is obviously within the Board discretion, you have to exercise that discretion reasonably in terms of completeness but again he submits to the Board that they are going down a path that they have been down before and apparently additional questions are being raised for no apparent reason with all do respect as he sees it.

**Ron Gasiorowski** said his colleague continually refers to a previous hearing and a previous approval. That approval was voided by the Superior Court, it is of no affect if no impact as it exists. It never existed. It was voided because of jurisdiction reasons. Secondly, the

Municipal Land Use Law very clearly says that before a Board acts it must have before it all of that engineering data, which is necessary to make a knowing decision. Now the professionals had pointed out to the Board some glaring error, not errors but glaring omissions in what has been submitted to them. We are not streamlining this by attempting to make excuses as to why certain data is not there. He would suggest to the Board respectfully you are not streamlining you are really stretching out this application process. He would request that this Board take it into consideration and have before it the information it needs at first blush. He is not going to be able to impact the decision. You have to look at the engineering data, which is before the Board and as the professionals have pointed out at this particular point not only do the Board members not have it they do not have it and there is no need for that.

**Gary Forshner** said he is going to make one more comment for clarification or perhaps correction and he will leave it to the Board to act upon it. The comment was made the case law or the Municipal Land Use Law suggests that the Board should have all of the data in front of them necessary to act upon the application. This is a discussion about completeness and only the items that are located on the checklist are the subject of this discussion. The Board has the right as do the professionals to ask for additional information and documentation as they may certainly have and he is sure most certainly will but there is a very strong distinction between completeness and having enough information for to reach a decision. He submit to the Board that they have everything that is required for completeness purposes. There is nothing referred to on the checklist that it is incomplete at this point and time and he respectfully request that the Board deem the application complete and then they can address the substance of the application as may be appropriate including if there is a requirement to submit additional information.

#### **MOTION TO DEEM INCOMPLETE:**

**Douglas Borgstrom** said he is not comfortable with this big of a project with not having our professionals be able to guide us with whether it is going to work or not. There is just too much unknowns. He then made a motion to deem the application incomplete. Noting the answers need to be shown on the drawing so they can look at it and discuss it and make an educated decision on something more concrete then what they do not have. The issues being the septic system, the buffer, borings in the basin, the stormwater issues, fire apparatus, movement on the property, as well as if the driveway disappears they could have fire department access issues with long hose, there is a lot of stuff that needs to be fixed with what Lou talked about with the septic system, the buffer and the sight triangle that could change the who aspect and the layout of the project.

**Solicitor Coleman** said the motion is to deem this application incomplete based upon the comments that were set forth on the record that he does not believe the plans are in a sufficient state at this point to give the Board professionals adequate opportunity to comment. **Mr. Borgstrom** said that is correct. **LaVerne Cholewa** second this motion. The motion carried on a roll call vote taken as follows:

Aye: Higgins, Semptimpelster, Patel, Cholewa, Borgstrom, Preidel

Naye: None

Absent: Lippincott, Puglia, Walker

**Gary Forshner** asked that this matter be scheduled and be carried without further notice to the next available hearing. **Solicitor Coleman** said he cannot recommend that they carry an application that has been deemed incomplete. If the applicant is ready for the June 25<sup>th</sup> meeting that they place notice and republish notice at that point.

**RECESS:**



A motion was offered by **Chairman Preidel** and duly second by **Douglas Borgstrom** to take a five minute recess at 8:13 p.m. Motion carried.

**Robert Semptimphelter** left the meeting at 8:14 p.m.

**Douglas Walker** arrived at 8:15 p.m.

A motion was offered by **Douglas Walker** and duly second by **Chairman Preidel** to re-open the meeting at 8:24 p.m.

**MEMORIALIZATION OF RESOLUTION:**

**RESOLUTION NUMBER 2012-03-09:** Granting Application Number PB12-01PS: Bright View Group, Block 13, Lots 3.03 & 3.04 a Variance to permit no lot frontage in Mansfield for Lot 3.15, as this lot will be part of the Bright View Farms property located in Chesterfield Township and Preliminary Major Subdivision Approval for a ten (10) lot subdivision consisting of seven (7) residential lots and three (3) open space lots, in accordance with the submitted plan and subject to conditions located at 298 Georgetown Road in the R-1 Residential Zoning District.

A motion was offered by **Douglas Borgstrom** and duly second by **Douglas Walker** to memorialize **Resolution Number 2012-03-09**. The motion carried on a roll call vote taken as follows:

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

**APPROVAL OF MINUTES:**

A motion was offered by **Douglas Borgstrom** and duly second by **LaVerne Cholewa** to approve the minutes of **March 26, 2012 regular meeting**. **Chairman Preidel** abstained. Motion carried.

**BILL LIST:**

A motion was offered by **Robert Higgins** and duly second by **Douglas Borgstrom** to amend the bill list to add a Stout & Caldwell bill conditioned upon funds being available. Motion carried.

