

Township of Mansfield  
Joint Land Use Board Meeting  
June 26, 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, Frank Pinto, Ralph Wainwright, Carl Schwartz, Joseph Broski, and Deputy Mayor Sisz. Jeffrey Grouser, Colleen Herbert, Rudy Ocello, 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.

**MINUTES: May 8, 2023**

A motion was offered by Ralph Wainwright and second by Deputy Mayor Sisz to approve the minutes of the May 8, 2023 JLUB meeting. Motion carried on a Roll Call Vote, recorded as follows:

<b>AYE:</b>	<b>Wainwright, Sisz, Borgstrom, Schwartz, Preidel</b>	
<b>NAY:</b>	<b>None</b>	<b>ABSTAIN: Broski</b>
<b>ABSENT:</b>	<b>Ocello, Villegas, Grouser, Herbert</b>	<b>NOT VOTING: Pinto</b>

**MINUTES: May 22, 2023**

A motion was offered by Frank Pinto and second by Douglas Borgstrom to approve the minutes of the May 22, 2023 meeting. Motion carried on a Roll Call Vote, recorded as follows:

<b>AYE:</b>	<b>Pinto, Borgstrom, Sisz, Wainwright, Schwartz, Preidel</b>	
<b>NAY:</b>	<b>None</b>	<b>NOT VOTING: Broski,</b>
<b>ABSENT:</b>	<b>Grouser, Villegas, Ocello, Herbert</b>	

**RESOLUTION:**

**Resolution 2023-5-12:** Resolution of the Township of Mansfield Joint Land Use Board Granting Amended Preliminary and Final Minor Site Plan Approval for Block 30, lot 13.01, 3190 Route 206 to allow construction of a 2-story frame addition

A motion was offered by Chairman Preidel and second by Deputy Mayor Sisz to approve Resolution 2023-5-12. Motion carried on a Roll Call Vote, recorded as follows:

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

**EXTENSION OF APPROVAL:**

**Atlantic Homes** – Block 26, Lots 2.01 & 2.03m 364 & 372 New York Avenue – Request for extension of approval for the minor subdivision to allow the deeds to be filed and perfect the subdivision as approved per Resolution 2022-02-02.

**Attorney Jonas Singer** explained their request for an extension due to the delay in submitting the application to the County and revisions to the plan causing them to go beyond the 190 days. The County has given their approvals and the deeds can be submitted to the township for signatures. Mr. Singer asked that the application be extended to enable the subdivision to be perfected.

Attorney Varga explained the period for the extension, which can be up to a year. This application dates back to March.

Chairman Preidel opened the meeting up to the public. With no comments or questions, this portion of the meeting was closed.

A motion was offered by Doug Borgstrom and second by Frank Pinto to grant the extension. Motion carried on a Roll Call Vote, recorded as follows:

**AYE:** Borgstrom, Pinto, Sisz, Schwartz, Broski, Preidel  
**ABSTAIN:** Wainwright  
**ABSENT:** Grouser, Villegas, Ocello, Herbert

**COMPLETENESS REVIEW:**

**Applicant:** Sara Sowards & Matthew Rutch: Block 10.08, Lot 38, 37 Greenbrook Drive  
Application for Variance to install a 12 x 18 oval above-ground  
Swimming pool in the rear yard of dwelling

**Chairman Preidel** reviewed the above application.

Planner Ed Fox referred to his report dated June 12<sup>th</sup> recommending the application be deemed complete for the Board's review and consideration of approval.

A motion was offered by **Chairman Preidel** and second by **Doug Borgstrom** to deem this application complete. Motion carried on a Roll Call Vote, recorded as follows:

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

**Applicant: Cox Automotive c/o State Environmental, 155 Aaronson Rd. & 735, 741 & 770 Route 68, Block 1, Lot 5.03; Lot 2, 1.01 and Block 3, Lots 1 & 2 Application for Minor Site Plan and Use Variance for construction of Three drive through automobile imaging accessory structures.**

**Planner Ed Fox** referred to his report dated June 13 indicating that he recommends the board to find the application incomplete. In speaking to the applicant's attorney, they indicated they would like to be heard at the August meeting as they agreed with his comments regarding additional information to be added to their site plan. At this time, it is incomplete.

A motion was offered by Douglas Borgstrom and second by Frank Pinto to deem this application incomplete. Motion carried on a Roll Call Vote, recorded as follows:

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

**Applicant: Brad Steever, 854 Bordentown Road, Block 16, Lot 10.01**

**Chairman Preidel** reviewed this application for a bulk variance to allow construction of a 40 x 60 residential accessory garage. If deemed complete, the application will be heard at this meeting.

