

MANSFIELD TOWNSHIP LAND USE BOARD
MAY 16, 2022
MINUTES

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times/NJ Zone;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Roll Call:

Present: Hayes, Creedon, Petteruti, Keggan, Wielgus, Jewell

Alternates present: Reagle, Waegener, Feller

Absent: Farino, Cruts, Hight

Also present: Attorney Bryce, Engineer Symonds

MINUTES:

MOTION was made by **HAYES** to approve the **minutes** of the **April 18, 2022** meeting.

SECONDED: KEGGAN

Chair Jewell noted that a statement made by Mr. Hayes regarding the reason there was no action by SWAC should include what the action was about.

Those in favor: Hayes, Creedon, Petteruti, Keggan, Wielgus, Reagle, Waegener, Feller, Jewell

Opposed: None

Abstain: None

RESOLUTIONS: None

APPLICATIONS:

21-04 Luna Farms, LLC – B 1204 L 11 – Use Variance

Chair Jewell announced that this applicant has requested an adjournment to the June 20 meeting without further notice.

MOTION was made by **CREEDON** to carry the Luna Farms application to June 20 without further notice.

SECONDED: HAYES

Those in favor: Hayes, Creedon, Petteruti, Keggan, Wielgus, Reagle, Waegener, Feller, Jewell
Opposed: None
Abstain: None

22-03 – Laurie & David Bravo – B 1204.01 L 6 - 12 Country Meadow – Lot Coverage Variance

Attorney Bryce swore in David Bravo, homeowner

Attorney Bryce confirmed with the owner that the property is 1.09 acres and the plan is to remove some existing pavers, while all improvements will adhere to the required setbacks, and the 3% lot coverage is excessive as compared to other surrounding municipalities

MOTION was made by **HAYES** to approve **Laurie & David Bravo – B 1204.01 L 6 - 12 Country Meadow – Lot Coverage Variance**

SECONDED: KEGGAN

Those in favor: Hayes, Creedon, Petteruti, Keggan, Wielgus, Reagle, Waegener, Feller, Jewell
Opposed: None
Abstain: None

22-01 - Mansfield Dev, LLC (Popeyes) – B 1104 L 9 & 10 - Preliminary/Final Site Plan

Attorney Jason Tuvel, representing Mansfield Dev, LLC stated that lot 9 was created for the purposes of a retail plat where a bank then a Roy Rogers had been proposed. This Popeyes is a bit smaller than the previously approved Roy Rogers and the coverages would be slightly decreased. He stated that this lot was created as an undersized lot for some reason and the variance relief is the result of this being subdivided off of the larger parcel lot 10.

Attorney Bryce swore in Matthew Bersch, Professional Engineer with Dynamic Engineering

The Board accepted Mr. Bersch credentials.

Exhibit A-1 Aerial Map dated 5/16/22

Mr. Bersch described this lot stating that this site is accessed by a single full movement driveway in the center of the shopping center having 166 9' x 18' parking stalls with a total impervious cover of 144,308 sf (42.8%)

Exhibit A-2 Overall Site Plan Rendering (colorized sheet 4 of submitted plans dated 5/16/22

Exhibit A-3 Site Plan Rendering (colorized sheet 4 of submitted plans dated 5/16/22

Mr. Bersch stated that the proposed Popeyes is 2454 sf including a walk-in freezer having 42 indoor seats and a double drive thru. There are 17 parking stalls around the Popeyes. The trash enclosure will be in the back of the building.

Mr. Bersch stated that the hours will be 10am to midnight Monday through Sunday with 6-8 employees

per shift having 3 shifts per day. All deliveries and pickups will be made off peak hours.

Mr. Bersch requested a front yard setback variance of 75 ft with a proposed 71 ft trying to make everything as close to Route 57 as possible, a side yard setback of 25 ft while proposing 5.6 ft due to the internal lot line between 9 & 10. He also stated that the trash enclosure will be on Lot 10 requiring a setback of 25 ft off property line but this is 2.3 ft again off the internal property line. Two new fixtures are being proposed and described the building lighting shown on the plan. The landscape plantings were previously discussed.

Mr. Bersch noted that they will be submitting application to the NJ DEP for stream and wetlands permitting and they will be reviewing the stormwater designs. All Land Use Board Engineer stormwater technical comment will be complied with as well.

Mr. Bersch stated that there would be little impact to operation of the existing shopping since this pad site is off on the side of the site.

Exhibit A4 Architectural Elevations were shown and reviewed.

Exhibit A5 Colorized northern side

Exhibit A6 Signs

Some discussion occurred regarding Electric Vehicle ready spots and what the law requires.

