

**MANSFIELD TOWNSHIP PLANNING BOARD
REGULAR MEETING
August 26, 2019**

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

The meeting was called to order by Chairman Preidel, 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.

Resolution 2019-6-10:

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2019-6-10
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD
CONCERNING THE APPLICATION OF
DANMIK, INC.
FOR VARIANCE AND AMENDED MAJOR SITE PLAN APPROVAL**

WHEREAS, Danmik, Inc. (the "Applicant") has applied to the Planning Board of the Township of Mansfield (the "Board") for Amended Major Site Plan Approval for property located at 45 Homestead Drive, known as Block 42.01, Lot 1 on the Official Tax Map of the Township of Mansfield (the "Property"), for the purpose of constructing site modifications to the Homestead Plaza I retail center to accommodate a child care center tenant at the Plaza; and

WHEREAS, Neighborhood Commercial (C-1) zoning requirements are applicable to Homestead Plaza in accordance with Board Resolution 2007-9-9 and a 1997 Stipulation of Settlement entered into by the Township and Property developer; and

WHEREAS, variances are required as the proposed development of the Property does not satisfy the Ordinance requirements pertaining to parking, impervious coverage and signage; and

WHEREAS, the Applicant is proposing to replace a portion of the existing parking area with an outdoor play area for a child care center use, relocate a trash dumpster enclosure and to expand the parking area in the rear, southeast corner of the site; and

WHEREAS, the clearing, grading, paving and/or excavation required to accommodate the proposed modifications to the Homestead Plaza I retail center will exceed the 1,500 square foot limitation for minor site plan classification; and

WHEREAS, the application was deemed complete by the Planning Board on June 24, 2019; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on June 24, 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 review letters were submitted to the Board by its Professionals:

- June 18, 2019 Review Letter of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Robert S. Stout, PE, PLS;

- June 20, 2019 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- June 18, 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 Variance and Amended Major 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, improved with the Homestead Plaza I retail center.
2. The Applicant is proposing to modify Homestead Plaza I to add an outdoor play area for a child care center tenant.
3. An Application was submitted by the Applicant for Variance and Minor Site Plan Approval for the proposed development of the Property, providing the Board with a proposed set of plans.
4. The improvements proposed to Homestead Plaza I include 4,000 square feet of new paved area, exceeding the maximum 1,500 square feet permitted for classification as a minor site plan; the Application shall be classified as an Amended Major Site Plan Approval.
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 the review escrow current.
7. Proper notice of the application for Variance and Amended Major Site Plan Approval has been given, based upon the certified list from the Office of the Mansfield Township Tax Assessor.
8. The modifications to the Homestead Plaza I Retail Center include:
 - a. The replacement of a portion of the existing parking area with an outdoor play area for a child care center tenant;
 - b. The relocation of a trash dumpster enclosure;
 - c. The expansion of the parking area in the rear, southeast corner of the site; and
 - d. The replacement of an existing identification sign with a new monument sign along Columbus Road.
9. The following variances are required for the development of the Property as proposed:
 - a. Number of parking spaces – 155 required, 135 proposed;
 - b. Impervious coverage – 35% maximum permitted, 58.70% existing, 60.52% proposed;
 - c. Freestanding identification sign – Limited to a display area of 36 square feet and not incorporating signs for individual tenants, 40.5 square feet proposed with tenant panels.
10. The Applicant was represented at the June 24, 2019 Public Hearing by Brian Mulhbaier, Esquire. Steven Casaboom, PE, and Elizabeth Mulhbaier testified on behalf of the Applicant.
11. Mr. Casaboom provided the following sworn testimony during the June 24, 2019 Public Hearing:
 - a. He is a Professional Engineer with Sickels & Associates, the Applicant's site engineer for the proposed development of the Property;
 - b. He is licensed in the State of New Jersey and has been qualified by New Jersey Land Use Boards to testify as an expert in the area of site engineering;
 - c. Describes the location of the outdoor play area for a new child care center tenant;
 - d. To accommodate the outdoor play area, an existing trash dumpster and parking spaces are being removed;
 - e. Describes the location of the new dumpster enclosure area and the expansion of the parking area;
 - f. 142 parking spaces are proposed but the Applicant would like to further eliminate 7 spaces to provide a site total of 135 spaces;
 - g. The existing identification sign will be replaced with a monument style sign measuring 14 feet in height by 9 feet in length;
 - h. The proposed monument sign will have a display area measuring 40.5 square feet that will include multi-tenant panels;
 - i. The proposed monument sign will not be illuminated;
 - j. The monument sign has been sized to properly identify the Plaza and for passing motorists to identify tenants within Homestead Plaza I;
 - k. The proposed modifications to Homestead Plaza I represent an efficient use of the Property and will not create a detriment to the neighborhood or to the public good as the site has operated for a significant period of time and the changes now proposed do not increase the overall intensity of the operating use of the Plaza;