Ed Fox referred to his report recommending the board find the application complete.

**Chairman Preidel** made a motion to deem the application complete. Motion second by **Ralph Wainwright** and carried on a Roll Call Vote, recorded as follows:

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

**APPLICATION: Brad Steever, Block 16, Lot 10.01, 854 Bordentown Road**

Attorney James Burns from the Law Firm of Dembo, Brown & Burns, LLP, on behalf of the applicant, explained the request for bulk variance approval of a 40 x 60 foot metal accessory garage 18 feet 1 inch high, a necessary height for his motor home, car trailer, show car and other vehicles to keep everything out of the yard and driveway. The property is an irregular shape triangular corner property with extensive woods at the rear and on the left. In addition, along the property line closest to the proposed garage is an existing a 15 foot high shrubbery row, the side closest to the neighbor. The existing garage is used for storage and is too small for his other items.

Brad Steever, applicant, was sworn in. He said he proposes the metal accessory garage as Mr. Burns had explained. Mr. Fox clarified the height of the garage as being 15.2 feet. Mr.

Steever further explained the surrounding area as well as the existing garage, which is too small for his equipment and motor vehicles. There will be electricity to the garage, no plumbing.

Planner Ed Fox referred to his review letter dated June 12, 2023 wherein he explained the need for 3 variances: Number of accessory buildings- 3 (one permitted), garage height – 15.2’ (15’ permitted) and 2,400 square feet of garage floor area (1,000 permitted).

Christopher Noll referred to his letter dated June 12 wherein he recommended a grading plan showing the structure and proposed gravel driveway and calculations to determine the size for the culvert under the driveway. He also asked for a present/absence from the DEP for the absence/presence of wetlands to determine if it is in their jurisdiction about the ditch on site. He asked if there would be lights on the garage. He was told one light in the front. Mr. Noll asked for detail on the light.

Attorney Burns advised the Board that his client will provide a grading plan as requested and he will work with his client about the drainage ditch and the lighting.

In answer to questioning by Mr. Schwartz, Mr. Steever said there would be no storage of chemicals other than pool chemicals. Mr. Schwartz also questioned whether there are any trees between his property and the neighbor. He was told there are evergreen trees.

A motion was offered by Doug Borgstrom to approve the application with conditions as listed by the Township Professionals, any DEP approval as needed, and the drainage assessment. The motion was second by Frank Pinto and carried on a Roll Call Vote, recorded as follows:

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

**Resolution 2023-6-13**  
**(A copy of this Resolution is spread on the following pages.)**

**Applicant:**    **Mansfield Real Estate Associates, LLC, Block 65, Lot 2.01, 2.02, 3, & 4**  
                      **3 & 4 Route 130**

**Chairman Preidel** reviewed this application for preliminary and final site plan and use variance for trailer sales, rentals, service and repair facility.

Michael Floyd, Esq. from the firm of Archer and Griner, represented the applicant, which has applied for use variance approval and preliminary and final site plan approval for property located on Route 130.

Deputy Mayor Sisz stepped down from hearing this application.

Attorney Floyd explained the application, which includes a 720 square foot office with car parking spaces. He explained the asphalt pavement being proposed as well as a new septic system.

An existing cell tower will remain as well as a maintenance building in the rear of the property. Mr. Floyd distributed an exhibit list to help guide the presentation.

On behalf of the applicant, Attorney Floyd distributed a witness list and referred to the seven witnesses present at this meeting.

Attorney Floyd gave a brief history of the prior application submitted before the board in October wherein the board had denied the application. Since that time, the application has substantially changed in the following ways: the adjacent property utilized currently as a residence will be purchased thereby eliminating the impact on this property, the Jaichner Road driveway will be eliminated as the applicant has applied to the NJDOT onto Route 130 which will be addressed with a turn-around area, a uniform and heavily landscaped buffer will be added along Route 130. With the acquisition of the residential lot, the use will be less intense with respect to the number of parking spaces.

Steven Kantor was sworn in explained the current and historic use of the site, which is considered “a big mess”. The proposal is a professional company with much less usage with less than 15 vehicles, which will lead to a simpler, safer and more beautiful property.

