

**Mannington Township Planning Board
Regular Meeting
August 10, 2023**

Present:

Donald Asay, William DeCinque, Richard Eber, Donald Richman, Nicholas Culver, John Sakewicz, Michael Colletti, Jessica Lynne Winkers, Dory Emel, Gaynel Schneeman, Robert Schmid, Corey Gaskill and Michael Aimino

Absent:

David Cadwallader, Kenneth Dunham, Carl Gaskill, and Michael Sullivan

The meeting was called to order at 7:01 PM by Rebecca Gower Ferguson, Secretary.

The Sunshine Law Statement was read.

The Pledge of Allegiance to the Flag of the United States of America was recited.

Roll Call was taken to justify that there was a quorum in attendance.

The secretary of the planning board has given adequate notice of the meeting.

Richard Eber made a motion to approve the July 2023 minutes. William DeCinque seconded the motion.

All in Favor.

Block 60, Lot 4

75 Mannington Mills Road

Resolution for a Site Plan Waiver and Use Variance

Donald Richman made a motion to approve the resolution. Michael Colletti seconded the motion.

Roll call vote.

YES: D.R., J.S., M.C., G.S. & R.S.

NO: (none)

Abstain: (none)

Resolution Below:

RESOLUTION 09-2023
RESOLUTION OF THE PLANNING/ZONING BOARD OF THE TOWNSHIP OF
MANNINGTON REGARDING AN APPLICATION FROM MANNINGTON MILLS INC.
GRANTING A USE VARIANCE AND WAIVER OF SITE PLAN APPROVAL FOR
PROPERTY LOCATED AT 75 MANNINGTON MILLS ROAD,
DESIGNATED AS BLOCK 60, LOT 4

WHEREAS, an application has been submitted by Mannington Mills Inc., (the "Applicant"), 75 Mannington Mills Road, Mannington, New Jersey 08079, for a Use Variance and Waiver of Site Plan Approval to allow an existing building to be used by a third party as a warehouse on property known as Block 60, Lot 4, on the Tax Map of the Township of Mannington, commonly known as 75 Mannington Mills Road, Mannington, New Jersey 08079, which property is owned by the Applicant; and

WHEREAS, the application was deemed complete by the Mannington Township Planning/Zoning Board, sitting as a Zoning Board of Adjustment, by a vote of six (6) in favor, zero (0) opposed and zero (0) abstentions, at its meeting on July 13, 2023. No waivers were required or granted with the exception of the Applicant's request for Waiver of Site Plan Approval.

WHEREAS, the Applicant has given legal Notice as required by and in accordance with N.J.S.A. 40:55D-12, by serving proper Notice to property owners within 200 feet of the site, serving Notice on all required governmental agencies and public utilities and by publishing a proper Notice in the newspaper, all at least ten (10) days prior to the hearing; and

WHEREAS, in support of the presentation, the Applicant provided the following:

1. Application for Development Review & Application for Variance (Use) with Site Plan Waiver, dated June 8, 2023; and
2. Statement in support of Use Variance; and
3. Affidavit of Ownership; and
4. Stockholder Disclosure Statement; and
5. Aerial Photo; and
6. VCT Bldg. SMS Area Base Map; and
7. Three (3) photos of inside and outside building; and
8. Lease Agreement.

WHEREAS, the Mannington Township Planning/Zoning Board, sitting as a Zoning Board of Adjustment, has made its determination in this matter based on the following:

1. The documents set forth above; and
2. The representations made by the Applicant in its application and by the Applicant's representatives, David Kitts and Amy Bailey, the Tenant's representative, James Pfeiffer and the Applicant's Attorney, Adam I. Telsey, Esq., at the time of the hearing before the Board on July 13, 2023; and

3. A letter from the Board's Engineer, Corey Ronald Gaskill, PE, CME, CFM, dated July 11, 2023, which is incorporated and made a part of this resolution by way of reference; and

4. Comments made by Corey Ronald Gaskill, PE, CME, CFM, the Board Engineer, and by Michael A. Aimino, Esq., the Board Solicitor, at the time of the hearing on July 13, 2023; and

5. At the time of the hearing the following members of the public spoke:

A. Donald Asay. Mr. Asay inquired about whether the Applicant intended to eventually use the entire building for warehousing since the current tenant was only using a portion. The Applicant requested that they be authorized to use the entire building for warehousing by third parties, which was ultimately granted by the Board, subject to it not being refrigerated or housing hazardous materials.

WHEREAS, based upon the information provided at the time of the hearing and in the application, the Mannington Township Planning/Zoning Board, sitting as a Zoning Board of Adjustment, makes the following findings of fact and conclusions of law:

1. The Applicant has filed an application for a Use Variance and for a Waiver of Site Plan Approval in order to utilize a portion of an existing building for use by a third party as a warehouse.

2. The property is located in the Industrial Zoning District. A warehouse is not a permitted use in this zone. Additionally, the use of the building as a warehouse would constitute a second principal use on the property which also requires a Use Variance.

