

**MANSFIELD TOWNSHIP PLANNING BOARD
REGULAR MEETING
February 25, 2019**

The Regular Meeting of the Mansfield Township Planning Board was held on the above shown date with the following in attendance: Douglas Borgstrom, Frederick Cain, Shane Fleming, Robert Higgins, Rudy Ocello, Dalpat Patel, and Secretary Ashley Jolly. Randy Allen, Gary Lippincott, and Scott Preidel were absent.

The meeting was called to order by Secretary Ashley Jolly, 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 28, 2019. Said Resolution was published in the Burlington County Times, e-mailed to the Burlington County Times, and Trenton Times, 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 31, 2019.

Memorializing Resolution:

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2019-1-6
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD
CONCERNING THE APPLICATION OF
MANSFIELD REALTY NORTH, LLC
FOR VARIANCE AND
AMENDED PRELIMINARY SITE PLAN APPROVALS**

WHEREAS, Mansfield Realty North, LLC, has applied to the Planning Board of the Township of Mansfield for Amended Preliminary Site Plan Approval for property located on Route 206 at Aaronson Road, known as Block 3, Lots 5.01 and 10.01 (the "East Tract") and Block 4, Lots 6.01 and 7 (the "West Tract") (collectively, the "Property"), for the purpose of developing the Property with warehouse/office buildings; and

WHEREAS, variances are required in connection with the proposed development of the Property because the Applicant has not satisfied the requirements of the Zoning Ordinance pertaining to the number of required parking spaces and fence location; and

WHEREAS, by Resolution No. 2017-8-11, the Planning Board granted Variances and Preliminary Site Plan Approval to the Applicant for the development of the Property to include a 795,600 square foot warehouse/office building on the East Tract and a 150,000 square foot warehouse/office building on the West Tract; and

WHEREAS, the Property is located within the Route 206 Northern Area Redevelopment Plan; and

WHEREAS, the Applicant received approval from the New Jersey Department of Transportation which required the Applicant to revise its Preliminary Site Plan and require an Amended Preliminary Site Plan approval; and

WHEREAS, the Application for Variance and Amended Preliminary Site Plan Approval was deemed complete by the Planning Board on January 23, 2019; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on January 23, 2019, after public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Mansfield and the statutes of the State of New Jersey; and

WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the following exhibits were presented by the Applicant during the January 23, 2019 Public Hearing:

- A-1 Color rendering of the Amended Preliminary Site Plan laid over an aerial photograph of the Property;
- A-2 Architectural drawings of the two (2) proposed buildings; and

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

- January 23, 2019 Review Letter of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Robert S. Stout, PE, PLS;
- January 10, 2019 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- January 17, 2019 Review Memorandum of the Board Traffic Engineer, Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for Variances and Amended Preliminary Site Plan Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property, located on Route 206 at Aaronson Road, known as Block 3, Lots 5.01 and 10.01 and Block 4, Lots 6.01 and 7, located in the Township's Redevelopment Plan U.S. Route 206 Northern Area. The total area of the Property is 84.51 acres with the East Tract being 62.34 acres and the West Tract being 20.17 acres. The Property is currently vacant farmland.

2. The Applicant has submitted an Application for Variance and Amended Preliminary Site Plan Approval, providing the Board with a proposed set of plans, reports, studies and testimony.

3. The Planning Board previously granted to the Applicant Variance and Preliminary Site Plan Approval, as memorialized by Resolution No. 2017-8-11, for the Property to be developed as follows:

- a. Variance to permit 306 parking spaces on the East Tract;
- b. Variance to permit 102 parking spaces on the West Tract;
- c. Variance to permit a 6 foot high solid wood fence along the top of the berm proposed along Aaronson Road;
- d. East Tract improvements to include a 795,600 square foot building with 765,000 square feet of warehouse space and 30,600 square foot of office space;
- e. West Tract improvements to include a 150,000 square foot building with 135,000 square feet of warehouse space and 15,000 square feet of office space;
- f. Site improvements for stormwater management, lighting, signage and landscaping.

4. The Approval granted to the Applicant by the New Jersey Department of Transportation ("DOT") required the Applicant to revise its Preliminary Site Plan, requiring Amended Preliminary Site Plan Approval from the Planning Board.

5. The taxes on the Property are current or exempt.

6. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.

7. Proper notice of the application for Variances and Amended Preliminary Site Plan Approval has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.

8. The Applicant is now proposing the following development of the East Tract:

- a. 772,800 square foot building with 742,500 square feet of warehouse space and 30,300 square feet of office space, a 22,800 square foot reduction in the size of the building;
- b. 314 parking spaces, an increase of 8 spaces;
- c. 151 dock spaces, a decrease of 3 spaces;
- d. 172 trailer spaces, a decrease of 4 spaces;
- e. 2 access drives to Route 206, an increase of 1 access drive;
- f. Same general layout as Preliminary Site Plan Approval;

9. The Applicant is now proposing the following development of the West Tract:

- a. 120,120 square foot building with 110,120 square feet of warehouse space and 10,000 square feet of office space, a 29,800 square foot reduction in the size of the building;
- b. 106 parking spaces, an increase of 4 spaces;
- c. 34 dock spaces, an increase of 4 spaces;
- d. 20 trailer spaces, an increase of 20 spaces;
- e. 2 access drives to Route 206, no changes;
- f. Change in the layout from Preliminary Site Plan Approval.

