

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY
JOINT LAND USE BOARD**

**January 29, 2024
6:30PM**

SPECIAL MEETING

CALL TO ORDER /FLAG SALUTE/OPEN PUBLIC MEETING STATEMENT

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was published on December 6, 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.

ROLL CALL

Members Present: Chairman Preidel, Mr. Borgstrom, Mr. Grouser, Mrs. Herbert, Mr. Pinto, Mr. Schwartz, Deputy Mayor Sisz, Mr. Ocello (*Alternate 2*), Mrs. Semus (*Alternate 4*)

Members Absent: Mayor Mojena, Mr. Wainwright, Mr. Broski (*Alternate 1*), Mrs. Villegas (*Alternate 3*)

Also Present: Patrick Varga, Esq., JLUB Solicitor
Chris Noll, P.E., JLUB Engineer
Ed Fox, P.P., JLUB Planner
Elizabeth A. MacLennan, JLUB Secretary

APPROVAL OF PRIOR MINUTES: NONE

RESOLUTIONS:

RESOLUTION 2024-1-4 MEMORIALIZATION OF RESOLUTION OF THE TOWNSHIP OF MANSFIELD GRANTING CONSISTENCY APPROVAL FOR PROPERTY KNOWN AND DESIGNATED AS BLOCK 24 LOT 37, 131 PUBLIC ROAD

Members Eligible to Vote: Mr. Borgstrom, Mr. Grouser, Mr. Pinto, Mr. Schwartz, Deputy Mayor Sisz, Mr. Wainwright, Chairman Preidel, Mr. Ocello, Mrs. Semus

Members Not Eligible to Vote: Mrs. Herbert (*Recused*), Mayor Mojena, Mr. Broski, Mrs. Villegas

Motion to adopt Resolution 2024-1-4 was made by Mrs. Semus. Second by Mr. Schwartz.

Roll Call Vote:

Ayes: Mr. Borgstrom, Deputy Mayor Sisz, Mr. Schwartz, Chairman Preidel, Mr. Ocello, Mrs. Semus

Nays: None

Abstain: Mr. Grouser, Mrs. Herbert, Mr. Pinto

Absent: Mayor Mojena, Mr. Wainwright, Mr. Broski, Mrs. Villegas

Three Abstentions, Six Ayes. Motion Carried.

PUBLIC HEARING:

PUBLIC HEARING (continuance)

APPLICANT: AATGMN PROPERTY, LLC

LOCATION: BLOCK 70, LOTS 6.01 & 6.02 ROUTE 130 & KINKORA ROAD

APPLICATION FOR: MINOR SUBDIVISION, PRELIMINARY, & FINAL MAJOR SITE PLAN

Mr. Pinto recused himself from this application.

Mr. Gianetti said that this hearing was a continuation from last week for the Towergate Redevelopment Plan. This application is for two warehouses and 96 affordable housing units. At the last hearing the Board and public heard direct testimony from the applicant's civil engineer, architect, residential architect, and traffic engineer. Public questioning of the warehouse architect was completed at the last hearing. The sound and acoustics expert would be heard tonight.

Mr. Lange would address the questions the Board had at the previous meeting. Mr. Lange stated that he is the director of development for Active Acquisitions, he is also a professional engineer, and a professional planner. Mr. Lange said that in terms of the affordable housing units these are three story units consistent with affordable housing. Mr. Lange said that going to elevator-based design significantly changes construction to make for interior corridors that are not visible. It poses security risks. Mr. Lange said that because of the concerns about the fire suppression system the applicant is proposing what he is calling a modified 13R system. This would mean that not only will they build a 5A construction which has one hour fire rating walls and ceilings it will also sprinkle the attic with a dry system. Mr. Lange said that with the question of the types of siding they will be sticking with vinyl siding. The mulch beds would be in the front of the building and would be planted with a ground cover that would grow eventually eliminating the need for mulch. Mr. Lange said that the issue with rocks would be children throwing them. The air conditioning units will be 24-36" from the exterior walls of the building and they will be distributed around the building. The plans show them all grouped together, this is not accurate. Exhibit A-37 is a plotting on google maps of NJ transit bus stop locations. There was a stop opposite the frontage of Crystal Lake Park and to the south there is another bus stop. The closer bus stops to the affordable housing units were the south ones. The nicer bus stops were by Crystal Lake Park. The applicant said they would do sidewalks along Kinkora Road from the housing units and Route 130 subject to DOT and County approval. This would give the residents multiple access points to the bus stop. Chairman Preidel asked what the applicant's chances of crossing the wetlands there would be. In Mr. Lange's experience they could get this approved without making the sidewalk go out to the road. The County tends to allow more leniency for public improvements. A bridge was a possibility as well. Mr. Fox said that there could be some available funding. Mr. Lange reported that the meeting with the neighbors on Third Street was set for February 1, 2024 at 1PM. Any residents that weren't available could communicate their concerns. Based on the feedback from that meeting the applicant will see if there are any adjustments he needs to make. Chairman Preidel asked if the applicant would come back and report to the Board on the issues