Dean Stiffler, Vice President of Real Estate and Facilities for Premier Trailer Leasing appeared on-line and was sworn in. He provided an overview of Premier Trailer Leasing as a company primarily doing long-term leases and short-term rentals of trailers, no tractors, drivers or freight. Currently they have 38 locations in North America and 1 other location in New Jersey at Monmouth Junction. Their typical customers are Fed Ex, UPS, Walmart, Amazon, etc. At this property will be 53-foot long vans, newer equipment. Mr. Stiffler said most of the business is on long term leasing. Their hours will be from 8am to 5pm with two employees. They outsource any maintenance work. Trailers on the property will be empty. No tankers will be stored.

Frank Pinto questioned the estimate of the number of trailers on the site. Mr. Stiffler confirmed that there will be about 40 to 50 trailers at any one time although there are 112 trailer parking spaces which address the seasonal time of the year as well as holidays. The extra parking spaces are for new trailers to be stored until they are picked up. There will be no washing of trailers as questioned by Chairman Preidel who also asked if maintenance being done on weekends. He was told this would be done during the week.

Mr. Schwartz was concerned over the number of possible trailers at a particular time. Mr. Stiffler explained the need to operate and have room when needed. They build in extra space to have it available.

Thomas Bechard, Engineer from Mohawk Land Development Consultants, LLC was sworn in and explained his credentials. He referred to Exhibit A-1, an aerial photograph of the existing property and surrounding uses. He clarified the number of spaces as being 116, not 112 as previously stated. He requested one section of wires remain above ground until they have equipment to place them under ground. The applicant is proposing no sidewalks as required. He described the overall storm water proposal as they are reducing the amount of vehicular impervious coverage on the site. Thus, they are not subject to the quality requirements. In addition, they are

changing so much of the impervious coverage back to open space, they further meet the calculation requirements. They will address run off to the adjacent property owner who had expressed concerns at the prior meeting.

Attorney Floyd said they would comply with the affordable housing COAH fee. He then referred to the Landscape Plan, which not only showed the buffering with the neighbors but also the aesthetic improvements along Route 130.

Exhibit A-4, the Site Circulation/Traffic Control Plan was addressed including an explanation of the turning movements as well as traffic signage. The turning movement indicated satisfaction for the trucks as well as the fire trucks. Up to five tractor-trailers can enter the property at one time, although this is not anticipated. Exhibit A-5, the Tractor Trailer Turn-Around Exhibit shows how a tractor-trailer could turn around and exit the property after hours.

Chairman Preidel questioned the procedure for turning the soil being turned back to green space. Mr. Bechard explained the stone would be removed and topped with top soil, which is part of the Soil Erosion and Sediment Control Plan to be submitted to the Conservation District. Mr. Preidel further questioned the trench proposed to address water flow to the neighboring property. Mr. Bechard responded indicating the current impervious surface being reduced so much, the run-off will already be reduced to that point. Chairman Preidel asked, if this doesn't work and the neighbor still has a water problem, with the applicant would agree to work with the township on any additional storm water management litigation measures to help the adjoining property owner.

Douglas Borgstrom asked if the new green space where the two existing dwellings in the area on Route 130 will be factored in to some of the storm water re-charge. Mr. Bechard said they are re-grading the front of the site so the storm water will spread out and infiltrated into the ground. Attorney Floyd said the applicant would agree to work with the Township Professionals on any future improvements that may be necessary. They agree to have that as a condition of approval and run with the land.

Greg Farnum was sworn in, stated his credentials as Traffic Engineer, and explained he was filling in for David Horner and supports Mr. Horner's findings. The report indicated that there would be about 10 tractor-trailers per day. The DOT's will determine the type, size and driveway. The applicant's application to the DOT is still under review. As a condition of any approval, they will provide the NJDOT permit to the township.

Mary Ann Gilmore, Site Remediation Professional and Certified Wetland Delineator summarized the reports she prepared and submitted with the application and her conclusions. She, upon reviewing all reports including traffic and noise and, including site inspections performed, there is no adverse impact related to the proposed development.

Donald Richardson was sworn in and explained Exhibit A-6 and A-7. He referred to the exhibit depicting the existing conditions. He concluded that, in reviewing 15 areas of concern, he determined that it was appropriate to evaluate further two main areas of concern, which associated, with the former operations of the facility. The usage was referred to as storage and vehicular repair

with various tenants on the property. In reviewing the property, they took soil and ground water samples across the site and found no detectable concentrations above stringent standards for this media.

