

MANSFIELD TOWNSHIP JOINT LAND USE BOARD
REGULAR MEETING
June 22, 2020

The Regular Meeting of the Mansfield Township Planning Board was held virtually on the above shown date with the following in attendance: Mr. Preidel, Mr. Borgstrom, Mr. Cain, Mayor DiGiuseppe, Mr. Fleming, Mr. Tahirak, Ms. Oiler, Mr. Tsiknakis, Mr. Grouser, Deputy Clerk Ashley Jolly and Clerk Linda Semus. Ms. Herbert, Mr. Sgro, Mr. Wainwright and Ms. Crammer were absent.

Also present on this virtual meeting was Attorney Tom Coleman, Engineer Sam Agresta, Planner Edward Fox and Traffic Engineer Alexander Litwornia.

The meeting was called to order by Chairman Scott 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 14, 2020. 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 17, 2020.

Deputy Clerk Jolly further stated that all members of the public are asked to remain on mute and not interrupt or comment except during the public comment portions of the meeting. Public comment will be limited to two minutes and the Board will not entertain repetitive comments. Prior to making public comment please state your name and address for the record.

APPLICATION PB2020-7: Major Site Plan Approval and Bulk Variances for Properties at Mansfield LLC, 3237 Route 206.

Attorney Gillespie representing Properties at Mansfield LLC, explained that the current building was damaged by fire in the spring of 2019. The building was previously utilized as a doctor's office. There is a second building that is also in a state of disrepair. He is asking his client be allowed to undertake the necessary improvements to adaptively reuse these buildings. The property is located in the C-2 Highway Commercial district. The variances being sought are based upon the pre-existing conditions of the property and all of those conditions predate the adoption of the code sections from which the relief sought. The uses are currently unknown, but they will be permitted uses in the C-2 Highway Commercial District. Most likely the use will be office, medical or retail.

Attorney Gillespie continued stating that some clarification is necessary. Some review letters mention the two buildings being demolished and replaced with two new buildings using existing foundations. That is not the nature of the application. The applicant will only be demolishing the damaged framework. Engineer Malinowski had written in his review letter that both buildings were in a state of disrepair and the applicant was proposing to demolish the structures to construct new buildings within the footprints of the current building. One building is being proposed at 1.5 stories and the other to be 1 story. To be clear the applicant will not be demolishing the buildings.

Attorney Gillespie explained that there was also some confusion on the square footage in Mr. Fox's report. The square footage is as shown on Mr. Nicholson's plan 2,303 square feet of usable floor area. Building number one is 1,398 usable square feet and building number two is 905 square feet, which totals 2,303 square feet of additional floor area. With regard to the 2,303, Mr. Litwornia had commented on the parking spaces; there will be 18 parking spaces provided.

Attorney Coleman thanked Attorney Gillespie for the clarifications. He asked that the board professionals discuss completeness of the application at this time.

Planner Fox recommends the application be deemed complete. He would like a boundary and topographic survey be prepared. He stated the property is located in the water resource buffer conservation zone. A statement on the plan should be added stating there are no freshwater wetlands on the property. As a condition to find the application complete he asks that there be a statement regarding the FEMA maps. He also asked for a statement on the plan showing what the intended proposed electric services to be connected is.

Engineer Agresta stated the documents Stout & Caldwell were sufficient to complete a review therefore the application is complete for engineering.

Traffic Engineer Litwornia recommends deeming the application complete, but he would like to see a traffic study.

A motion to deem the above application complete was offered by **Chairman Preidel** and seconded by **Mr. Borgstrom**. Motion carried on a roll call vote recorded as follows:

AYE: Preidel, Borgstrom, Cain, DiGiuseppe, Fleming, Tahirak, Oiler, Tsiknakis, Mr. Grouser

NAY: None ABSENT: Herbert, Sgro, Wainwright, Crammer

Attorney Coleman swore in all of the witnesses at this time.

Attorney Gillespie stated the applicant agrees to add the notes to the plans as stated previously by Planner Fox. However, he is asking the board to wave the traffic study because of the size of the property and the small scale of this project. He added that the end tenants for these buildings are currently unknown.

Mr. Catarinicchia, architect for the applicant has testified before other boards and has been a licensed architect in New Jersey for 19 years. The board recognized Mr. Catarinicchia's credentials.

Mr. Catarinicchia, explained that the intent for this project is that the block walls will not be demolished. The block walls will be refinished and painted. There will be new roof and new windows installed. Building one will also have block walls and a second story will be added. Said buildings will be ADA compliant.

Attorney Gillespie questioned if building number one will be the 1.5 story building. **Mr. Catarinicchia** confirmed that building 1 will be 1.5 stories with 1,398 square feet of usable area. **Attorney Gillespie** questioned if building number 2 was a single story building. **Mr. Catarinicchia** confirmed building number 2 was single story with 905 usable square feet.

Attorney Gillespie asked for the next witness **Bill Nicholson** to state his credentials.

Attorney Coleman asked the board to take judicial notice of Mr. Nicholson's credentials because he has appeared before this board a number of times before as well as other land use boards throughout the state of New Jersey.

The board recognized Mr. Nicholson's credentials.

Mr. Nicholson explained that the applicant will demolish the existing paving and stone. The parking will be reconfigured with some parking to the rear. There will be two accessible spaces one per building since there will most likely be two different tenants. The existing septic system will be utilized. There are two existing signs on the property that the applicant will use. The existing driveway will also be utilized.

Mr. Nicholson discussed the variances which he stated were because of the existing conditions of the site. The lot area being 0.65 acres versus 2.00 required; the width of the lot being 124.98 versus 200 required; side yard is 7ft versus 8 required; there is no public sewer and there is no proposed parallel access road as the zone requires. Finally, the distance from the parking spaces are 23 feet in the right of way line where 25 feet is required. These are all existing conditions as previously stated. He sees no negative impact on the zone nor with regards to the master plan.

Attorney Gillespie mentioned Mr. Fox's report wherein he highlighted two lot areas and building bulk requirements for which variances are sought, he mentioned maximum lot coverage percentage required 70% proposed 88% thereby needing a variance. He asked Mr. Nicholson to discuss what is being proposed.

Mr. Nicholson stated what is proposed on the plan now is 68% coverage, so no variance is required.

Attorney Gillespie brought up the landscape buffer concern mentioned in Mr. Fox's letter. He asked Mr. Nicholson to describe the neighboring property.

Mr. Nicholson stated it is an old pasture area and there is a building that is way to the rear. Currently the area is an existing farm area and no buffer would be required.

Attorney Gillespie mentioned that the engineer's letter had stated that a design waiver was required for the parking spaces.

Mr. Nicholson explained that they would be keeping the drainage to a minimum. It currently drains to the north; which is the basis for not paving the rear area and keeping it stone.