1. Submission waivers are requested because the Property is developed and the changes to the site are not material in nature;
 - m. The Applicant will comply with the review letters of the Board Professionals, including the submission of a revised stormwater management plan.
12. Elizabeth Muhlbaier provided the following sworn testimony during the June 24, 2019 Public Hearing:
- a. The child care center tenant has received approval from the State of New Jersey;
 - b. The hours of operation will be 6:30 a.m. to 6:30 p.m., Monday to Friday;
 - c. Kids will be dropped off beginning at 6:30 a.m. with staggered drop offs and pick ups throughout the day;
 - d. Safety turf is proposed for the out door play area;
 - e. Play times will be staggered so that all enrolled children are not utilizing the play area at the same time;
 - f. The maximum number of children enrolled will be 56;
 - g. There will be 10-12 employees for the child care center with staggered shifts;
 - h. The Applicant will comply with the review comments of the Board Professionals, including the comments of the Board Planner for the cushioning of playground sites.
13. The June 24, 2019 Hearing was opened to the Public without comment.
14. The Board Traffic Engineer, Alexander Litwornia, reviewed his June 18, 2019 Memorandum with the Board and opined that the proposed 135 parking spaces for the Plaza were more than adequate for the site.
15. The Board Planner, Edward Fox, reviewed his June 20, 2019 Letter with the Board and had no objection to the waivers listed therein as the Property is a developed site and the Applicant addressed the waivers with testimony as requested.
16. Sam Aggresta, PE, reviewed the June 18, 2019 Letter of the Board Engineer, Robert R. Stout and had no objection to the amended site plan

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 act on the application for Waivers, Variances and Amended Major Site Plan Approvals.
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 impervious coverage, number of parking spaces and signage, as described herein and requested by the Applicant.
3. The benefits of the deviation from the Zoning Ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval and waivers allow for the development of the Property, and otherwise promote the safety, health and general welfare of the community.
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 granting of the waivers, as identified in the June 20, 2019 Review Letter of the Board Planner, is reasonable as the Property is a developed retail site and the Applicant addressed the waivers through testimony and the waivers have been recommended and/or can be a condition of approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mansfield, on the 24th day of June, 2019, that this Board hereby grants to the Applicant the following:

1. Waivers as identified in the June 20, 2019 Review Letter of the Board Planner;
2. Variances for the modifications of the Homestead Plaza I retail center to permit (i) an impervious coverage of 60.52%; (ii) 135 parking spaces; and (iii) a monument style identification sign measuring 14 feet in height by 9 feet in length with a 40.5 square foot display area that contains multi-tenant panels; and
3. Amended Major Site Plan Approval for improvements to the Homestead Plaza I retail center that include the replacement of a portion of the existing parking area with an outdoor play area for a child care center tenant, the relocation of a trash dumpster enclosure area, the expansion of the parking area, the replacement of an existing identification sign with a new monument style sign and other related improvements, in accordance with the Application, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant, which approval is 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, and State of New Jersey approval. Copies of all other approvals shall be submitted to the Township upon receipt.
- b. Subject to the testimony of the Applicant and its agents and representatives at the June 24, 2019 Planning Board Public Hearing.
- 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 June 18, 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 June 20, 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 June 18, 2019 Review Memorandum of Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution.
- g. Subject to continued compliance with all prior approvals granted for Homestead Plaza I, except as may be modified in this Resolution.
- h. Subject to the Applicant's escrow account for the review of the Application for Amended Major Site Plan Approval 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 codes, statutes, ordinances, rules and regulations for the issuance of said permits and certificates.
- k. Subject to all play equipment complying with the requirements of the New Jersey Department of Community Affairs ("DCA") or other applicable state agency for child care centers with documentation of compliance from the DCA/agency submitted to the Township prior to the issuance of a certificate of occupancy for the day care center.
- l. Subject to the submission of a revised stormwater management plan for the review and approval of the Board Engineer, for the stormwater management system of the site.
- m. Subject to the Applicant or child care center operator receiving all New Jersey State Licenses, Certificates and Inspections required for the proposed child care center to operate. All required licenses/certificates shall be submitted to the Township prior to the issuance of a Certificate of Occupancy or prior to "opening" as a child care center if the municipal Certificate of Occupancy is required prior to the issuance of the State licenses/certificates.
- n. Subject to the submission of a lighting plan for the review and approval of the Board Engineer, for the proposed lighting of the site.
- o. Subject to the Applicant posting any performance guarantee, maintenance guarantee and inspection fees required by the Municipal Land Use Law of the State of New Jersey for the development of the Property as approved.

A motion to memorialize the above resolution was offered by **Mr. Patel** and seconded by **Chairman Preidel**. Motion carried on a roll call vote recorded as follows:

AYE: Patel, Preidel

NAY: None NOT VOTING: Fleming, Higgins, Lippincott ABSENT: Allen, Borgstrom, Cain, Ocello

Approval of Minutes: June 24, 2019

A motion to approve the minutes from the above shown date was offered by **Mr. Patel** and was seconded by **Chairman Preidel**. Motion carried on roll call vote recorded as follows:

AYE: Patel, Preidel

NAY: None NOT VOTING: Fleming, Higgins, Lippincott ABSENT: Allen, Borgstrom, Cain, Ocello

Adjournment:

A motion to adjourn the meeting was offered by **Mr. Patel** and was seconded by **Chairman Preidel**. All ayes. Motion carried.

Respectfully Submitted by:

Date Approved:

Ashley Jolly, Land Use Coordinator