Frank Pinto questioned the number of septic systems on the site and was told there are two. Mr. Richardson further explained the systems. In answer to Mr. Pinto's question about staining, he was told the staining was found on a concrete floor slab where no issues were found about integrity issues about the floor slab. Mr. Pinto questioned where the floor drain must have discharged. He was told it did not drain to the surface and probably was allowed to discharge into the soil. It was under the building and not able to be traced. Any potential discharges to ground water were evaluated.

Jim Miller, Professional Planner, was sworn in and noted the substantial changes in this application from the prior application. With the acquisition of Lot 4, this allowed for another access so the trucks could turn around if the gate is not open. The site has been reconfigured and redesigned. The private road will no longer be utilized. There is also stacking for about five tractor-trailers. There has also a reduction in truck spaces from 124 to 116. The drainage system has been changed.

Attorney Floyd clarified that the applicant is the contract purchaser for Lot 4. This application is predicated upon the applicant obtaining to Lot 4.

Mr. Miller further felt the site is appropriate for the proposed use since the area has an overall industrial character along a major highway corridor. He felt it was compatible with the uses in the LI Zoning District, which are primarily industrial uses. There is more than adequate room to accommodate the number of trailers projected to occupy the site. Landscaping can be utilized to minimize the impact of the site. Currently there are obsolete and non-functional buildings on the site, which will be replaced with newer and contemporary structures. This should be a positive contribution to the Route 130 corridor. The Township will benefit from this newly proposed site. In addition, there will be an enhancement to the security system on the site. Mr. Miller also felt this use doesn't have substantial impact on the surrounding businesses, as this is an unusual, rare business and wouldn't impact the zoning code. The prior concerns about an impact on the neighboring property, which has been purchased by the applicant, the impact on Route 130, which has been addressed by the redesign, and eliminating the use of the private driveway, work to reconcile this use.

Frank Pinto referred to residential properties and whether an acoustical study had been done. None was done. However, he was told the proposed operation is subject to the NJDEP sound and noise regulations. There are maximum daytime and nighttime decibel levels and every property owner must meet those standards. If decibels are above DEP regulations, the owner is obligated to mitigate. Mr. Pinto was concerned about the two residential properties. He felt a sound study should be done before the operation commences rather than after the site is constructed and in business and residents possibly complaining.

Planner Ed Fox referred to the question regarding the house lot behind the bar, which was approved and continues to be there. He agreed with Mr. Pinto's concern wherein he felt there

should be testimony about the end use of the noise impacts. Although the report indicated noise during construction, it did not indicate the noise or vibrations at the time of the proposed use would be in operation. Ms. Gilmore agreed. Specific levels related to noise from trucks was not addressed. Mr. Miller referred to NJDEP noise regulations, which the applicant has to comply. He said it is a low intensive use with two employees on the office. Hours of operation are 8am to 5pm with no nighttime noise.

Attorney Varga suggested that a condition of approval could include wording that, in the event that it is determined that the property does exceed the decibel level as required by the specific regulations, the applicant will be required to install any improvements to negate the noise emanating from the property that the applicant will return for an amended site plan to demonstrate how these improvements would negate the acoustics. Attorney Floyd agreed. However, he said that, if there were a sound exceedance that can be mitigated through operational procedures, then they would not be obligated to re-appear before the board.

Frank Pinto asked the applicant if they would be willing to hire an acoustical contractor within about 6 months after the operation is on going, to take readings at the two residential property lines for a day to see if regulations are exceeded. Attorney Floyd agreed they would be willing as a condition of approval, once a CO has been issued and the operation is fully functioning with a maximum of 6 months.

Dean Stiffler from Premier Trailer Leasing noted that the back-up alarms are on the tractors, not the trailers and not all tractors have them.

Planner Fox asked if there had been sound studies at any of the other 37 businesses. Mr. Stiffler said there has never been one requested or one required. Carl Schwartz questioned whether any of the other businesses had houses within the 38 feet of the property. Mr. Stiffler said that one in Allentown, Pa. there was a neighboring house and no complaints had been received.

Planner Fox referred to his June 19<sup>th</sup> report and said most comments had been addressed. However, he questioned the type of anticipated waste and recyclables and the patterns for collection and whether the proposed waste management facility is sufficient for the proposed use.

Attorney Floyd responded saying the applicant is not anticipating any hazardous waste to be generated and/or stored on the site. The trash will be typical office trash and handled by a licensed hauler. If anything requires special hauling removed, the applicant will do so with a licensed hauler.