Attorney Gillespie stated they would be requesting a design waiver to allow those parking spaces to remain as stone as opposed to being paved. He then questioned if there were any existing trees on the site.

Mr. Nicholson stated there were no trees currently on the site and there are none to be removed.

Attorney Gillespie questioned if there was a basement.

Mr. Nicholson stated there is a basement in the first unit however, it will not be used. There is no outside storage proposed.

Attorney Gillespie questioned signage.

Mr. Nicholson explained there is currently a sign out front and over to the left there is also a post for an old sign. The applicant would like to repurpose those signs.

Attorney Gillespie questioned the storage of trash and recycling.

Mr. Nicholson stated they agree to show a trash enclosure and would like to make in optional if necessary. The applicant does not believe he would need a trash enclosure, but that could be determined a later date.

Attorney Gillespie questioned if the applicant contemplated any tractor trailer deliveries.

Mr. Nicholson stated no except for FedEx, WB Mason and/or UPS.

Attorney Gillespie questioned why there was no landscape plan.

Mr. Nicholson stated that they are not purposing any landscaping besides adding some grass.

Attorney Gillespie stated the applicant is willing to pay the \$1,488 towards the sidewalk contribution fund. The applicant also will obtain any outside agency approvals required. He then questioned whether there are any wetlands buffer areas on the property and **Mr. Nicholson** confirmed there are not and there are no flood hazard areas on the property as well. Additionally, the electrical service will be underground to the existing utility pole onsite.

Mr. Nicholson added that there is no sewer on site therefore, there is a need for individual septic systems.

Planner Fox referenced page four of his letter specifically regarding the water conservation zone. He agrees that fresh stone is being removed, but he asks that a note be added to the plans saying the area will be revegetated with grass. He continued onto page five of his letter regarding the buffer landscape screen; the property to the north, lot 9, 3241 Route 206, which is a 5.6 acre lot with a house on it therefore, perhaps some sort of fencing adjacent to this lot would be appropriate.

Mr. Nicholson stated there is a structure on that property but it is far behind the applicants' property and he does not believe this project will negatively impact lot 9 at all.

Planner Fox then discussed the possibility of a parallel road that would connect this property with properties to the north and south. **Attorney Gillespie** questioned whether the board can impose a condition upon this applicant that impacts another property. The applicant cannot show the driveway across someone else's property nor can he show a connection to that driveway. He does not believe this type of condition could be placed on this applicant.

Engineer Agresta questioned the subbase for the parking lot and why the extra layer would not be required. **Mr. Nicholson** stated due to the expected amount of traffic an extra layer would not be necessary. **Engineer Agresta** brought up the stone parking in the rear and wanted to ensure the applicant would agree to maintain it properly. **Attorney Gillespie** stated the applicant agrees to maintain the stone. **Engineer Agresta** questioned if the stone rear parking area could be for employees only. **Attorney Gillespie** explained that was the intention and the applicant is willing to designate that area for employees.

Traffic Engineer Litwornia discussed the parking lot briefly. He brought up the DOT approval and whether the applicant has met with them as of yet to approve the driveway design. **Attorney Gillespie** stated he has a copy of what was submitted to DOT and added that the applicant is not looking to change or alter the existing driveway, which is why he believes DOT has no interest. **Traffic Engineer Litwornia** then brought up the locations for lights in parking lot. Further discussion ensued and it was determined that said lighting would not be necessary.

PUBLIC COMMENT:

Bob Tallon 2454 Axe Factory Road – Explained there is a stream very close to this property and further down the stream is classified as a C1. He questioned if the application affected the buffer because it is within 150 feet. **Mr. Nicholson** stated if there is a wetlands issue they will address it accordingly. **Mr. Tallon** asked the township professionals to look into this. **Planner Fox** added that **Mr. Nicholson** testified there is no fresh water wetlands on the property however, it does appear there are isolated fresh water wetlands within 50 feet of the property on lots 9 and 10.01; nevertheless, those wetlands are not delineated. He did review the proposed development which is to remove the gravel and other parking areas which will improve the water quality when the property is re-vegetated with grass or other vegetation there will be no negative effect in his opinion on the wetlands. **Mr. Tallon** questioned impervious area. **Engineer Agresta** stated they are not creating any new impervious area.

There were no further comments therefore, the public comment portion of the meeting was closed.

BOARD MEMBER COMMENTS:

Mayor DiGiuseppe questioned the use of the property, whether it would be office and/or medical. **Attorney Gillespie** stated the final use would be among the permitted uses in the C-2 ordinance, but most likely retail, medical or office. **Mayor DiGiuseppe** then asked about commercial waste and whether there would be a dumpster at the property. **Attorney Gillespie** stated it depends on the nature of the use. If necessary there is an area to add one, but the applicant is asking the board for flexibility to allow the end user to decide if a trash enclosure is necessary.

Mr. Tahirak asked for anticipated hours of use. **Attorney Gillespie** explained since the applicant does not know the end user the outcome will be determined by the use and that use will be in the list of permitted uses in the C-2 zone.

Ms. Oiler questioned whether the trash contractor for the Township would collect trash for this business. **Attorney Gillespie** was not sure, but in most cases the Township hauler does not pick up for commercial businesses. **Ms. Oiler** would like to see a trash enclosure installed. **Attorney Gillespie** if the end user needs a dumpster that would be a private hauler. If the end user only has a few trash bags then there would be regular trash containers outside. **Planner Fox** stated it is his understanding that the township does not pickup commercial trash. The business could have a dumpster if needed and at that point Mr. Nicholson would need to revise the plans to reflect that; or, the business could have regular trash containers and take care of the trash bags themselves. This all depends on who the tenant is and the size of the business.

Chairman Preidel questioned if the applicant would agree that the trash collection for this business would be privately arranged. **Attorney Gillespie** stated the applicant agrees to that condition.

Mr. Tsiknakis asked if there was a retail restaurant use, would there be an enclosure on the required dumpster? **Attorney Gillespie** explained that if it is required the applicant will comply.

Chairman Preidel questioned the stone mitigation on the property to the north; how much would be stone against that particular property line roughly? **Mr. Nicholson** stated it would 4 or 5 feet off the property line.

There were no further board comments.

A motion to approve preliminary and final site plan with variances and waivers as discussed was offered by **Mr. Borgstrom** and seconded by **Mr. Tahirak**.

