

Township of Mansfield  
Joint Land Use Board Meeting  
April 17, 2023

The regular meeting of the Joint Land Use Board was held on the above shown date with the following in attendance: Chairman Scott Preidel, Colleen Herbert, Jeffrey Grouser, Frank Pinto, Carl Schwartz, Joseph Broski, Rudy Ocello, and Deputy Mayor Sisz. Douglas Borgstrom, Ralph Wainwright, and Maureen Villegas were not in attendance. Professionals in attendance were Attorney Patrick Varga and Planner Ed Fox. Also in attendance was Land Use Coordinator Ashley Jolly and Secretary Linda Semus. The following Opening Statement read by Land Use Coordinator Jolly.

“The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was published on March 31, 2023. 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.

Everyone in attendance took part in the salute to the flag.

**MINUTES: March 27, 2023**

A motion was offered by Colleen Herbert and duly second by Frank Pinto to approve the minutes of the March 27, 2023 meeting. Motion carried on a Roll Call Vote, recorded as follows:

AYE: Herbert, Pinto, Preidel, Grouser, Sisz, Schwartz, Broski

NAY: None NOT VOTING: Ocello

ABSENT: Borgstrom, Wainwright, Villegas

**APPLICATION: Completeness & Hearing**

Elizabeth Stinson & Kevin Ecks, Block 28, Lot 52, 25020 Mount Pleasant Road  
Application for Site Plan Waiver

Ms. Stinson & Mr. Ecks, contract purchaser of the property were introduced. Ms. Stinson said they hope to purchase the property and continue the use as a horse farm along with running a small business, horse boarding, training, and lessons. Mr. Ecks said they plan to demolish the existing old cow barn and replace it with a 30 x 40 garage to house their tractor, RTV's and any other farm equipment. Ms. Stinson said they hope to expand the outdoor lead and install irrigation to control dust, split one of the paddocks for pasture management purposes, add some small dry lots to keep the horses off the grass in the winter to enable re-seeding and fertilization in the fall. They are proposing three sheds for horses, which they will move from their current location. The sheds measure 10x14, 10; x 20', and 10'x 15'.

Planner Ed Fox said, Chris Noll, Civil Engineer, who was not in attendance, had a review letter, which he will review. Both his report and Mr. Noll's report, dated April 13, 2023 had determined the application to be complete. The proposed business is permitted in the zoning

designation of the property. In terms of the bulk requirements, the applicant is proposing to expand the maximum lot coverage from 12% to 14.5%. In the "Right to Farm" guidelines, adopted by Mansfield Township, the equine businesses are protected as long as they do not exceed 25% of impervious service. They appear to comply with the "Right to Farm" for the equine related business.

In review of site plan issues from the Engineer's Report, since, the proposed building will be located on the same site as the present farm building to be removed, there are no site engineering concerns. Mr. Noll noted that there would be no substantial traffic increase. Since this is an agricultural development, this application meets the standards of a site plan waiver. Approval is recommended. Any future traffic and/or signage issues should be addressed with the County Engineer. As a condition of approval, Mr. Fox recommended a grading plan be submitted to the Board Engineer for his review and approval for the expanding of the outdoor riding arena expansion. The applicant agreed.

Chairman Preidel opened the Public Hearing. With no questions or comments, this portion of the meeting was closed.

A motion was offered by Frank Pinto and second by Jeff Grouser to grant site plan waiver to this application. Motion carried on a Roll Call Vote, recorded as follows:

AYE: Pinto, Grouser, Preidel, Herbert, Schwartz, Broski, Ocello

NAY: None ABSTAIN: None NOT VOTING: Sisz

ABSENT: Borgstrom, Wainwright, Villegas

#### RESOLUTION 2023-4-9

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

#### **REDEVELOPMENT PUBLIC HEARINGS:**

#### **Preliminary Investigation for the Determination of an Area in Need of Condemnation Redevelopment 2023 Amendment to the USE Route 206 North Redevelopment Area Block 4, Lots 3.01 & 3.02**

Planner Ed Fox said the Township Committee had asked the Board to review whether the above two lots met the criteria for an area in need of redevelopment for non-condemnation redevelopment. He referred to his report dated March 29<sup>th</sup>, corrected April 7<sup>th</sup>. The Wahlberg family owns Lot 3.01, 27.10 acres. Lot 3.02, 15.34 acres. is owned by the Township. The properties have been vacant for 10 years and, due to the nature of the soil, his letter indicates there is poor drainage as well as wetlands which should be delineated. These issues preclude development previously. If the township determines this is an area of redevelopment, this may enable them to develop the property on Lot 3.01. Lot 3.02 has similar characteristics. Since this area could get sewer service although there is none currently. Mr. Fox explained where the sewer system could be possible since they probably would have difficulty building a standard storm water management facility. In summary, Mr. Fox said he believed both properties are both constrained by environmental restrictions, although not in need of condemnation, and they could proceed as non-condemnation redevelopment areas. Lot 3.01 is part of a pending settlement agreement over

litigation regarding the Township's prohibition of logistic uses. Thus, this is part of a court settlement.