Mr. Bersch stated that he will discuss this with Mr. Bryce and they will comply with whatever is required.

Mr. McEnroe, representing neighbor Mascharka, asked a few questions of the Popeye's Engineer.

Attorney Bryce swore in Corey Chase, Traffic Engineer

The Board accepted Mr. Chase's qualifications.

Mr. Chase stated that there are 166 spaces, with the Popeyes 173 would be required in the overall shopping center of which 164 are being proposed. A study was done during peak times with 50% occupancy being seen even with a few of the store spaces being vacant.

Mr. McEnroe asked about the number of cars in the drive thru.

Mr. Chase explained that the drive thru system can accommodate up to 14 vehicles but we have two side by side order points.

Attorney Bryce swore in Matt Flinn, Planner

The Board accepted Mr. Flinn's credentials

Exhibit A7 – 9 sheet set of planning exhibits

Mr. Flinn reviewed reasons that some variances are required only due to the interior lot line 9

and 10. He explained the benefits outweighing the detriments with respect to improved stormwater management and utilizing an already approved site for its intended purpose.

It was mentioned that there is a pilon sign for the mall along Route 57 so why should we grant Popeyes have a tall free standing sign variance, plus the Route 57 corridor is a scenic byway.

Mr. Tuvel stated that the combined lots would allow, per ordinance, up to four freestanding signs and stated he would check whether the applicant has a legal right to be on the existing pilon sign bank.

An inquiry was made regarding the ordering speaker volume.

Mr. Tuvel stated that they have to meet the sound level requirements established by State, County and any local ordinances.

Some discussion occurred regarding the stormwater comments on the Board engineers technical review letter dated May 12, 2022.

Mr. Bersch stated that they are still netting this out to determine what needs to be done to meet the regulations.

BREAK [9:18-9:24p]

Mr. Tuvel spoke to the owner who stated that there is a Popeyes monument sign option instead of the 20 ft tall sign. It was also confirmed that because Popeyes is buying this property they do not have legal right to the existing pilon sign only tenants do.

Mr. Bryce requested that appropriate access easements be in place for the parking, dumpster, et for use of Lot 10.

Exhibit A8 - ????

Chair Jewell OPENED THE HEARING TO THE PUBLIC

Chair Jewell CLOSED TO THE PUBLIC

Mr. McEnroe suggested that the applicant consider additional buffering along the residents.

Attorney Bryce referenced a 2006 resolution which mentioned a fence and whether that would be an option the applicant would be willing to install.

Mr. Tuvel stated that they would work with the Engineer to make sure a fence and the type of tree would fit into the space available between the property lines.

MOTION was made by **CREEDON** to grant **22-01 - Mansfield Dev, LLC (Popeyes)** – B 1104 L 9 &

10 - Preliminary/Final Site Plan approval and associated variances as discussed.

SECONDED: HAYES

Those in favor: Hayes, Creedon, Petteruti, Keggan, Wielgus, Reagle, Waegener, Feller, Jewell

Opposed: None

Abstain: None

INVOICES:

Murphy McKeon

Inv #7409	Meetings & Administration	\$420.00
Inv #7537	Bravo	\$30.00
Inv #7538	Meadows	\$225.00
Inv #7539	Meetings & Administration	\$400.00
Inv #7540	Popeyes	<u>\$165.00</u>
		\$1,240.00

Ferriero Engineering

Inv #95784	Misc Planning Board	\$33.75
Inv # 95786	Bravo	\$438.75
Inv #95937	Meadows	\$342.75
Inv #95938	Popeyes	<u>\$1,596.25</u>
		\$2,411.50

Colliers Engineering

Inv #743746	Luna Farms	\$960.00
		TOTAL \$960.00

GRAND TOTAL **\$4,611.50**

MOTION was made by **HAYES** to authorize payment by the Township Committee for the invoices submitted by the professionals.

SECONDED: WAEGENER

Those in favor: Creedon, Petteruti, Keggan, Wielgus, Reagle, Farino, Cruts, Hayes, Jewell

Opposed: None.

Abstain: None

OLD BUSINESS:

Mr. Creedon stated that WalMart has 2 rows of the parking lot is filled with landscaping stuff along with all of their special people parking space signs. There shrubs are once again overgrown. Trucks and trailers are parking at night time. Home Depot is also doing the same thing.

NEW BUSINESS: None

DISCUSSION/CORRESPONDENCE:

MOTION was made by **HAYES** and seconded by **KEGGAN** to adjourn the meeting at 9:49 PM.

Respectfully submitted,

JoAnn Griffith, Clerk