Attorney Coleman explained the site plan approval is for the property located at 3637 Route 206. The approval would grant variances for the lot area, lot width, side yard setback, the condition that public sewer be required, as well as, a variance to relieve the applicant of the requirement for an easement for a parallel access road required from the property adjacent to Route 206. There is also a variance for the improvement setback from the right of way where 25 feet is required and 23 feet is proposed. In this application, there is also a request for a waiver from conditions 9, 19, 33, 34 and 39 in Mr. Fox's June 18th letter. There is a request that waivers be granted for items 1g, 5, 17, 20 and 26 from Mr. Agresta's June 17th letter. Finally, there is a request that a waiver be granted from the conditions set forth in Mr. Litwornia's May 12th letter, which was item number 13 on page 4 that there be an obligation to provide trip generations or a traffic study. The applicant has also agreed that a site triangle will be shown on the plans and that there will be notes associated

with that depiction that nothing will be placed or erected within that site triangle. The applicant has also agreed to work with the boards engineer to show where a trash enclosure will be needed if necessary because of the intended tenant use and that there will be no public trash pickup associated with the waste generated from the site. Additionally, unless as set forth in the testimony the applicant will agree to each of the professional comments set forth in the June 17th Stout and Caldwell letter, the June 18th ERI letter and the May 12th Litwornia Associates letter.

The above motion was carried on a roll call vote recorded as follows:

AYE: Borgstrom, Tahirak, Cain, DiGiuseppe, Fleming, Oiler, Tsiknakis, Preidel

NAY: None ABSTAIN: Grouser ABSENT: Crammer, Wainwright

APPLICATION PB2020-12: Jason Konek, 28459 Schoolhouse Road, Variance for Front Yard Setback

Attorney Coleman explained that this above application would not be heard because there was a misunderstanding between the land use office and the applicant as to whether or not this application was going to be heard this evening. The applicant did not notice for this meeting but he anticipates this application will be heard at the July meeting.

REDEVELOPMENT PLAN: Mansfield Road West & Route 206

Chairman Preidel recused himself from this portion of the meeting.

Vice-Chairman Borgstrom took over as chair.

Planner Fox explained that he has been working with the Township and the Developer who is represented by Attorney Patrick McAndrew for the development of the property designated as Block 30, Lots 9.02, 20, 11, 12 and 13.02. This would be a warehouse site that would also realign Mansfield Road West and Mansfield Road East to get the same intersection. This would benefit the township and it is included in the circulation element of the townships master plan.

Planner Fox went over different land uses being changed to include warehouse/trucking distribution facilities, retail establishments, eating and drinking establishments, breweries and distilleries and an offsite business identification sign. He then went over some area and bulk regulations and parking for warehouses specifically.

Planner Fox brought up the concern for truck movement on Mansfield Road West; he explained that there could be two different driveways on this property in which one would be closer to the west and one would be closer to the east. In consultation with the Township Engineer, they would like to propose prohibiting those vehicles from traveling from Mansfield Road West. He also spoke about ensuring keeping the historical integrity of the area.

Planner Fox stated there will be no condemnation associated with this plan. It will be consistent with the master plan. The warehouse use is similar to what has also been approved in the area.

Vice-Chairman Borgstrom questioned if it would be wise of the township to change the weight rating on Mansfield Road West, which is now rated at 10 tons and also add some penalty signage.

Engineer Agresta explained that he has not looked at this very closely however, it is an option to look at, but he would like to take a closer look to see if it would work.

Attorney McAndrew explained the intention is for the trucks to use Route 206. Traffic on Mansfield Road would not be allowed.

Planner Fox added that there was a concern with some neighboring uses nearby and based upon other warehouses that have been built next to residential neighborhoods that when the application comes for site plan that it conform to the sound requirements of the Township's noise control ordinance and also the states noise standards. Additionally, increasing the buffer to 30ft to allow for more noise control.

Attorney Coleman questioned how the 30 foot buffer work with a property across the street. Do the same buffers apply or would that be only properties that abut.

Planner Fox stated the buffer would include properties across the street as well as abutting.

Mr. Tahirak questioned if there was a restriction on the height of the warehouse.

Planner Fox explained that the maximum height would be 50 feet and the total floor area ratio would be 35%.

Mr. Cain questioned if the township has the ability to regulate the truck traffic on Route 206.

Attorney Coleman stated the township does not have the ability to regulate traffic on county and/or state roads.

Planner Fox understands the concerns regarding truck traffic and agrees that it's best to limit the trucks on municipal roadways.

PUBLIC COMMENT:

John O'Callaghan 53 Oak Lane, New Egypt – It is his understanding that the Master Plan describes the goal identity of the Township is to be a rural farming community, not a hub in the global supply chain despite the roads that go through the township. It seems projects are being approved based on the zoning and the lot without addressing the inconsistencies of the overall plan. He agrees with the rights of the individual land owners, but the inconsistencies with the community goes unaddressed. He went on to talk about how the residents' concerns are not addressed and how the warehouse developments are not consistent with the identity of the township.

Kate Tallon 53 Oak Lane, New Egypt – She does not believe that the warehouses will provide the tax relief that they promise. Instead the warehouses lower property values and damage communities while driving up county and state taxes to offset the loss. The residents' concerns are not addressed. She understands that the Land Use Board is for addressing individual projects as they are presented, and these inconsistencies are difficult to navigate. The public is increasingly dissatisfied with the future of the community. The town's center still has not been addressed. She

does not believe this site meets the requirements for redevelopment nor the goals of the master plan. She asked that the Board votes against this.

Scott Preidel 702 Mansfield Road West – He explained the property is zoned C-2 commercial and is approved for this type of use. When the reexamination of the master plan was done in 2016 these two roads (Mansfield Road East & Mansfield Road West) were designated to be connected if at all possible. It is his understanding that this development will connect these roads. The reason for connecting these roads is the constant accidents with people making left hand turns onto Mansfield Road West. He discussed several accidents that have happened at this intersection and stated he is in support of the connection of the two roads.

Todd Wirth 3187 Route 206 – His mother’s property is very close to this development and he only found out about this development recently online on the Land Use agenda. This development has a very large impact on the neighborhood. He questioned the notification of surrounding properties. **Planner Fox** stated the law does not require notification for the designation of an area of redevelopment. **Mr. Wirth** is concerned with the historical sites in the area. **Planner Fox** stated the developer has agreed to document specifically the old Quaker meeting house prior to demolition if demolition is necessary.

Dorothy Wirth 3187 Route 206 – She thanked Mr. Fox for his clarification. She questioned if the developer could work with the historical society and possibly retain the building in a safe condition in some other area. She also has concerns regarding traffic.