Frank Pinto questioned how the re-designation of redevelopment affects wastewater issues. Mr. Fox said, when a redevelopment of the property owner is able to sell that property to the owner of Lot 3.01 to consolidate the properties, Lot 3.02 is owned by the Township, therefore it would be subject to be auctioned off to the highest bidder. In addition, if the Township Committee decided to do this, they could make other instruments available to make it easier for them to connect to the sewer system in Mapleton. The redevelopment allows the Township to sell the property and to merge it with the other property and to, if needed, provide for connections with the sewer in Mapleton. A financial ability would be to allow them to enter into a pilot program. Mr. Pinto further questioned whether the owner of the properties had been included in a woodland management plan. This was unknown. He further asked if they need the area designation as an area of rehabilitation for warehouses. Mr. Fox felt the Township is working on a settlement wherein the Warburg trust would drop their suit on the Township if the Township were to permit the warehouse.

After brief discussion, a motion was offered by Frank Pinto and duly second by Carl Schwartz to amend the agenda to separate the two items listed under the title of Redevelopment Public Hearings, one for Block 4, Lots 3.01 and 3.01 and Block 70, Lot 6.01 along with the separate Resolutions. Motion carried.

With no further comments, this portion of the public hearing was closed.

#### Resolution 2023-4-7

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

A motion was offered by Deputy Mayor Sisz and second by Chairman Preidel to adopt the foregoing Resolution. Motion carried on a Roll Call Vote, recorded as follows:

**AYE:** Sisz, Preidel, Grouser, Herbert, Schwartz, Broski, Ocello  
**NAY:** None                    **ABSTAIN:** Pinto  
**ABSENT:** Borgstrom, Wainwright, Villegas

#### **DEVELOPMENT PUBLIC HEARING**

**Preliminary Investigation for the Determination of an Area in Need of Non-  
Condemnation Redevelopment Tower Gate Study Area 2684 Kinkora Road, Block 7, Lot  
6.01 & Southeast Corner of US Route 130 & Kinkora Road, Block 70, Lot 6.02**

**Frank Pinto** recused himself from this application in the past and want to continue the same tonight. He explained that, in 2019, he testified in the Superior Court of the Tower Gate settlement. His objection was to the development being adjacent to the Crystal Lake Park. The Court ruled on this and, therefore, either an all residential development or residential/commercial development will be at that location. Although his participation in this review may not constitute a conflict of interest, out of an abundance of caution and to protect this board, he is volunteering to recluse himself. However, he said his recusal would not affect his rights as a township resident

to offer comments during the comment period for this or any other Tower Gate application in the future. Mr. Pinto stepped down at this point.

Mr. Ed Fox referred to his preliminary investigation report dated March 29, 2023, corrected April 7<sup>th</sup>. He explained the two properties owned by two different owners. Both properties are under a contract purchase. The Township Committee has asked the Joint Land Use Board if the area meets the criteria for an area in need of re-development non-condemnation. The Committee has been working with Tower Gate Associates, contract purchaser, to develop an alternative through an ordinance amended to approve this as an option that they might be able to develop the 96 affordable units plus other warehouses and logistic uses rather than the 400+ inclusionary homes on this property. This is part of another litigation. There are some environmental restrictions on the property, some portions regulated by the NJDEP for species, flood hazard areas, and wetlands. In addition, the purchaser has asked the Township to put the two areas in need of redevelopment because they believe there might be some public financing such as pilots to the redevelopment plan to enable the construction of warehouses and also to do any storm water management or to connections to the sewer service in Bordentown. The Township Committee has had discussions with Fair Share Housing to see whether this alternative to put the 96 Affordable Housing Units built with warehouses uses, sufficiently buffered from sound, lights, and noise would be approved. Mr. Fox felt that the ability to provide affordable housing will allow the township to facilitate for the developer to build affordable housing without the inclusionary units in the prior application. This will also provide an economic catalyst for the Township in a smart growth way. He recommended the lots meet the criteria for non-condemnation.