3. The Applicant's attorney, Adam Telsey, Esq. gave the Board an overview of the project and the approvals being sought. The Applicant is seeking a Use Variance and Waiver of Site Plan Approval to utilize an existing building on site as a warehouse to be used by a third party. A portion of the warehouse is being used by SMS Rail Service, Inc., ("SMS") for the storage of sunflower oil and wheat gluten. It is not a refrigerated building. They have been using the warehouse for a period of time as the Applicant was unaware that a Use Variance was required.

4. Mr. Telsey noted that the building was particularly suited for the use as a warehouse. The building had been empty for some time. The proposed use does not require any changes to the building or the outside surrounding area. He noted that the current tenant is SMS but that could change over the years, however, the type of product being stored in the warehouse would be similar in nature. Mr. Telsey noted that the proposed use is very similar to other uses which are permitted in the Industrial Zoning District and in many ways less intensive. There will be no negative impact as the building is located within the 500 acre Mannington Mills complex, with no visibility to the general public. The Applicant is seeking a Waiver of Site Plan Approval as there are no changes being proposed or made to the outside of the building.

5. The Applicant's representative Mr. Kitts gave the Board an overview of the history of the building in question. The building had been used in the past to make tiles. The building has been vacant for over a year which is not good for a company such as Mannington Mills. The tenant, SMS occupies one-half of the building or approximately 55,000 square feet. The other half of the building is currently vacant. The Applicant would like to be able to rent the other half of the building for warehousing as well. Mr. Kitts confirmed that the building is not refrigerated.

6. Mr. Kitts went on to describe the SMS operation. There are 3 to 4 employees. Operations are Monday to Friday from 7:00am to 5:00pm. No operations take place on weekends. The materials arrive by ship and are moved by tractor trailer to the building, unloaded and divided for distribution to their customers by tractor trailer. The truck traffic is nothing close to the truck traffic that was present when the building was being used for tile production. No rail is involved. Product comes in a tote and goes out to the customer in a tote.

7. A representative of SMS, James Pfeiffer testified that there would be no need for signage.

8. A discussion took place with the Applicant and the Board regarding the use of the balance of the building which is currently vacant. The Board in determined that the Use Variance would extend to allow the Applicant to rent the balance of the building to third parties for use as a warehouse, so long as the building is not refrigerated, no hazardous material is stored and the product that is being stored is substantially similar to the type of product being store by SMS.

9. The Board weighed the positive and negative criteria and determined that special reasons exist for the granting of the Use Variance requested. The use of the building as a warehouse, on this very large 500 acre complex, is substantially similar to the uses that are permitted in the Industrial Zoning District, such as wholesalers or distributors, baking food and dairy processing. Utilizing a building which would otherwise remain vacant is a positive use of an existing building. There will be no negative impact to the surrounding community as the use will be less intensive that previously occurred in the building and the operations will take place on the large Mannington Mills complex which will be out of sight of the general public. There is no substantial impact to the zoning code or master plan as the propose use is substantially similar to the permitted uses in the zoning district.

10. The Board further determines that a Waiver of Site Plan Approval is appropriate for the situation in question, as there are no proposed changes to the site. As such, the Board determined that the criteria for the granting of a site plan waiver were met and the Board granted the Waiver of Site Plan Approval, subject to the conditions set forth herein.

WHEREAS, upon motion duly made and seconded to Grant the "Application for Land Development" to GRANT the Use Variance and for Waiver of Site Plan Approval, the Board, by a vote of 6 in favor, 0 opposed and 0 abstentions, (Voting for: Richman, Culver, Sakewicz, Colletti, Schneeman and Schmid), voted to **GRANT** the application; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the Township of Mannington, sitting as a Zoning Board of Adjustment, the application of Mannington Mills Inc., 75 Mannington Mills Road, Mannington, New Jersey 08079 requesting a Use Variance and Waiver of Site Plan Review Approval, for property located at 75 Mannington Mills Road and known as Block 60, Lot 4, is **HEREBY APPROVED**, subject, however, to the testimony, representations and stipulations of the Applicant and their representatives, professionals and witnesses at the time of the hearing and in their submissions, and further specifically, subject to the following terms and conditions:

1. Subject to the Applicant complying with and obtaining any and all necessary approvals from any other local, county, state and/or federal government or administrative body, having jurisdiction over all or part of this land use development approval; and
2. In accordance with the code provisions of the Township of Mannington, no permits, approval or certificate shall be issued until all contingencies provided for herein are satisfied and no Certificate of Occupancy shall be issued, until all other contingencies provided for herein are satisfied and all bills and escrows relating to this property have been paid in full; and
3. The Applicant will comply with all provisions of the Township Engineer's letter of July 11, 2023, unless specifically modified herein or on the record at the time of the hearing; and
4. The Board Engineer shall review all plans and amended plans and inspect the site of the development (inspections by the Twp. Engineer as appropriate) in order to determine compliance with the terms and conditions of the Board approval. Any shortcomings noted by either shall be addressed to the satisfaction of the professionals before the issuance of a Certificate of Occupancy. The Applicant shall submit appropriate escrow amounts, as determined by the Board Engineer or Township Engineer and applicable law, for inspections; and
5. The Applicants will comply with all of the representations, findings and agreements set forth in the Board's findings of facts set forth above, as well as, all agreements and representations made by the Applicant on the record at the time of the hearing; and
6. The Applicant shall pay all escrows, costs and professional fees associated with the application pursuant to the Mannington Township ordinances and the MLUL within thirty (30) days of notice of said fees and costs, absent any challenge by the Applicant as to the correctness or amounts of such fees and costs; and
7. The Use Variance Approval extends to permit the Applicant to rent out the balance of the existing building for use as a warehouse, subject to the requirements that the building cannot be refrigerated, no hazardous material may be stored and the product stored must be substantially similar to the type of product being stored by the current tenant.

THE PLANNING/ZONING BOARD OF THE
TOWNSHIP OF MANNINGTON

John G. Sakewicz
JOHN SAKIEWICZ, Chairman

ATTEST:

The foregoing Resolution was a memorialization of action taken at a regular meeting of the Planning/Zoning Board of the Township of Mannington held on the 13th day of July 13, 2023; and such resolution was adopted by the Planning/Zoning Board of the Township of Mannington at a regular meeting held on August 10, 2023, by a vote 5 to approve, 0 to oppose and 0 to abstain.

Rebecca Ferguson
REBECCA FERGUSON, Secretary

In favor of the resolution: DR, SS, MC, GS + RS

Opposed to the resolution: 0

Abstained: 0

Block 51, Lot 15
Newell Road and Route 45
Bulk Variance Application/Site Plan

Kenneth Miller is the solicitor for the Habitat for Humanity project.
James Begin and Sue Ann Leighty were sworn in.

James Begin is the PE working on the project. Sue Ann Leighty is the Executive Director. Ms. Leighty invited the board and members of the community to the new home dedication in Tuesday, August 15th. This will allow members of the community to see the quality of the home planned in Mannington.

The engineer explained that this is a three-bedroom, two bathroom home. It is a stick build. The single-story, one-story home will require two variances. They will have a new water line. They will not disturb the exiting water line on the existing easement. The property is not in wetlands and is not in the flood plain. Variances are required because it is an undersized lot. They are not able to acquire additional land to create a conforming lot.

Ms. Leighty stated that the value of the house will be \$225,000. The home will be purchased for \$145,000 and the proposed home is 1,325 sq feet.

If the variances are granted a grading plan, permit for water, DOT Road opening plan and possible soil conservation requirements will be completed, as outlined in Corey Gaskill's letter. Landscaping will also be addressed. They will attempt to save the trees, as possible. This is a USDA Loan with committed funds at 2.5%.

The meeting was opened to the public.

Linda Harwood of 11 Newell Road is a neighbor. She is concerned about the utility easement. She also has concerns about grading. She was advised to request a copy of the easement from the County. Ms. Leighty stated that Ms. Harwood will receive a copy of the easement.

The meeting was closed to the public.

William DeCinque made a motion to approve the variances and site plan application.
Jessica Lynne Winkers seconded the motion.

Roll call vote.

YES: D.A., W.D., R.E., D.R., J.S., J.W. M.C., R.S. & G.S.

O: (none)

Abstain: (none)

Request for Capital Improvement Review Pursuant to N.J.S.A.40:55D-31
Salem County Career & Technical High School
Repaving and Resurfacing Plans

Mr. Asay thanked the board for being here on Salem County Fair Week. This item was added to the agenda to save taxpayers money and keep things moving for the school year.

Carolyn Feign, Project Lead, apologized for dropping the ball on this project. She provided a brief overview of the project. 24 spaces will be added and one ADA spot. The ROTC Pad will also be added. All ramps will be ADA compliant and grates will be made bicycle safe.

Carolyn Feign, Project Lead and Frank Mauer, Assistant Superintendent were sworn in.

All of the lights will be changed to LED lights. The speed bump will be removed. Corey Gaskill highlighted items that have been considered in this plan. A detailed description of the project was provided.

Donald Asay made a motion to confirm completion. Richard Eber seconded the motion.

Roll call vote.

YES: D.A., W.D., R.E., D.R., J.S., J.W. M.C., R.S. & G.S.

O: (none)

Abstain: (none)

Miscellaneous Business

Discussion and tentative approval of the Master Plan Re-Examination Report and Master Plan Amendment, Board to set a date for public hearing on the adoption of the same.

There were a few slight changes in the stormwater and utilities section. An updated document will be provided.

Donald Asay made a motion for the solicitor to notice for the September 14th meeting. Jessica Lynne Winkers seconded the motion.
All in favor.

The planning board meeting was open to the public.

The planning board meeting was closed to the public.

The meeting was adjourned at 7:56 PM.

Respectfully Submitted,

Rebecca Gower Ferguson
Planning Board Secretary