**Litwornia Associates**

ABV	Inv.#11559	\$ 253.75
Mansfield Investments (Rockwell)	Inv.#11895	\$1,553.25
Mansfield Investments (Rockwell)	Inv.#11920	\$ 842.75

**Raymond, Coleman & Heinold, LLP**

NJ American Water	Inv.#12760	\$ 168.00
Mansfield Investments (Rockwell)	Inv.#12758	\$ 224.00
Mansfield Investments (Rockwell)	Inv.#12980	\$ 298.00
Planning Board (Litigation)	Inv.#12617	\$ 784.00
Planning Board (Litigation)	Inv.#12816	\$ 98.00

**Stout & Caldwell Engineers**

ABV	MPB-10-002-0004	\$1,237.50
ABV	MPB-10-002-0006	\$ 600.00
Mansfield Investments (Rockwell)	MPB-08-011A-0001	\$ 617.50

**Louis Glass Associates**

NJ American Water	March 2012	\$ 294.00
Mansfield Investments (Rockwell)	March 2012	\$ 784.00
Mansfield Investments (Rockwell)	April 2012	\$ 784.00

A motion was offered by **Robert Higgins** and duly second by **Douglas Borgstrom** to approve the bill list as amended. The motion carried on a roll call vote taken as follows:

**AYE:** Borgstrom, Cholewa, Higgins, Patel, Preidel, Walker  
**NAYE:** None

**ABSENT:** Lippincott, Puglia, Semptimphelter

**ACCEPT, RECORD & FILE CORRESPONDENCE:**

**Louis Glass Associates**

1. Date: April 24, 2012 Received: April 24, 2012  
Re: James Rockwell  
14 Sheffield Drive, Block 33.04, Lots 9.01 & 9.23  
Proposed Two Office Buildings  
Variances, Preliminary & Final Major Site Plan

**Stout & Caldwell Engineers**

2. Date: May 11, 2012 Received: May 11, 2012  
Re: Dr. James Rockwell – Professional Offices  
Technical Review  
Block 33.04, Lots 9.01 & 9.23

**Litwornia Associates, Inc.**

3. Date: May 3, 2012 Received: May 7, 2012  
Re: James Rockwell/14 Sheffield Drive  
Completeness for Prelim & Final Major Site Plan Approval with Variances  
Block 33.04, Lots 9.01 & 9.23

**R.S. Gasiorowski**

4. Date: April 15, 2012 Received: April 18, 2012  
Re: Jones, et al v. Planning Board of the Township of Mansfield and James Rockwell

**Burlington County Planning Board, Mia C. Baker, Secretarial Assistant, Secretary to Planning Board**

5. Date: April 5, 2012 Received: April 11, 2012  
Re: OAKDALE – Bright View Group, Inc.  
Block 13, Lots 3.03 & 3.04 – Georgetown-Sykesville Road & Oakdale Road  
Approved by County Planning Board subject to conditions

**VanCleaf Engineering Associates – Gregg W. Barkley, P.E.**

6. Date: April 5, 2012 Received: April 9, 2012  
Re: Covington Manor Estates – Block 31.01 Lots 21 & 22  
Treatment Works Approval (TWA) applications

**Shropshire Associates LLC**

7. Date: April 11, 2012 Received: April 11, 2012  
Re: James Rockwell/Sheffield Drive  
Block 33.04, Lots 9.01 & 9.23  
Traffic Engineering Assessment

**Bordentown Waterfront Community, LLC**

8. Received: April 11, 2012  
Re: Notice of Public Hearing  
Bordentown Township Planning Board  
April 12, 2012 at 7:30 p.m.

**NJPO**

9. Date: March/April 2012  
Re: The New Jersey Planner  
A motion was offered by **Robert Higgins** and duly second by **Douglas Borgstrom** to accept, record and file the correspondence as submitted. Motion carried.

**OTHER DISCUSSION:**

**Chairman Preidel** asked if they could limit the time of the meetings to a certain time like 11:00 p.m. and then adjourn to the next meeting. **Solicitor Coleman** said some Boards have a rule that there is no new testimony after a certain hour. He had this issue come up a few years where they started new testimony at 12:45 in the morning and he was told that next the day about a Cherry Hill case where the court looked at testimony that started at 2:30 in the morning and the Court said that was unreasonable to have Boards, the applicant and the public sit there after a long days work are not prepared at 2:30 in the morning. The long answer in a short manner is yes this Board can set its own parameters with the respect to the time that the public are given to comment. It can set the time by motion that no new testimony will be heard after a certain hour.

**Chairman Preidel** asked if it could be per meeting. **Solicitor Coleman** said he would prefer that it be the policy of the Board for the year. **Chairman Preidel** asked the rest of the Board how they felt about a time limit for new testimony. **Mr. Higgins** asked if it is appropriate to limit a time frame that a person can speak or object to something. **Solicitor Coleman** said Boards have done that where they will give each individual a certain time. He has some boards that try to adhere to three minutes per person policy and the Chairman and Mayor's in those Towns are constantly criticized for lack of enforcement. He said if you are going to do it now do it before an application starts and he would like it to be uniform for all applications.

**NEXT MEETING DATE:**

It was noted that the next regular meeting will be held on Monday, June 25, 2012.

**MOTION FOR ADJOURNMENT:**

There being no further business a motion was offered by **Douglas Walker** and duly second by **LaVerne Cholewa** to adjourn the meeting at 8:40 p.m. Motion carried.

Respectfully submitted,

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Michelle L. Gable, Secretary

7/23/12  
Approval