10. Other revisions made to the Preliminary Site Plan include (i) the relocation of the signalized intersection further to the south end of the tracts; (ii) changes to the stormwater control facilities for both tracts; and (iii) a reduction of the riparian zone from 150 feet to 50 feet.

11. The following Variances are required for the Amended Preliminary Site Plan:
 - a. East Tract – 2,870 parking spaces required, 314 parking spaces proposed, excluding dock and trailer spaces;
 - b. West Tract – 864 parking spaces required, 106 parking spaces proposed, excluding dock and trailer spaces;
 - c. Fencing – prohibited within front yard setback, a 6 foot high solid fence is proposed along the top of retaining wall adjacent to Aaronson Road.
12. Board Chairman Preidel recused himself from participating on this Application as he owns property within 200 feet of the Property.
13. The Applicant was represented at the January 23, 2019 Public Hearing by Ronald Shimanowitz, Esquire, of Hutt and Shimanowitz, PC. Gregory Oman, PE, Art Bernard, PP, and Richard Pratt, RA, testified on behalf of the Applicant during the Public Hearing.
14. Mr. Oman provided the following sworn testimony during the January 23, 2019 Public Hearing:
 - a. He is the Applicant's Professional Engineer, licensed in the State of New Jersey, qualified to provide expert testimony in the area of site engineering based on his education, experience and licensing;
 - b. Utilized Exhibit A-1 to orient the Public and the Board with the site and the changes to the site plan from preliminary approval;
 - c. The Property is located in a redevelopment area of the Township;
 - d. The DOT and prospective tenants required a jug handle and to relocate an entrance further to the south in order to provide a better circulation pattern on the eastern side of the Property;
 - e. The disturbance on the western side is more extensive as the DOT required additional right-of-way;
 - f. The New Jersey Department of Environmental Protection reduced the riparian buffer from 150 feet to 50 feet;
 - g. All other buffers and sound walls as shown on the Preliminary Site Plan remain the same;
 - h. The sewer and water details have not changed with sewer directed to the Four Seasons facility;
 - i. The industry standard for a warehouse development is 1 parking space per 5,000 square feet of warehouse space, less than the Township requirement;
 - j. The Applicant will comply with the review comments as contained in the review letters/memorandum of the Board Professionals, including the submission, prior to final approval, of the details of the sound walls, sight triangle information and trip generation information to determine the Applicant's required contribution to the traffic signal in front of the municipal building property on Route 206.
15. Mr. Bernard provided the following sworn testimony during the January 23, 2019 Public Hearing:
 - a. He is the Applicant's Professional Planner with 40 years of experience, licensed in the State of New Jersey, qualified to provide expert testimony in the area of land planning, based on his education, experience and licensing;
 - b. The Amended Preliminary Site Plan provides more parking than the approved Preliminary Site Plan and includes a reduction in the size of the buildings and a reduction in the impervious coverage;
 - c. The requested variances are C2 variances and the Amended Preliminary Site Plan represents a better zoning proposal than the municipal standard and enhances the public good;
 - d. The location of the fence in the front yard setback area provides additional safety benefits, both to the developed property and to the general public;
 - e. The Application as now presented advances Purposes A, E, G and I of the Municipal Land Use Law, as provided in *N.J.S.A. 40:55D-2*.
16. Mr. Pratt provided the following sworn testimony during the January 23, 2019 Public Hearing:
 - a. He is the Applicant's architect with Pratt Design Studio, LLC, licensed in the State of New Jersey and has been designing warehouse buildings for the past 20 years, qualified to provide expert testimony in the area of architecture, based on his education, experience and licensing;
 - b. Describes the architectural features of the buildings;

- c. The Applicant will work with the Township on the color scheme of the buildings if necessary.

17. The following questions and testimony were provided by the Public during the January 23, 2019 Public Hearing:

- a. Scott Preidel who requested a buffer be provided shielding his adjacent preserved farm land and that the Applicant place a scouer pad in the tributary along his property;
- b. Bob Tallon who expressed environmental concerns and questioned how the 2 separate stormwater basins would operate;
- c. Larry Lang who expressed concerns regarding construction traffic; and
- d. Rosemary Bunker who expressed concerns about visibility.

18. The Board Professionals reviewed their respective review letters/memoranda for the Board and the Public and the Applicant, through its agents and representatives, testified that the Applicant will work with the Board Professionals to resolve all outstanding review comments prior to final approval.

AND WHEREAS, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. The Applicant has submitted a Complete set of plans in connection with its application so that the Board has the necessary information to make a decision on the application for Variances and Amended Preliminary Site Plan Approval.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the Zoning Ordinance of the Township of Mansfield would be advanced by the deviation from the Zoning Ordinance requirements for number of parking spaces and fence location, as requested by the Applicant.

3. The benefits of the deviations from the Zoning Ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval would allow for the development of the Property, and otherwise promote the safety, health and general welfare of the community.