RESOLUTIONS:

RESOLUTION NO. 2020-5-11

RESOLUTION OF THE TOWNSHIP OF MANSFIELD LAND USE BOARD
CONCERNING THE APPLICATION OF
THE DIOCESE OF TRENTON
FINAL MAJOR SUBDIVISION APPROVAL

WHEREAS, the Diocese of Trenton (the “Applicant”) has applied to the Land Use Board of the Township of Mansfield (the “Board”) for Final Major Subdivision Approval for property located at the intersection of Island Road and Mansfield-Georgetown Road, known as Block 25, Lot 6 on the Official Tax Map of Mansfield Township (the “Property”), for the purpose of subdividing the Property into eight (8) residential lots; and

WHEREAS, by Resolution No. 2017-12-19, the Planning Board of the Township of Mansfield¹ granted an Open Space Variance and Preliminary Major Subdivision Approval to the Applicant for an eight (8) lot residential subdivision development; and

WHEREAS, the application for Final Major Subdivision was deemed complete by the Board on May 26, 2020; and

WHEREAS, a public hearing to consider the application for Final Major Subdivision Approval was held by the Board on May 26, 2020, after appropriate public and personal notice was provided as required by the land development regulations of the Township of Mansfield and the statutes of the State of New Jersey²; and

¹ In January, 2020, the Township of Mansfield consolidated the Mansfield Planning Board and Mansfield Zoning Board of Adjustment into the Mansfield Land Use Board.

² The May 26, 2020 Public Hearing was conducted electronically in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant.

WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence, including the following Exhibits³:

- A-1 Subdivision Plan;
- A-2 Landscape Plan; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for Final Major Subdivision 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 Block 25, Lot 6, located at the corner of Mansfield-Georgetown Road and Island Road, in the Residential 1 (R-1) Zoning District of the Township. The Property is approximately 29.952 acres and is currently undeveloped farmland and partially wooded.
2. An Application for Final Major Subdivision Approval, including Final Major Subdivision Plans, has been submitted by the Applicant.
3. The taxes on the Property are current or exempt.
4. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
5. Proper notice of the application for Final Major Subdivision Approval has been provided.
6. The Applicant received Preliminary Major Subdivision Approval from the Mansfield Township Planning Board in December, 2017, as memorialized by Resolution No. 2017-12-19, to subdivide the Property into eight (8) residential lots.
7. The Applicant received a variance to permit the open space to be included with the individual lots rather than dedicated, as required.
8. The Applicant also received waivers from the design standards requiring active recreation facilities and a sidewalk along Mansfield-Georgetown Road.
9. Michael R. Butler, Esquire, of Eckert Seamans Cherin & Mellott, LLC, represented the Applicant at the May 26, 2020 Public Hearing. Julia G. Algeo, PE, of Maser Consulting, PA, testified on behalf of the Applicant.
10. Ms. Algeo provided the following sworn testimony during the May 26, 2020 Public Hearing:
 - a. She is a Professional Engineer, licensed in the State of New Jersey, and was previously qualified by the Planning Board prior to her sworn testimony during the December 27, 2017 Public Hearing for Preliminary Major Subdivision Approval.
 - b. She prepared Exhibit A-1, the Subdivision Map, dated January 31, 2020.
 - c. Orients the Board with the Subdivision location and the Preliminary Major Subdivision previously approved.
 - d. The Final Major Subdivision Plans are substantially similar to the Preliminary Major Subdivision Plans that were approved by the Planning Board in December, 2017; revisions have been made to address the comments of the Board's Professionals.
 - e. The area of the eight (8) lots will range from 1.50 acres to 16.80 acres.
 - f. Six (6) lots are along Island Road and two (2) lots along Mansfield-Georgetown Road.
 - g. Sidewalk is provided along Island Road.
 - h. Runoff onto one of the lots has been reduced.
 - i. Additional landscaping has been added to the Final Subdivision Plans.
 - j. The driveways will accommodate the width of a fire truck.
 - k. A design waiver will be required for the polyethylene pipes and culverts under the driveways.
 - l. Septic approval is required from the Burlington County Board of Health.
 - m. Burlington County and the New Jersey Department of Environmental Protection will be consulted regarding the impact on the residential development caused by the groundwater contamination remediation on-going at the high school property.
 - n. The drainage calculations indicate that street run-off will be reduced.
 - o. She will work with the Board Engineer to determine if it is possible to relocate the driveway for Lot 6.01 to accommodate a new location for the proposed septic system.
 - p. The New Jersey Department of Environmental Protection issued a wetlands Letter of Interpretation (LOI) for this development in 2017.
11. The May 26, 2020 Hearing was opened to the Public with the following questions, comments and concerns raised to the Board and the Applicant:

³ These Exhibits, together with the Application and Final Major Subdivision Plans, were posted on the Township Website so that same could be reviewed prior to and viewed during the May 26, 2020 Public Hearing.

- a. Robert Tallon who testified that there are singing frogs on site and that driveways should not run through vernal pools.
- b. Dottie Worth who questioned the source of water service proposed for the residential subdivision.
- c. Kate Tallon who testified that she was concerned with the impact of the development on the rest of the area, not just to the Property.

12. The Board Professionals reviewed their respective review letters and the Applicant's professionals represented and testified that the Applicant will work with the Board's Professionals to address their review comments. The Board Engineer agreed that the Lot 6.01 flooding will be reduced. The Board Planner had no objections to the Final Major Subdivision Plans. The Board Traffic Engineer informed the Board that the Applicant addressed all his concerns except that additional lighting be provided. The Board Engineer had no objection to design waivers for the piping and culverts under the driveways.

AND WHEREAS, based upon the above factual findings, the 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 Final Major Subdivision Approval.

2. The Final Major Subdivision Plans are in accord with the Preliminary Major Subdivision Plans that received approval from the Planning Board of the Township of Mansfield in December, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Mansfield, on the 26th day of May, 2020, that this Board hereby grants to the Applicant Final Major Subdivision Approval, with design waivers, for the development of an eight (8) lot residential development on the Property, in accordance with the Application, Subdivision Plans, Reports and Testimony submitted by the Applicant, 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 New Jersey Department of Environmental Protection. Copies of all other approvals shall be submitted to the Township upon receipt.

b. The fulfillment of all conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all the conditions shall the final subdivision plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.

c. 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.

d. Subject to the comments, testimony and representations made by the Applicant or its agents and representatives at the December 27, 2017 Planning Board Public Hearing held for Preliminary Major Subdivision Approval and the May 26, 2020 Final Major Subdivision Public Hearing.

