

Township of Mansfield
Joint Land Use Board Meeting
May 22, 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, Douglas Borgstrom, Jeff Grouser, Colleen Herbert, Frank Pinto, Ralph Wainwright, Carl Schwartz, Rudy Ocello and Deputy Mayor Sisz. Joseph Broski and Maureen Villegas were not in attendance. Professionals in attendance were Attorney Patrick Varga and Planner, Ed Fox, Planner. Also in attendance was Land Use Coordinator Ashley Jolly and Secretary Linda Semus. 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 meeting was published on January 12, 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.

RESOLUTION

Resolution Number 2023-5-11: Resolution Granting Bulk Variance Approval for property known and designated as Block 40, Lot 25, 1166 Hedding-Jacksonville Road

Colleen Herbert commented on the resident’s concern and Mr. Miller said he will do what he can to work with the residents. She questioned where this agreement goes from here. **Attorney Varga** explained the application is required to submit a lighting plan which will be reviewed by Ed Fox and Chris Noll for compliance. Mr. Fox further explained that the Board Engineer checks the plans and the Township Engineer will inspect and make sure everything is according to plan.

A motion was offered by Douglas Borgstrom and second by Chairman Preidel to approve the resolution. Motion carried on a Roll Call Vote, recorded as follows;

AYE: Borgstrom, Pridel, Herbert, Sisz, Wainwright, Schwartz, Ocello
NAY: None **NOT VOTING:** Pinto, Grouser
ABSENT: Broski, Villegas

APPLICATIONS:

Completeness Review Only

Applicant: Mansfield Real Estate Associates, LLC, Block 65, Lots 2.02, 2.02, 3, 4
Application for Preliminary & Final Site Plan and Use Variance
For: Trailer Sales, Rentals, Service & Repair Facility, Route 130

Planner Ed Fox referred to his and Mr. Noll’s Report dated May 18th. This report identified the proposed plan to have been changed considerably, substantially enough to be considered for a new application. Two items, identified in his report, state that the developer provide proof of lot

closure of the overall tract because many parcels have been combined. NJDOT approval is required since it is on their highway. Mr. Fox recommended the application to be deemed complete.

Mr. Schwartz questioned what was substantially changed. **Attorney Varga** explained that the major change was the applicant's purchase of property adjacent to Jaichner Road, therefore they have expanded their commercial envelope which is significant. This eliminated a neighboring use which was harmed by the prior application. Mr. Fox added that Mr. Noll noted that the main driveway into the location has been relocated addressing access concerns.

A motion was offered by Douglas Borgstrom and second by Ralph Wainwright to deem the application complete. A Roll Call Vote was taken as follows:

AYE: Borgstrom, Wainwright, Preidel, Herbert, Pinto, Grouser, Sisz, Schwartz, Ocello

NAY: None ABSENT: Broski, Villegas

Application: Atlantic Home Associates, LLC, Block 26, Lots 2.01 & 203, 364 and 372 New York Avenue, Request for Extension of Approval of a Minor Subdivision

Attorney Varga explained this application is from Jonas Singer, Esq., attorney for the applicant. Since there was no one representing the applicant, **Mr. Varga** explained that the application could be tabled until someone is present to represent the request.

A motion was offered by **Chairman Preidel** to table this application in the event someone appears to represent the application. Motion second by Deputy Mayor Sisz and carried.

Application: Ad-Dawah Center of NJ, Block 30, Lot 13.01, 3191 Route 206, Amended Site Plan for the addition of a 495 square foot addition of the second floor area

Chairman Preidel reviewed this application for Ad-Dawah for a 495 square foot addition to a second floor area.

Representing Ad-Dawah was Mark Roselli, Esq. who noted the application tonight is for an amended preliminary and final site plan approval. In 2018, the applicant had received, from the board, approval for certain revisions to the existing building, the old Meeting House. After approval, the applicant decided to add additional space to include bathrooms on the second floor. This is the application before the board tonight.