#### PUBLIC HEARING

Chairman Preidel opened the meeting to the public.

Michelle Rittmann, 2684 Kinkora Road, said she is the owner and occupant of the smaller three acre lot in question. She said Tower Gate is not the contract purchaser as indicated in tonight's discussion and, as per Resolution 2022-12-28. On June 22 2021, Tower Gate and she and her husband entered into an agreement for a purchase option for a two year period. In doing research, she discovered that there was a contract of sale dated December 12, 2021. This was the first time she had seen that they actually accepted their purchase option. She objected to the idea that her property is in need of redevelopment. She was concerned about the concept of non-condemnation and how that has an impact on her property since she was not aware of a sale until now.

Frank Pinto, 420 Island Road, was sworn in, was concerned with a section of the Resolution, Paragraph C which he read. He commented that, just because the property has not been developed for many years has no bearing on its ability to be developed as it could have been developed on all areas not designated as wetlands under our current 3 acre zoning. Instead, the property owner waited to develop with maximum density for more profits. However, he feels it fails to meet the criteria C for this reason. In addition, Tower Gate has a Court approved settlement for residential development on the site. Bordentown has been Court Ordered to provide sewer to the site. He felt you can't justify redevelopment area designation simply to change the already proposed and developable residential development. This too according to Mr. Pinto fails to meet Criteria C. Mr. Pinto felt the property's remoteness from available public wastewater

mananagement systems is mute since Bordentown has been court order to provide sewer service. Mr. Pinto also felt that the nature of the soils on the site itself does not prove that the property cannot support stormwater control measures for any proposed residential development. Again he referred to this not meeting Criteria C. Mr. Pinto said it is his understanding that the only reason it would be designated as an area in redevelopment is to, at a later date, possibly provide a pilot program for the developer. They don't need this designation to put a warehouse on the property as they need a zoning change or overlay. His concern is, down the road, offering pilot program to the warehouse when, on one hand they are eliminating market rate homes so they won't be a burden on the school taxes, he felt the developer will be offered a pilot program where no taxes will go to the school systems although we've been told that the pilot programs already in place will help with the township budget in the years to come. We already have an ordinance wherein no more warehouses are allowed in the township but now we are making an exception because the township feels it is in the township's best interest. He felt that any exception, in this case, will make it more difficult, if not impossible, to defend any future challenges to our ordinance.

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

#### RESOLUTION 2023-4-8

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

A motion was offered by Deputy Mayor Siz and second by Rudy Ocello to adopt the foregoing resolution. This motion was carried on a Roll Call Vote, recorded as follows:

**AYE: SISZ, OCELLO, GROUSER, HERBERT, SCHWARTZ, BROSKI, PREIDEL**  
**NAY: NONE NOT SITTING: PINTO**  
**ABSENT: BORGSTROM, WAINWRIGHT, VILLEGAS**

#### **MASTER PLAN UPDATE: Monthly status Report, Ed Fox**

**Mr. Fox** said the Master Plan Committee met with about 20 in attendance plus several people in the audience. He made a presentation to the Committee regarding what the project is about as well as the different elements that would be included as part of the Master Plan Update. The next meeting will be May 16<sup>th</sup>. Mr. Fox was pleased to hear many good questions, including how can we validate we are meeting our goals and objectives. He emphasized that, when you plan something, you should know why you want to do it. They want to make sure recommendation are valuable, specific, and with a time frame. Since that meeting, they have been trying to find a way to get the information available to the board, the steering committee, the residents and everyone else. His firm has been contacting Sabrina Petrella, Director of Community Engagement, in regard to a possible attached web page for the different documents, time frames, samples of other municipal master plan elements, and also to provide comments. Other ways to promote information could be through a facebook page, Instagram, or ticktock. Information should be provided.

Frank Pinto felt it was upsetting that the demographics of the Sub-Committee are on the older side. In hindsight, he felt it would have been better to appoint some of the younger members of the community since they have the most stake in how the township goes down the road.

Colleen Herbert agreed. She also felt it was hard to hear the comments made at the meeting. Linda Semus commented that a different configuration is being planned for the next meeting. She felt the meeting went well including good feedback.

Chairman Preidel noted that the next meeting is May 16<sup>th</sup> at 6:30 at which time he encouraged participation by Board Members and the public.

Chairman Preidel opened the meeting for Board and Public comment. With no comments, there was a motion offered by Frank Pinto and second by Deputy Mayor Sisz to adjourn. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

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Barbara A. Crammer  
Deputy Clerk

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Linda Semus,  
Secretary