

Township of Mansfield
Joint Land Use Board Meeting
August 28, 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, Vice-Chairman Douglas Borgstrom, Colleen Herbert, Carl Schwartz, Ralph Wainwright, Joseph Broski, and Rudy Ocello. Jeffrey Grouser, Deputy Mayor Sisz, Frank Pinto, and Maureen Villegas were not in attendance. Professionals in attendance were Attorney Patrick Varga and Planner, Ed Fox, Planner. Also in attendance were 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.

Chairman Preidel called the meeting to order followed by the flag salute and a moment of silence.

MINUTES: July 24, 2023

A motion was offered by Colleen Herbert and second by Chairman Preidel to approve the minutes of the July 24, 2023 Joint Land Use Board meeting. A Roll Call Vote was taken as follows:

AYE: Herbert, Schwartz, Broski, Ocello, Preidel

NAY: None NOT VOTING: Borgstrom, Wainwright

ABSENT: Grouser, Sisz, Pinto, Villegas

RESOLUTION: Resolution 2023-7-16: Resolution of the Township of Mansfield Joint Land Use Board granting bulk variance approval for property known and designated as Block 10.08, Lot 38, 37 Greenbrook Drive for the installation of a 12’x18’ above-ground swimming pool in the rear yard.

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

A motion was offered by Chairman Preidel and second by Joseph Broski to approve Resolution 2023-7-16. The motion was carried on a Roll Call Vote, recorded as follows:

AYE: Preidel, Broski, Herbert Schwartz, Ocello

NAY: None ABSENT: Grouser, Sisz, Pinto, Villegas

NOT VOTING: Borgstrom Wainwright

PETITION TO REOPEN:

Chairman Preidel reviewed this request for a petition to re-open the Tri-State Petro application for preliminary and major site plan approval of 19 truck parking spaces on a property located at 3372 Route 208 and 800 Route 68.

Solicitor Varga explained that a couple of months ago, the Board discussed whether they would be inclined to re-open the application based on the representation by the Board's Solicitor and the applicant's counsel that the use variance previously granted ran with the property and was still in effect. Therefore, the D-3 Variance with respect to the truck parking lot was not applicable but still a valid approval dating back to the 2011 site plan that the applicant had received. Since that time, it was revealed that the use variance previously granted was, in fact, no longer valid and the Board's decision to affirmatively vote and not consider the conditional use variance and approve the truck parking was improper, based on the mutual mistake made by various representations by the applicant and the Board's previous Land Use Solicitor. **Solicitor Varga** has communicated with Mr. Moore to determine that the applicant should petition the board to re-open that prior application. If the Board chooses not to re-open this application, the prior approvals from the previous application to continue. The applicant will continue with its proofs and it addresses the D-3 Use Variance. At that time, the applicant sought 19 truck parking spaces. However, at this time, the applicant is seeking to amend the application for 27 truck parking spaces. If the Board agrees to re-open the application, the applicant wishes to bifurcate the application to Phase I and Phase II. Phase II will be for the 27 truck parking spaces. Today the Board is to determine whether to re-open the application to determine: a) should the application be re-opened to correct the mutual mistake to determine whether the D-3 Use variance for the truck should or should not be granted and b) the applicant would be permitted to amend the application and pursue the bifurcated phase one and phase two to address the conditional use testimony.

Planner Ed Fox questioned whether the 27 parking spaces were permitted at the time of the application or whether they are now not permitted because it is a basic logistic use.

Solicitor Varga explained that, at the time the application was originally submitted, this proposal was permitted. Therefore, the Board can act on the application.

Attorney Moore requested that the mailings and newspaper notification for this meeting be continued for the September meeting.

Solicitor Varga explained that, with respect to Phase I and Phase II, they would be required to re-notice.

Attorney Moore spoke about the Phases. This part of the recording was inaudible.

Chairman Preidel opened this portion of the meeting to the public. There were no comments or questions.

A motion was offered by Doug Borgstrom and second by Joseph Broski to re-open the application. Motion carried on a Roll Call Vote, recorded as follows:

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

Application: Tri-State Petro, Block 1, Lots 1,2,3 – 3372 Rt. 206 & 800 Rt. 68
Application for Preliminary & Final Major Site Plan and Bulk
Variances to construct a fueling Station and Dunkin Donuts Restaurant
With drive-through service lane.

Planner Ed Fox has discussed the application with Mr. Noll, Engineer and they believe the application is complete with consideration of some of the requested waivers that have been requested. The cutting of trees is new on this application. The ordinance requires that, when there is large cuttings in a forest area, the application is to be reviewed by the Environmental Commission and the Township Forester. Usually there is a tree-cutting plan on the application, which has not been part of this application. He will discuss this with the Environmental Commission.

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

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

Mr. Moore added that this application would be for Phase I for the gas station, Dunkin Donuts, and diesel fueling area. The applicant is to re-notice.

PUBLIC COMMENT

Chairman Preidel opened the meeting for public comment. There were no comments from the public. This portion of the meeting was closed.

ADJOURNMENT:

A motion was offered by **Joseph Broski** and second by **Chairman Preidel** to adjourn. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus,
Secretary