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

f. Subject to the comments of the Board Engineer as contained in the March 16, 2020 Review Letter of Stout and Caldwell Engineers, LLC, by Mark E. Malinowski, PE, except as may be modified in this Resolution.

g. Subject to the comments of the Board Planner as contained in the March 10, 2020 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified in this Resolution.

h. Subject to the comments of the Board's Traffic Engineer as contained in the March 3, 2020 Memorandum of Litwornia Associates, Inc. by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution.

i. Subject to the Applicant making its contribution to the Township Sidewalk Fund in lieu of installing sidewalk along Mansfield-Georgetown Road in the amount as calculated by the Board Engineer. Fifty percent (50%) of the contribution shall be made prior to the issuance of any construction permit for the development of the Property and the balance made prior to the issuance of the first Certificate of Occupancy for any of the residential dwellings.

j. Subject to the Applicant making its \$5,000.00 recreation contribution in lieu of installing active recreation facilities with \$2,500.00 (50%) of the contribution made prior to the issuance of any construction permit for the development of the Property and the \$2,500.00 balance made prior to the issuance of the first Certificate of Occupancy for any of the residential dwellings.

k. Subject to a deed restriction prohibiting any further subdivision of the largest lot. The deed restriction shall be submitted for the review and approval of the Board Solicitor prior to the filing of the subdivision

plat with the County of Burlington. The deed restriction must be included on the filed subdivision plat and the deed transferring any lot from the Applicant.

l. Subject to a deed restriction prohibiting the removal of the turn-around areas located on each lot. The deed restriction shall be submitted for the review and approval of the Board Solicitor prior to the filing of the subdivision plat with the County of Burlington. The deed restriction must be included on the filed subdivision plat and the deed transferring the lots to the homeowners.

m. Subject to the Conservation Easement for the 8.4 acres of preserved open space and for the 30 foot wide conservation area along the southern boundary being submitted for the review and approval of the Board Solicitor and Board Engineer prior to filing with the County of Burlington. The Conservation Easement shall be recorded after the removal of the vegetation necessary for the construction of the development as approved but prior to the recording of the deeds transferring the affected lots to the homeowners. The Conservation Easement shall require the conservation areas to be left in their natural state.

n. Subject to the Applicant's Professionals addressing with the Board's Professionals, the outstanding comments contained in their respective Review Letters/Memoranda.

o. Subject to a gravel road being provided during the construction period for emergency vehicle access and that each driveway be graveled at the time of construction activity.

p. Subject to each of the driveways being paved with gravel porous paving, and with the Island Road driveways paved a distance of 10 feet from the apron and sidewalk and the Mansfield-Georgetown Road driveways paved a distance of 15 feet from the right-of-way, both with asphalt pavement.

q. Subject to a deed restriction prohibiting the paving of each of the gravel driveways with anything other than a porous paver system with storage bed or a porous pavement system with storage bed, except as otherwise provided in condition "p" for the portion of the driveway paved with asphalt pavement. The deed restriction shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to the filing of the subdivision plat with the County of Burlington. The deed restriction must be included on the filed subdivision plat and the deed transferring the lots to the homeowners.

q. Subject to the Applicant coordinating with the Board Professionals the placement of downward facing, photo cell lights at the driveway entrances to each of the residential lots.

r. Subject to a Deed Notice being filed that a subsurface survey of the area surrounding the ruins of the prior farmstead shall be required prior to the issuance of any building permit to confirm the presence or absence of any underground storage tanks on the Property/Lots. A copy of the Deed Notice shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to recording.

s. Subject to the Applicant contacting the NJDEP or the County of Burlington to determine the impact on the residential subdivision of the on-going environmental contamination clean-up at the high school. The Applicant shall make the appropriate disclosure to any successor in interest.

t. Subject to the Applicant addressing with the Board Engineer the location of the driveway on Lot 6.01.

u. Subject to a Drainage Easement required for Lot 6.01. A copy of the Drainage Easement shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to recording.

v. Subject to the repair and/or replacement of any field drain damaged during the construction of the development.

w. Subject to the front of each dwelling being set back at least 80 feet from the right-of-way.

x. Subject to Resolution No. 2017-12-19 memorializing the Preliminary Major Subdivision Approval granted by the Mansfield Township Planning Board.

y. Subject to any affordable housing fee, if required in accordance with applicable law, being made at the time of building permit and certificate of occupancy issuance.

z. Subject to the Applicant, as part of any additional NJDEP permit filings, informing the NJDEP of the conditions of Preliminary Approval, this Resolution for Final Approval and the Board Engineer's review comments pertaining to stormwater management.

aa. Subject to the Applicant obtaining all permits required prior to the commencement of construction activity on the Property, including site clearing. Variance, Preliminary Major Subdivision and Final Major Subdivision Approvals do not guarantee the issuance of construction permits, as the Applicant is required to comply with all rules, regulations, codes and statutes governing the issuance of such permits, including the posting of any performance or maintenance guaranty that may be required.

bb. Subject to the Applicant posting the performance guarantee, maintenance guarantee and inspection fee authorized by the Municipal Land Use Law for the development of the Property as approved.

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

AYE: Cain, Preidel, Fleming, Tahirak, Tsiknakis

NAY: None ABSENT: Crammer, Wainwright

LAND USE BOARD OF THE TOWNSHIP OF MANSFIELD

RESOLUTION NO. 2020-5-12

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD LAND USE BOARD,
CONCERNING THE APPLICATION OF
DR. JAMES AND TERESA ROCKWELL
VARIANCE AND MINOR SUBDIVISION APPROVAL**

WHEREAS, Dr. James and Teresa Rockwell, c/o Mansfield Investments, LLC (the “Applicant”), have applied to the Land Use Board of the Township of Mansfield (the “Board”) for Minor Subdivision Approval for property located at 14 Sheffield Drive, known as Block 33.04, Lots 9.01 and 9.23 (the “Property”), for the purpose of increasing the lot area for Lot 9.01; and

WHEREAS, as memorialized by Resolution No. 2012-09-11, the Planning Board of the Township of Mansfield⁴ granted Variance, Minor Subdivision and Preliminary and Final Site Plan Approval to the Applicant to develop Lot 9.01 with one (1) 15,900 square foot professional office building with related site improvements; and

WHEREAS, the Planning Board reapproved the Minor Subdivision and Variances in November, 2017, as memorialized by Resolution No. 2017; and

WHEREAS, the previously approved Minor Subdivision was not perfected in accordance with the requirements of the Municipal Land Use Law of the State of New Jersey and the Applicant is requesting that the Board reapprove the 2012 and 2017 Variance and Minor Subdivision Approvals; and

WHEREAS, the current Application for Variance and Minor Subdivision Approval was deemed complete by the Board on May 26, 2020; and

WHEREAS, a public hearing to consider the Application was held by the Board on May 26, 2020 after appropriate 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 Jersey⁵; and

WHEREAS, the Applicant introduced the following Exhibit during the May 26, 2020 Public Hearing:

A-1 Plan of Minor Subdivision, prepared by Jeffrey R. Gellenthin, PLS, K2 Consulting Engineers, Last revised 01/30/2020, and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of the application for Variances and Minor Subdivision 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 Rockwells are the owners of Lot 9.01 and Mansfield Investments, LLC, is the owner of Lot 9.23. The Rockwells each own fifty percent (50%) percent of Mansfield Investments.
2. Lot 9.23 is improved with a professional office-building complex.
3. Lot 9.01 is currently being developed.
4. The Planning Board granted Variance, Minor Subdivision and Preliminary and Final Site Plan Approval to the Applicant to develop Lot 9.01 with one (1) 15,900 square foot professional office building; said Approval was memorialized by Planning Board Resolution No. 2012-09-11.

