

Township of Mansfield
Joint Land Use Board Meeting
April 14, 2022

6:30 PM

The special meeting of the Joint Land Use Board was held on the above shown date with the following in attendance: **Chairman, Scott Preidel, Vice-Chairman William Tahirak, Colleen Herbert, (arrive during the meeting) Brian Sisz, Rudy Ocello, Frank Pinto, Carl Schwartz, Steve Coltre, Dominick Marchetti, Secretary Linda Semus and Land Use Coordinator Ashley Jolly. Doug Borgstrom, Jeff Grouser, Ralph Wainwright, Steve Coltre, and Scott Senese were not in attendance during roll call. (Wainwright and Borgstrom arrive during the meeting)**

The meeting was called to order by **Chairman Preidel** followed by the following Opening Statement read by **Secretary Semus**:

“The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this special meeting was published on April 4, 2022. Said notice was published in the Burlington County Times and Trenton Times, filed with the Clerk of the Township of Mansfield and posted on the official website of the Township of Mansfield. Notice of which contained the date, time, and purpose of this meeting stating that formal action will be taken.

The meeting commenced with the salute to the flag.

MEMORIALIZATION OF RESOLUTION

Resolution 2022-03-06: Grouser Minor Subdivision to re-align the existing lot lines with no new lots or proposed construction proposed

A motion was offered by **Brian Sisz** and second by **Frank Pinto** to memorialize the above resolution. Motion carried on a Roll Call Vote, recorded as follows:

AYE: SISZ, PINTO, TAHIRAK, OCELLO, SCHWARTZ, PREIDEL
NAY: NONE ABSTAIN: NONE NOT VOTING: MARCHETTI,
ABSENT: HERBERT, GROUSER, SENESE, COLTRE
(Borgstrom & Wainwright – arrive during the meeting)

COMPLETENESS

Applicant: Tri State Petro, Bock 1, Lots 1, 2, 3: 3372 Route 206 and 800 Route 68
Application for preliminary and Final Major Site Plan with variances
For Fueling Station and Dunkin Donuts Restaurant with drive-thru

Ed Fox, Planner, recommended this application be found complete with understanding that some of the deed restrictions and easements be provided due to a significant amount of the tract being is covered by underground gas and overhead electric lines to confirm what can be built in and about the easements. In addition, he questioned the applicant in regard to the previous use which had about a dozen tractor/truck spaces for Tri State Petro which were approved for their business. This is proposed to be demolished with a new facility to be constructed for 27 tractor trailers. The application didn't say whether the proposal is to expand the pre-existing non-conforming use or is a conditional use variance being requested. In addition, the minimum acreage

for this use is 20 acres. The proposal contains 9.6 acres. Either way, a use variance is required and clarification should be heard from the applicant.

The attorney for the applicant was in attendance and informed the board that they are seeking a use variance for the truck parking as part of the application. The attorney further stated that the applicant would ask for the conservative approach and call it a conditional use, or, in the alternative, an expansion of an existing non-conforming use. This will be addressed at the hearing.

Mr. Fox noted that, if the applicant requested an expansion of a pre-existing use, would the pre-existing be mute if it were being demolished and a new facility be built somewhere else on the property. **Attorney Dasti** informed the Board that it would be a new application, thus being the need for a conditional use variance. **Mr. Fox** also added that, at the time the application was submitted, trucking facilities were permitted. However, that is not the case now.

Mark Malinowski, Engineer, referred to his letter dated May 11th wherein he requested a signed and sealed survey which, subsequent to his letter, has been submitted. He agreed that the application is complete.

A motion was offered by **Chairman Preidel** to deem the application complete. The motion was second by **William Tahirak** and carried on a Roll Call Vote, recorded as follows:

(Doug Borgstrom and Ralph Wainwright are in attendance)

AYE: PREIDEL, TAHIRAK, SISZ, OCELLO, PINTO, SCHWARTZ
NAY: NONE ABSENT: GROUSER, HERBERT, COLTRE
NOT VOTING: BORGSTROM, WAINWRIGHT, MARCHETTI, SENESE

APPLICATION FOR BANK OF AMERICA: lock 42.01, Lot 1, 5 Homestead Drive
Application for Site Plan Amendment to install a Drive-thru ATM and Bypass Lane)

Representing the applicant was **Tom Letezia**, Attorney explained this application for site plan approval at a location at the corner of Homestead Drive and County Route 543. The Bank of America has leased this site since the late of the 1980's, the original approval having been granted in 1984. Banks are a permitted use as a result of the zoning changes. The proposal is in connection with upgrades to the bank branch to install a drive thru for a 24 hour ATM facility. The improvements include new lighting. No variances are required. **Mr. Letezia** said he reviewed our professional's reports and has no issues with the recommendations that have been made. Also in attendance at this meeting is **Joseph Mendez** from Bohler Engineering.