4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Mansfield.

5. The Redevelopment Plan for the U.S. Route 206 Northern Area authorizes the Planning Board to grant variances from the bulk standards of the Township Zoning Ordinance, Chapter 65 of the Township Code.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, on the 23rd day of January, 2019, that this Board hereby grants to the Applicant the following:

1. Variance to permit 314 parking spaces for the East Tract, exclusive of the dock and trailer spaces;
2. Variance to permit 106 parking spaces for the West Tract, exclusive of the dock and trailer spaces;
3. Variance to permit a six foot high solid fence along the top of the retaining wall adjacent to Aaronson Road;

4. Amended Preliminary Site Plan Approval to develop the Property with a 772,800 square foot warehouse/office building and related site improvements on the East Tract and a 120,120 square foot warehouse/office building with related site improvements on the West Tract, in accordance with the Application, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant, which approvals are subject to the following conditions:

- a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval, Burlington County Soil Conservation District approval, Burlington County Board of Health Approval, New Jersey Department of Environmental Protection approval and New Jersey Department of Transportation approval. Copies of all other approvals shall be submitted to the Township upon receipt.

- b. Subject to the testimony by the Applicant's agents and representatives at the January 23, 2019 Public Hearing for Amended Preliminary Site Plan Approval as well as the July 24, 2017 and August 28, 2017 Public Hearings for Preliminary Site Plan Approval.

- c. Subject to the submission of revised plans complying with the comments of the Board's professionals and with this Approval.

- d. Subject to the comments of the Board Engineer as contained in the January 23, 2019 Review Letter of Stout and Caldwell Engineers, LLC, by Robert R. Stout, PE, PLS, except as may be modified in this Resolution.

- e. Subject to the comments of the Board Planner as contained in the January 10, 2019 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified in this Resolution.

f. Subject to the comments of the Board Traffic Engineer as contained in the January 17, 2019 Review Memorandum of Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution.

g. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees required by the Municipal Land Use Law of the State of New Jersey prior to commencement of site work and construction.

h. Subject to the Applicant's escrow account for the review of its Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.

i. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

j. Subject to this approval not guaranteeing the issuance of any zoning permit, construction permit or certificate of occupancy; the Applicant is subject to all applicable rules, regulations, codes, ordinances and statutes in obtaining said permits or certificates.

k. Subject to retail sales being prohibited as part of the approved uses to be developed on the Property.

l. Subject to the Applicant making a contribution to the Township's sidewalk fund in lieu of installing the otherwise required sidewalk. The Board Engineer shall calculate the amount of the contribution that shall be made prior to the issuance of any construction permits for the warehouse/office development.

m. Subject to the Applicant providing all necessary testimony at the time of Final Site Plan Approval regarding the hours of operation of the warehouse and office uses as well as the business operations of the tenants.

n. Subject to the Applicant's professionals working with the Board's professionals to address all outstanding comments prior to Final Site Plan Approval, including submission of sound wall details, site triangle information and trip generation information.

o. Subject to the Applicant being advised that a post construction sound study must be submitted to the Planning Board demonstrating that the sound levels comply with State and County noise standards.

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

q. Subject to this Approval being Amended Preliminary Site Plan Approval only. Final Site Plan Approval is required prior to the commencement of construction.

r. Subject to the submission of a stormwater maintenance plan for the stormwater control facilities proposed for the developed sites. A stormwater maintenance declaration, referencing the approved stormwater maintenance plan, shall be recorded in the County Recording Office for the County of Burlington prior to construction.

s. Subject to the submission of all easements, restrictions and declarations, proposed and/or required, for the construction of the warehouse development. Approval of the Board Engineer and Solicitor are required prior to the filing of the easements, restrictions and declarations with the County Recording Office.

t. Subject to the conditions of Preliminary Site Plan Approval, as memorialized by Resolution 2017-8-11, except as may be modified by Amended Preliminary Site Plan Approval.

u. Subject to the Applicant making its pro-rata share contribution to the traffic signal at the Township Municipal Building access drive and Route 206. The amount of the Applicant's pro-rata share shall be calculated at the time of final approval.

A motion to memorialize the above resolution was offered by **Committeeman Higgins** and was seconded by **Committeeman Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Higgins, Cain, Fleming, Ocello, Borgstrom

NAY: None NOT VOTING: Patel

ABSENT: Allen, Lippincott, Preidel

Approval of Minutes:

A motion to approve the minutes from January 28, 2019, was offered by **Committeeman Cain** and was seconded by **Committeeman Higgins**. Motion carried on a roll call vote recorded as follows:

AYE: Higgins, Cain, Fleming, Ocello, Borgstrom

NAY: None NOT VOTING: Patel ABSENT: Allen, Lippincott, Preidel

Comments from the Board:

There were no comments from the board members.

Public Comment:

There were no comments from the public.

Motion for Adjournment:

A motion to adjourn the meeting was offered by **Committeeman Cain** and was seconded by **Mr. Fleming**. All ayes. Motion carried.

Respectfully Submitted by:

Dated:

Ashley Jolly, Land Use Coordinator