⁴ In January, 2020, the Township of Mansfield consolidated its Planning Board and Zoning Board of Adjustment into the Land Use Board.

⁵ The May 26, 2020 Public Hearing was conducted electronically in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant

5. The Minor Subdivision approved by the Planning Board in 2012 was not perfected within the time requirements of the New Jersey Municipal Land Use Law and the Township Ordinances and the Planning Board reapproved same, as memorialized by Planning Board Resolution No. 2017-11-18.

6. The Applicant has submitted an application for Minor Subdivision and Variance Approval, substantially similar to the variances and minor subdivision previously approved.

7. The taxes on the subject property are current.

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

9. Proper notice of the Application for Minor Subdivision and Variance Approval has been given, as based upon the certified list of property owners provided to the Applicant by the Township Tax Assessor.

10. The 2012 approved minor subdivision was for a lot line adjustment to increase the lot area for Lot 9.01 an additional 6,076 square feet.

11. The Application currently before the Board would increase the lot area for Lot 9.01 by 6,681 square feet.

12. The Planning Board granted the following variances in connection with the minor subdivision and preliminary and final site plan approvals previously granted:

- a. Lot frontage variance to permit a 383 foot lot frontage for 9.01 and a 563 foot lot frontage for Lot 9.23;
- b. Lot coverage variance to permit a lot coverage of 32.5% for Lot 9.01;
- c. Side yard setback variance to permit a 15 foot side yard setback for the side of the proposed office building adjacent to Lot 9.23;
- d. Variance to permit a 6 foot tall vinyl fence along the property line common with the adjacent residential lots and within the required front yard setback area, drainage easement and landscape buffer easement;
- e. Variance to permit a freestanding identification sign in a zone where same are not permitted; and
- f. Variance to permit the freestanding identification sign to be located within a landscaped buffer easement area.

13. The Applicant was represented at the May 26, 2020 Public Hearing by Jonas Singer, Esquire. John Kornick testified on behalf of the Applicant.

14. Mr. Kornick provided the following sworn testimony during the May 26, 2020 Public Hearing:

- a. He is a Professional Engineer, licensed in the State of New Jersey, has testified before New Jersey Land Use Boards and qualified to provide expert testimony in the area of site engineering;
- b. Describes the previously approved minor subdivisions and the minor subdivision currently before the Board;
- c. There have been no changes to the zoning ordinance for the C-3 Zoning District since the 2012 approval;
- d. The Applicant will comply with the review comments of the Board's Professionals;
- e. The lot line adjustment is being undertaken to address septic field issues;
- f. The minor subdivision does not change the ingress and egress design for the office building development being constructed on Lot 9.01.

15. The May 26, 2020 Hearing was opened to the Public without comment.

16. The Board Professionals reviewed their respective review letters with the Board and offered no objections to the Application, as the Applicant's agents and representatives testified that the Applicant will comply with their respective review letters.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the Township of Mansfield would be advanced by the deviation from the ordinance requirements specified herein, as requested by the Applicants.

2. The benefits of the deviation from the ordinance requirements specified herein would substantially outweigh any detriment to the public good by this deviation from such requirements, as variance approval would allow for the development of the Property as proposed by the Applicant, and otherwise promote the safety, health and general welfare of the Community.

3. 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.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Mansfield, on the 26th day of May, 2020, that this Board hereby grants to the Applicants:

1. Variances to permit the following:
 - a. A lot frontage of 383 feet for Lot 9.01 and 563 feet for Lot 9.23;
 - b. A lot coverage of 32.50% for Lot 9.01;
 - c. A side yard setback of 15 feet for the side of the office building to be constructed on Lot 9.01 that is adjacent to Lot 9.23;
 - d. A freestanding identification sign for Lot 9.01;
 - e. Well and septic to service the building to be constructed on Lot 9.01;
 - f. The freestanding sign to be located in the 30 foot wide buffer area proposed for Lot 9.01 along Sheffield Drive;
 - g. A board on board fence to be located along the property line common with the adjacent residential lot within the front yard setback area;
2. Minor subdivision approval for a lot line adjustment between Lots 9.01 and 9.23, as shown on the Plan of Minor Subdivision, in accordance with the Application, Plans and Testimony provided by the Applicant, subject to the following conditions:
 - a. Proof that the Applicant have applied for the necessary approval(s) from all other agencies, including the Burlington County Planning Board and the Burlington County Board of Health, having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.
 - b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all the conditions shall the minor subdivision plan or deed be signed or any required building permit, certificate of occupancy or zoning permit be issued.
 - c. 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.
 - d. Subject to Minor Subdivision Approval expiring 190 days from the date on which this Resolution of Approval is adopted by the Planning Board, unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision is filed with the Burlington County Recording Office, the Township Engineer and the Township Tax Assessor. The Minor Subdivision Deed or Plat shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to the Planning Board Chairperson and Secretary signing same, as required, prior to recording.
 - e. Subject to the comments of the Board Engineer as contained in the March 11, 2020 Review Letter of Stout and Caldwell Engineers, LLC by Mark E. Malinowski, PE, except as may be modified herein.
 - f. Subject to the comments of the Board Planner as contained in the March 12, 2020 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified herein.
 - g. Subject to the sworn testimony of the Applicant and their agents and representatives during the May 26, 2020 Public Hearing for this Application.
 - h. Subject to the submission of revised plans complying with this Resolution and the review letters of the Board Engineer and Board Planner, as may be required.
 - i. Subject to this variance and minor subdivision approval not modifying any of the conditions of Resolution No. 2012-09-11 applicable to the preliminary and final site plan approval previously granted to the Applicant for the development of the Property. Preliminary and Final Site Plan Approval continues to be subject to Resolution No. 2012-09-11.
 - j. Subject to the Applicant obtaining all permits required prior to the commencement of construction activity on the Property, including site clearing. Variance and minor subdivision approvals does not guarantee the issuance of construction permits, as the Applicant is required to comply with all rules, regulations, codes and statutes governing the issuance of such permits.
 - k. Subject to the Applicant submitting an updated New Jersey Department of Environmental Protection Wetlands Letter of Interpretation ("LOI") or an extension of the previously issued May 26, 2010 LOI that has expired. The Minor Subdivision Plan will require revision to reflect the updated or extended LOI.