Joseph Mendez, Engineer, 30 Independence Boulevard, Warren, NJ was sworn in. After reviewing his educational and professional background, he was accepted as an expert in engineering. **Mr. Mendez** presented the exhibits including an aerial exhibit marked as A-1. He explained the location of the property and the drive-thru ATM to be located on the northerly sections of the current drive through. **Mr. Mendez** referred to his second exhibit, a colored site plan dated April 14, 2022, marked as A-2. The existing drive through and canopy will be modified to incorporate a drive through ATM as well as an expansion of the existing drive-thru area to accommodate the vehicles. Additional lighting is proposed. An additional 800 square feet of impervious area will be expanded. The drive-thru has a one way access around the rear portion of the bank. He further explained the lanes and their purpose. The increase of a by-pass lane

which will be extended to the north leads to an 811 square feet addition of impervious surface. No additional parking or loading areas are associated with the improvements. No additional storm water management is required as this is not a major development. Existing utilities will be maintained. No additional landscaping is proposed nor is any existing landscaping being disturbed. There are three proposed single head mounted fixtures for lighting. In addition, there is an additional building mounted light fixture on the northeastern corner of the bank as well as three additional canopy lights to provide additional lighting for the ATM.

Mr. Mendez said the applicant will be willing to comply with the Township's Professional review letters.

Secretary Semus noted that **Mr. Grouser** joined the meeting right after the swearing in of the engineer.

Planner Ed Fox and **Engineer Malinowski** said all of his comments have been addressed. There were no comments from the Board.

Chairman Preidel opened the meeting for public comment. There were no comments from the public.

A motion was made by **Deputy Mayor Ocello** to approve the application. This motion was second by **Douglas Borgstrom** and carried on a Roll Call Vote, recorded as follows:

AYE: OCELLO, BORGSTROM, TAHIRAK, GROUSER, SISZ, PINTO, WAINWRIGHT, PREIDEL
NAY: NONE ABSENT: SENESE. COLTRE
NOT VOTING: SCHWARTZ, MARCHETTI, HERBERT,

RESOLUTIONN 2022-4-8

(A copy of this Resolution is spread on the following pages.)

MASTER PLAN REAMINATION REPORT: Ed Fox, AICP, PP

RESOLUTION 2022-04-07: Reviewing Mansfield Township Ordinance 2022-9: "An Ordinance of the Township of Mansfield, County of Burlington and State of New Jersey amending Chapter 65 of the Code of the Township of Mansfield entitled "Zoning" to adopt and enact provisions prohibiting logistic/warehouse uses in Mansfield Township and to further amend Mansfield Township Code Chapter 44A "Site Plan", Section 44A-4.1 "Minor Site Plan Submission: Definitions and Required Data for Consistency with the Mansfield Township Master Plan.

Mr. Ed Fox said he made the recommended and required changes to the Master Plan report. This has been reviewed by the Board Attorney and the Township Attorney who have found it acceptable. The Board is to review the proposed Township Ordinance to determine consistency with the Master Plan. He was also to determine that commercial farm uses that are related to farms be treated as minor site plans.

Secretary Semus noted that **Colleen Herbert** was in attendance since the Bank application was being heard.

A motion was offered by **Deputy Mayor Ocello** and second by **Frank Pinto** to determine that Ordinance 2022-9 is consistent with the Master Plan. The motion was carried on a Roll Call Vote, recorded as follows:

AYE: OCELLO, PINTO, TAHIRAK, BORGSTROM, GROUSER, HERBERT, SISZ, WAINWRIGHT, PREIDEL

NAY: NONE ABSENT: SENESE, COLTRE

ABSTAIN: NONE NOT VOTING: SCHWARTZ, MARCHETTI

COMMENTS FROM THE BOARD

Chairman Preidel referred to an email he had received from Florence Township prior to the last meeting relative to the re-examination report. He sent it out to the Board Members before tonight's meeting. **Chairman Preidel** thought that Florence Township was under the impression a full re-examination of the Master Plan was being conducted although that is in the future. **Attorney Dasti** explained the comments from Florence will be more appropriate when a full re-examination is conducted. Mr. Fox agreed. Frank Pinto suggested responding to the letter. **Chairman Preidel** will work with Brian Sisz to send a letter.

PUBLIC COMMENT

The attorney for Turnpike Junction, 133 East Sharp Road & 1300 Jacksonville Road, located in the ODL Land Use Zone, felt the Township did not consider property owners when adopting the ordinance eliminating the warehouses. He felt it was unfair to his client and should have been provided the opportunity to present an application showing this to be a proper use of the property. This will hurt small businesses. The nation is moving toward people utilizing services that need warehouses and logistic centers. He felt the value of his client's property has been reduced. He asked the board to find a better approach to dealing with the issue.

Ed Fox responded referring to the Master Plan Reexamination Report and explained that the board had taken a micro look at the property and determined it was no longer appropriate for a trucking facility and went into detail explaining the reasons.

With no more comments, the public portion of the meeting was closed.

MOTION FOR ADJOURNMENT

A motion was offered to adjourn. Best wishes for a Happy Easter were expressed.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer, Deputy Clerk

Linda Semus, Secretary.