Benedetto Catarinicchia, Licensed Architect, was introduced and recognized by the Board. Exhibit A-2 was presented indicating where the two story section will be added. Exhibit A-1 showed the first floor of the proposed building. Exhibit A-3 was explained by Mr. Catarinicchia. Exhibit A-4 showed the elevations of the final product of the building.

In answer to Mr. Ocello's questioned about the size of the building, Mr. Ed Fox explained the proposal is for an expansion of the volume of the building, not the footprint. 464 square feet is being added. Mr. Fox explained that this applicant was originally approved to open up the facility with the main entrance on the left hand side of the building. This is essentially to improve the entrance on the right hand side, which is more accessible to the public.

Mr. Borgstrom questioned when the site improvements from the original application would be completed such as water drainage, curbing, and parking lots.

Abdul Razak said they are continue to work on the building but their first step was to make the building safe. The building is safe now but they do not have bathrooms. This is the next step they want to accomplish. He noted they depend on donations and, as they progress, they hope to finish as soon as possible.

Mr. Borgstrom requested a rough sketch of how they will accomplish their requirements and how this will be phased. Parking on the lawn was one reason they appeared before the board but nothing has been done for this. People need to understand they are making progress toward getting storm water management addressed, as well as parking on the grass.

Attorney Varga noted that this application is for amended and final site plan approval and the applicant will not be back before the board if the application is approved.

Mr. Fox noted that this application was approved for full pavement and underground retention under the parking lot, which is expensive. More back history of this application was reviewed.

Khairul Alam, Engineer for the applicant, was recognized by the Board. Mr. Alam referred to Exhibit A-1, indicating changes being proposed to this site. The footprint hasn't changed. Mr. Fox noted that this site has a septic systems, some graves and some buffering. Therefore. There is a land shortage for a typical grade level basin. Thus, it is planned for underground. In referring to Mr. Fox's report dated March 22, 2023, the applicant agreed to make comments.

Mr. Grouser questioned the status of the septic. He was told it was built in 2002 and they will get county approval for the site.

Ed Fox reviewed his report dated March 22, 2023 wherein he felt this proposed change would not change traffic and/or parking as the worship space remains the same. The building will be ADA accessible and grading will be done to keep storm water away from the building. The applicant has agreed to comply with any Affordable Housing Fees. The applicant will keep the 1812 datestone on the building and make it part of the structure to show the heritage to the Community. They will contact the county for any additional approvals for the existing septic system. He noted the applicant has been helpful in addressing some of the concerns regarding the approved warehouse next door and addressing the burials from the Friends and the private cemetery company.

Chairman Preidel noted that there were original concerns about the parking lot. He questioned whether the Board could do anything as he felt this is a new application.

Attorney Varga explained the Board's responsibility regarding this application. Conditions imposed are reasonable. However, it is balanced against a non-profit status of a religious institution.

Mr. Roselli further commented in regard to the religious institution stating the applicant wants to complete the project and move forward. He felt the applicant has demonstrated that they intend to complete the prior approval and move forward, but they are doing the best they can given the circumstances they have in raising money to move forward. They want to be an important part of this community and he asked the board not to impose conditions that would be detrimental to his client's interest.

Frank Pinto questioned the recourse the Township would have if this applicant did not complete the site work. Attorney Varga explained the avenues the municipality could use to require compliance to force the applicant to do things if the property exists in a nuisance state where it is unsafe and the township remediates the property and attaches a lien to the property. Therefore, there are mechanisms for enforcement such as a time frame. The applicant has testified they will be submitting, as a condition of approval, a projected time line for project completion for which the Township will have for enforcement. If they do not complete in their projected time frame, the JLUB could require them to return to the Board. He felt a condition of approval could be for an issuance of a Temporary Certificate of Approval. Mr. Roselli indicated his client would provide a proposed schedule of completion.

Chairman Preidel expressed his concern over the parking on the site and referred to the prior approval, which has not been achieved.

Chairman Preidel opened the Public Hearing.