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

AYE: Cain, Preidel, Fleming, Tahirak, Oiler, Tsiknakis

NAY: None ABSENT: Crammer, Wainwright

LAND USE BOARD OF THE TOWNSHIP OF MANSFIELD

RESOLUTION NO. 2020-5-13

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD LAND USE BOARD
CONCERNING THE APPLICATION OF
DJ REAL ESTATE HOLDINGS
VARIANCE AND MINOR SUBDIVISION APPROVAL**

WHEREAS, DJ Real Estate Holdings, Inc. (the “Applicant”) has applied to the Land Use Board of the Township of Mansfield (the “Board”) for Minor Subdivision Approval for property located at 399 New York Avenue, known as Block 29, Lot 12 on the Official Tax Map of the Township (the “Property”), for the purpose of subdividing Lot 12 into two (2) lots, proposed Lot 12.01 and proposed Lot 12.02; and

WHEREAS, the Applicant submitted a Boundary Survey and Minor Subdivision Plan prepared by Suzanne E. Warren, PLS, MidAtlantic Engineering Partners, last revised 05/06/2020; and

WHEREAS, variances are required in connection with minor subdivision approval as the proposed subdivision of the Property does not comply with the Lot Area, Front and Side Yard Setback, Accessory Building Setback and Lot Frontage requirements in the R-4 Zoning District; and

WHEREAS, the Application for Variance and Minor Subdivision Approval was deemed complete by the Board on May 26, 2020; and

WHEREAS, a public hearing to consider the Application was held by the Board on May 26, 2020, after appropriate 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 Jersey⁶; and

WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence, introducing the following Exhibits during the May 26, 2020 Public Hearing;

A-1 Aerial Photograph of the Property; and

A-2 Minor Subdivision Plan; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of the Application for Variances and Minor Subdivision 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 at 399 New York Avenue in the R-4 - Columbus Village Zoning District. The Property is approximately 0.82 acres in area and is improved with a 2-story frame dwelling, 1-story masonry garage and a gravel driveway.

2. The Applicant submitted an application for Minor Subdivision Approval and for Variances from the ordinance requirements relating to lot frontage and impervious coverage.

3. The Applicant is proposing to subdivide the Property into proposed Lot 12.01, 0.43 acres, and proposed Lot 12.02, 0.39 acres. A residential dwelling and septic system are proposed for Lot 12.01. The existing dwelling, garage and driveway will be located on Lot 12.02.

4. The taxes on the subject property are current or exempt.

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

⁶ ⁶ The May 26, 2020 Public Hearing was conducted electronically in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant

6. Proper notice of the application for Minor Subdivision and Variance Approval has been given, as based upon the certified list of property owners provided to the Applicant by the Township Tax Assessor.

7. As public sewer is not available for the Property, the R-1 Zoning District requirements are applicable to the proposed Minor Subdivision.

8. The following variances are required in connection with the Minor Subdivision Application:

- a. Lot Area – 3.0 acres required; 0.43 and 0.39 acres proposed for Lots 2.01 and 12.02;
- b. Front yard setback – 50 feet required; 25 feet proposed for Lot 12.01 and 12.6 feet existing and proposed for Lot 12.02;
- c. Side yard setback – 20 feet and 30 feet required; 16 feet and 17 feet proposed for Lot 12.01 and 16 feet (an existing condition) and 18 feet for Lot 12.02;
- d. Accessory building setback – 10 feet required; 7 feet to the new lot line proposed for the existing garage;
- e. Lot frontage – 200 feet required; 69.25 feet proposed for each Lot.

9. The Applicant was represented at the May 26, 2020 Public Hearing by William A. Slover, Esquire, of Lanciano and Associates, LLC. William Parkhill, PE, testified on behalf of the Applicant.

10. Mr. Parkhill provided the following sworn testimony during the May 26, 2020 Public Hearing:

- a. He is a Professional Engineer, licensed in the State of New Jersey and has been qualified by New Jersey Land Use Board's to provide expert testimony in land engineering.
- b. He describes the proposed subdivision of the Property.
- c. That the Property, if serviced by public water and sewer, with the exception of the non-conforming front yard setback for the existing dwelling, the proposed lots would comply with the requirements for the Columbus Village Zoning District.
- d. The existing dwelling and garage will be located on proposed Lot 12.02.
- e. An old cess pool is located on proposed Lot 12.02 and a new septic field is proposed for each Lot.
- f. Easements are not required to access the septic fields.
- g. The proposed lots will fit with the character of The Village of Columbus.
- h. Purposes A, C and I of the Municipal Land Use Law of the State of New Jersey will be advanced by the development of the Property as proposed.
- i. The Applicant will comply with the review letters issued by the Board's Professionals.

11. The May 26, 2020 Hearing was opened to the Public and Robert Tallon had questions concerning the proposed septic systems.

12. The Board Engineer and Planner reviewed their respective review letters with the Board and the Applicant's representative testified that the Applicant will comply with each letter. The Board's Professionals had no objection to the submission waivers requested by the Applicant as the Applicant provided testimony addressing the waivers.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the Township of Mansfield would be advanced by the deviation from the ordinance requirements for lot area, front and side yard setbacks, accessory building setback and lot frontage, as specified herein, as requested by the Applicant.

2. The benefits of the deviation from the ordinance requirements specified herein would substantially outweigh any detriment to the public good by this deviation from such requirements, as variance approval would allow for the development of the Property as proposed by the Applicant, and otherwise promote the safety, health and general welfare of the Community.

3. 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.

4. The Applicant has complied with the requirements of the Municipal Land Use Law of the State of New Jersey and the Land Use Code of the Township of Mansfield for minor subdivision approval.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Mansfield, on the 26th day of May, 2020, that this Board hereby grants to the Applicant:

1. Waivers for the checklist items identified in the Review Letters of the Board's Professionals;
2. Variances to permit (i) lot areas of 0.43 acres for proposed Lot 12.01 and 0.39 acres for proposed Lot 12.02; (iii) front yard setbacks of 25 feet for proposed Lot 12.01 and 12.6 feet for proposed Lot 12.02; (iii) side yard setbacks of 16 and 17 feet for proposed Lot 12.01 and 16 and 18 feet for proposed Lot 12.02; (iv) an accessory

building setback of 7 feet for the masonry garage measured to the new lot line; and (v) lot frontages of 69.25 feet for each proposed Lot; and

3. Minor Subdivision Approval to subdivide the Property into Lot 12.01 (0.43 acres) and Lot 12.02 (0.39 acres) as shown on the Boundary Survey and Plan of Minor Subdivision, in accordance with the Application, Plans and Testimony provided by the Applicant, subject to the following conditions:

a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies, including the Burlington County Planning Board and Burlington County Board of Health, having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.