Planner Fox noted that the lack of having paved parking spaces for the passenger vehicles and the trailers is a C-2 Bulk Variance, not a waiver as requested. No additional testimony is needed. The applicant has testified that they will comply with the Township's Affordable Housing Requirements as well as the Township's Ag Impact Statements. Mr. Fox questioned whether there would be cameras or other ways to provide security on the site. Mr. Stiffler added that the other locations come standard with security cameras and building alarms.

Mr. Fox added that the applicant co-ordinates of the security procedures with the Township's Public Safety Professionals and the Fire Department.

Mr. Fox said the landscape is sufficient as well as the lighting. Although no signage on the plan, the applicant has indicated they will comply with the ordinance. He was told that no signage is proposed although the applicant will agree to comply with applicable ordinances and, if a design waiver or variance is needed, they will re-appear before the board. Planner Fox added that, a waiver of site plan application would be needed.

Engineer Noll referred to his letter and said his concerns have been addressed by plans he received today. Additional comments include an off-street loading area and his concern that the proposed location may prohibit motorists from entering and/or exiting the passenger vehicle parking to the west of the building. Attorney Floyd commented that deliveries are very infrequent and the truck would be showing up after the employees are parked. The Jaichner Road will no longer be used and the DOT will be contact for access to Route 130. Mr. Noll requested that the transformer be relocated within 24 months of any board resolution. The applicant agreed. Mr. Noll also suggested that the owner consult with a NJ Licensed Engineer to evaluate whether the grout at the tower base would require removal and replacement. The applicant agreed to comply. Mr. Noll referred to the Environmental Phase I and Phase II reports, agreed to all recommendations, and felt it was adequate.

Doug Borgstrom questioned the possibility of the applicant making a contribution to the sidewalk fund. Planner Fox added that, until the Township has a sidewalk plan adopted by the Board, it is inappropriate to collect monies to provide sidewalks in the future. Planner Fox explained one of the conditions of the cell tower is to provide an annual structural report to the Township Engineer and questioned whether the Board would consider this as a condition of approval. Attorney Floyd agreed this to be a condition of approval.

Chairman Preidel opened the meeting to the Public.

Patrick Greber, a principal of Mershon Concrete, was happy to see an improved version of this property and spoke of conditions in the past. He felt this is a much greater improved version of what he has been looking at for many years. He encouraged approval of this application. He is looking forward to having this applicant as a neighbor.

Mark D'Imperio, 200 Mill Lane, said he looked forward to this applicant being a neighbor, as he owns the property immediately in front of them. He felt this application would help remediate a drainage problem. He looks forward to them proceeding with this plan.

Troy D'Imperio, 899 Mansfield Road West, thanked the Board for looking out for the township and felt the applicant will be a good neighbor. This is an improvement.

Mr. Ghuman, 53 Oakers Lane, Mt. Laurel, NJ said he owns Block 7 and 8 adjacent to this property. He doesn't have an issue with the applicant. However, he is concerned over storm water management toward his property. Speaking on behalf of the applicant, (unidentified) he said the water flow is toward Route 130, not his lot.

Speaking on Zoom, Richard Linn, 5246 Route 130 was sworn in and said his concerns prior to this project have now been addressed considerably better than ever. The project as proposed will result in safety for everyone on Route 130. He felt the approval should go forward as it will be a benefit to the township and to New Jersey.

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

A motion was offered by Joseph Broski to approve the application conditioned upon all discussed. This motion was second by Chairman Preidel.

Attorney Varga highlighted the conditions other than those identified by the Board's professionals in their review letters are:

1. If the storm water management has been deemed inadequate by the Township Engineer, the applicant will provide additional storm water management as required, including the removal of parking spaces if necessary.
2. Will supply Board Professionals with the NJDOT permit prior to any construction.
3. In the event the noise from the property exceeds that permitted by regulations, the applicant will return to the board for amended use and site plan application to demonstrate where improvements will be located.
4. The applicant shall hire an acoustic expert and supply the Boards professionals with a report within 6 months after being issued a CO demonstrating the property complies with all acoustic and noise regulations.

The above motion was carried on a Roll Call Vote, recorded as follows:

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

Deputy Mayor Sisz rejoined the meeting at this point.

### **Motion for Adjournment**

A motion was offered by Joseph Broski and second by Brian Sisz to adjourn this meeting. Motion carried.

Prepared by:

Respectfully submitted by:

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Barbara A. Crammer, Deputy Clerk

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Linda Semus, Secretary