Mayor Mojena, a Board Member, was present virtually. Attorney Varga questioned the Mayor asking if he had been present for this entire application. Mayor Mojena said he had been present virtually. He had seen all of the exhibits. Mayor Mojena stated that he thanked the applicant for the great presentation and noted this is a non-profit, religious organization relying on donations and funding to support their project. He felt this is a plan, which is of value to our community, specifically completing the parking lot and the improvements they have committed to. Completion may take time due to financing. Although considered a Board Member, mayor Mojena stated he wanted to reclude himself from voting. He just wanted to make a comment although he will vote, if necessary.

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

A motion was offered by Chairman Preidel to approve this application with comments made by our Planner and Engineer. Mr. Preidel felt the parking lot should be addressed soon. The motion was second by Colleen Herbert and carried on a Roll Call Vote, recorded as follows:

AYE: Preidel, Herbert, Mojena, Borgstrom, Grouser, Sisz, Pinto, Wainwright, Schwartz, Ocello
NAY: None NOT VOTING: None
ABSENT: Broski, Villegas

Resolution 2023-5-12

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

Atlantic Homes Associates, LLC

A motion was offered by Frank Pinto and second by Deputy Mayor Sisz to open the meeting back up to Atlantic Homes Associates, LLC. Motion carried.

Attorney Varga explained this applicant has not submitted conditions of approval and because the attorney for the applicant had indicated he would be present tonight at this meeting but was not in attendance, he recommended that the Board could grant an extension to this application. Chairman Preidel made a motion to table this application. Motion second by Frank Pinto and carried on a Roll Call Vote, recorded as follows:

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

COMMENTS FROM THE BOARD

Doug Borgstrom questioned whether the Board should include some type of formula regarding time line information in the Land Use Legislation of the Township. This could prevent projects from dragging on over a period of time. Attorney Varga said there could be an ordinance imposing a reasonable restriction on a Certificate of Occupancy. There are ways to structure an ordinance in regard to the issuance of CO's upon completion of certain projects.. Mr. Borgstrom felt this should be considered. Attorney Varga said applicants could be required to post Performance Bonds or a Cash Down payment, which can be utilized to complete any unfinished work.

Frank Pinto questioned the status of the Day Care Center. Mr. Fox said they have signed plans and a certain amount of time to initiate the project.

Mr. Fox spoke of a meeting with the Master Plan Committee. The introduction to the Township's 2016 Vision Statement was discussed. Specific objectives were addressed in regard to Natural Resource Conservation, Farmland Preservation, and Circulation and Climate Resiliency. Various elements and ingredients in the Conservation Element as well as a general outline posted on line. He indicated he would provide a draft prior to the next meeting.

Chairman Preidel had recommended that all members of the Master Plan Committee review the Environmental Resource Inventory on the Township Website.

Colleen Herbert asked Mr. Fox to elaborate on the projects recommended for the next 10 years. Mr. Fox felt the board should review project recommendations every year to make sure

things are being done. The Master Plan is split into two parts, one part is what we have and the other is what we will do. This should be reviewed every year.

With no more comments from the Board, Chairman Preidel opened the meeting to the public for non-agenda items only.

Christianne Goodenough, 28126 Gaunt's Bridge Road, requested the Committee review Chapter 25, Section 6 of our Code Book, The Duties and Responsibilities of Operator of Property to look at the section on weeds, which deems weeds are something in excess of 10 inches. Attorney Varga said this should be reviewed by the Township Committee. Mr. Fox noted that Mrs. Goodenough made previous comments to be directed to the Advisory Committee on the Master Plan that our conservation element of the Master Plan should consider natural landscaping versus weeds. She was advised to attend the next Master Plan Committee Meeting via zoom.

With no more comment or questions, this portion of the meeting was closed.

MOTION FOR ADJOURNMENT

A motion was offered by Frank Pinto and second by Deputy Mayor Siz to adjourn. Motion carried.

Prepared by:

Respectfully submitted by:

Barbara A. Crammer,
Deputy Clerk

Linda Semus,
Secretary