b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all the conditions shall the minor subdivision plan or deed be signed or any required building permit, certificate of occupancy or zoning permit be issued.

c. 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.

d. Subject to Minor Subdivision Approval expiring 190 days from the date on which this Resolution of Approval is adopted by the Planning Board, unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision is filed with the Burlington County Recording Office, the Township Engineer and the Township Tax Assessor. The Minor Subdivision Deed or Plat shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to the Planning Board Chairperson and Secretary signing same, as required, prior to recording. The Lot Numbering for Lots 12.01 and 12.02 shall be confirmed with and approved by the Township Tax Assessor.

e. Subject to the comments of the Board Engineer as contained in the May 15, 2020 Review Letter of Stout and Caldwell Engineers, LLC, by Mark E. Malinowski, PE, except as may be modified herein.

f. Subject to the comments of the Board Planner as contained in the May 20, 2020 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified herein.

g. Subject to the sworn testimony of the Applicant's agents and representatives presented during the May 26, 2020 Public Hearing.

h. Subject to the submission of revised plans complying with this Resolution and the review letters of the Board Professionals, if required.

i. 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 Board not executing the required Minor Subdivision Deed/Plat.

j. Subject to the Applicant obtaining all permits required prior to the commencement of construction activity on the Property, including site clearing. Variance and minor subdivision approval does not guarantee the issuance of construction permits, as the Applicant is required to comply with all rules, regulations, codes and statutes governing the issuance of such permits.

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

AYE: Cain, Preidel, Fleming, Tahirak, Tsiknakis

NAY: None ABSENT: Crammer, Wainwright

Mansfield Township Land Use Board

June 22, 2020

RESOLUTION 2020-6-11

REVIEWING REDEVELOPMENT PLAN FOR BLOCK 30, LOTS 9.02, 10, 11, 12 AND 13.02, ALSO KNOWN AS THE U.S. ROUTE 206 AND MANSFIELD ROAD WEST: SOUTHEAST CORNER REDEVELOPMENT AREA AND REFERRING SAME TO MANSFIELD TOWNSHIP COMMITTEE FOR CONSIDERATION AND ADOPTION

WHEREAS, on June 14, 2017, by adoption of Resolution 2017-6-7, the Township Committee of the Township of Mansfield, Burlington County, New Jersey authorized the Township of Mansfield Planning Board (now Land Use Board) to undertake a preliminary investigation to determine whether the following area of the Township qualified as a “Condemnation Redevelopment Area” according to the criteria set forth in N.J.S.A. 40A:12A-1 et seq. of the Local Redevelopment and Housing Law (“LRHL”).

- A. U.S. Route 206 and Mansfield Road West: Southeast Corner, Block 30, Lots 9.02, 10, 11, 12 and 13.02, (the “Study Area”)

WHEREAS, after due notice and public hearing, on September 25, 2017, the Mansfield Planning Board (now Land Use Board) conducted the investigation and adopted Resolution 2017-09-13, which recommended that the Township designate the “Study Area” as a Condemnation Redevelopment Area, but only as to Block 30, Lots 9.02, 11 and 12, because, at the time, occupied homes existed on Lots 10 and 13.02; and

WHEREAS, by adoption of Resolution 2019-4-10, on April 17, 2019, the Township Council designated the Study Area as a “Condemnation Redevelopment Area(s)” and authorized the preparation of a Redevelopment Plan for the Study Area, specifically including Lots 10 and 13.02, finding that the entire Study Area qualified as a “Condemnation Redevelopment Area”; and

WHEREAS, by letter dated February 21, 2020, the Commissioner of the Department of Community Affairs approved Block 30, Lots 9.02, 10, 11, 12 and 13.02 as a Condemnation Area in Need of Redevelopment; and

WHEREAS, the Township Planner, Edward Fox, AICP, PP, Environmental Resolutions, Inc. has prepared a Redevelopment Plan for the Redevelopment Area, U.S. Route 206 and Mansfield Road West: Southeast Corner, Block 30, Lots 9.02, 10, 11, 12 and 13.02, dated June 23, 2020 (the “Redevelopment Plan”); and

WHEREAS, at the June 22, 2020 Land Use Board meeting, the Mansfield Land Use Board further reviewed and considered the Redevelopment Plan for the Redevelopment Area, U.S. Route 206 and Mansfield Road West: Southeast Corner, Block 30, Lots 9.02, 10, 11, 12 and 13.02, including the Plan’s relationship to pertinent municipal development regulations in the Mansfield Township Master Plan and its relationship to definite local objectives., including redevelopment of qualified areas of the Township. The Board specifically finds that the Redevelopment Plan recommends that the Township permit warehouse, trucking, and/or distribution facilities and associated office spaces on a lot greater than 20 acres in area, as well as complementary highway commercial uses at an important US Route 206 intersection north of Columbus Village. A significant objective of the Redevelopment Plan is to align Mansfield Road West and Mansfield Road East at a signalized intersection on US Route 206, as identified in the Township’s Master Plan’s Circulation Plan Element. The Redevelopment Plan was further revised to prohibit large truck traffic from the site on Mansfield Road West.

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Township of Mansfield, County of Burlington, State of New Jersey, that, pursuant to the authority of the LRHL, N.J.S 40A:12A-7e, having reviewed the Redevelopment Plan and determined that the provisions of same are substantially consistent with the Land Use Element of the Mansfield Master Plan, or are designed to effectuate the Master Plan, does hereby refer the Redevelopment Plan for the Redevelopment Area, entitled “U.S. Route 206 and Mansfield Road West: Southeast Corner, Block 30, Lots 9.02, 10, 11, 12 and 13.02, dated June 23, 2020”, to the Mansfield Township Committee for further consideration and possible adoption.

A motion to memorialize the above resolution was offered by **Mayor DiGiuseppe** and seconded by **Mr. Fleming**.

AYE: DiGiuseppe, Fleming, Oiler, Tsiknakis, Borgstrom

NAY: Cain, Tahirak

ABSTAIN: Grouser ABSENT: Crammer, Wainwright

PUBLIC COMMENT:

Kate Tallon 53 Oak Lane, New Egypt – She questioned the vote on the warehouses that are being built on Aaronson Road and Route 206. She stated the vote had the contingency that the developer would look into changing the structure to appease the neighbors and she was wondering when that would be coming up. **Planner Fox** explained that he was not aware of this and was under the impression that the applicant has received final major site plan approval and he does not

believe compliance plans have been submitted as of yet. **Ms. Tallon** gave Mr. Fox her contact number so he may contact her directly.

ADJOURNMENT:

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

Respectfully Submitted by:

Approved:

Ashley Jolly, Deputy Clerk