before preliminary approval. Mr. Lange said that there were previous concerns about trucks accessing the Kinkora Road driveway. Exhibit A-34 is labeled the Kinkora Warehouse Driveway. The applicant would ask the Township to adopt an ordinance preventing trucks from turning in and out of Kinkora Road. Along with the Ordinance the applicant is proposing an overhead structure of hanging PVC pipe in an OSHA safety yellow color. This would definitely let the driver know they've made a mistake. Mr. Noll has not seen this plan from the applicant before, but looking at a glance believes this is something that should work. Mr. Noll will review and get back to the Board. Mr. Grouser was concerned about the amount of traffic this driveway would cause on Kinkora Road. Chairman Preidel asked if there would be manufacturing. Mr. Lange said that he believed there could be manufacturing. Mr. Lange said that the traffic distribution has been accounted for. They envision some level of traffic increase. Chairman Preidel inquired as to why the traffic can't be diverted to the main entrance. Mr. Lange said that is what they were mainly trying to do. Chairman Preidel said that since the warehouse went up on Route 130 in Bordentown it seems as though every employee there takes Old York Road which runs parallel to Route 130. Mr. Lange said that this driveway would get you off of Kinkora Road faster otherwise you would be taking Kinkora Road all the way to Route 130. Mr. Grouser disagreed with Mr. Lange he said that if you know you can cut through and it will be shorter or faster that's what people are going to do. Chairman Preidel asked if the entrance there couldn't be eliminated altogether. Mr. Lange said it would be best to have two means of entry in case one of the roads were closed which would reroute traffic.

Mr. Varga noted that manufacturing uses are not permitted by the redevelopment plan only light manufacturing. Mrs. Semus stated that as a former employee who has helped the engineer in writing grants for certain projects ADA standards were always incorporated. This town is compassionate to the fact that there are so many people out there that struggle. Mrs. Semus said a handicap individual would not be capable of making it to the second floor let alone the third floor. Once that first floor is filled any disabled individual that is in need of affordable housing would be denied due to lack of accessibility. Mr. Ocello asked if there was a home owner's association. Mr. Lange said no just rentals. Mr. Ocello asked if the first floor would be handicap accessible. Mr. Lange said that it would be. Chairman Preidel inquired about who would maintain the roads. Mr. Lange said it would be the responsibility of the individual who owns and operates the property. The commercial space would be maintained separately by whomever owned that as well. Chairman Preidel asked if the garbage would be private. Mr. Lange said yes. Mr. Schwartz asked for clarification on the Kinkora Road driveway. Would non-residents, people looking to get access to the warehouse would they also use this entrance? Mr. Lange said yes. Mr. Schwartz asked why they couldn't limit the people that work in the warehouses to use the Route 130 entrance. Mr. Schwartz said that he understood using it as a backup if there were some types of road closures, but didn't understand everyday use of it with kids and school buses. Mr. Lange said it didn't eliminate people going up and down Kinkora Road. Mr. Schwartz said he wasn't referring to traffic going down Kinkora Road he was referring to all the vehicle traffic inside the housing development. Mr. Lange said that they could restrict the right out. Mrs. Herbert asked for an estimation of how many people would be working there. She said there were 361 parking spaces and that was a lot of traffic. She asked that they go

back to the drawing board and try and find a better way. Chairman Preidel inquired about the trailer drop lot. He asked if it was trailers only, no tractors overnight. Mr. Lange said that the space actually had no room for tractors that would be leased to an operator. Chairman Preidel asked if it was fenced in, is it its own entity? Mr. Lange said this will be empty trailer units, no storage at all in the trailers. Mr. Borgstrom asked how the parking calculations for the residential came about. He said it looks like there are 2 spaces per unit. Mr. Lange said that was correct. Mr. Borgstrom asked if there would be guest parking for when the tenants have guests over. Mr. Lange said that there is an NJ Residential Site Improvement Standards (RSIS) formula and that is what they followed. The formula calls for half a parking stall for guests and that was included in their calculations when they came up with their parking. Chairman Preidel asked if school buses were thought about when making the parking lot. Would the buses pull into the housing site. Mr. Lange said that a bus and a fire truck could pull through the U-shape even when cars are parked. Mr. Grouser inquired about the buffering. He stated that he didn't see berms or any grade of that sort. Mr. Grouser said that when you look at where Charles Avenue is and the homes on the east end of that building there's a 10ft grade difference from that wall to their grade and then there is a 52ft. building going on top of it. There are just some plantings down at the bottom, 6-8ft evergreens. He felt that this thing was just going to be towering out of the ground. Mr. Grouser asked if there was anyway of cutting down the grade or would it be a drainage issue. Mr. Lange said he would love to, but it is a drainage issue. Mr. Borgstrom asked if the applicant came up with anything for fire protection water. Mr. Lange said that they were still working on that. They do have a water tower on the site that can pressurize the onsite fire protection system.

Mr. Lam said that the public water would be east of Kinkora Road. After discussing with American Water there were three different options. If they don't go with that, they would have to do an onsite well. Mr. Lam said that currently there were 16 hydrants proposed on site with an 8" proposed line for housing. Mr. Lam said that he would work with Mr. Borgstrom on this. Mr. Lam said that in regards to the elevations there was vegetation existing near the sound wall. Mr. Grouser said that the building is going to be above the woods that are currently there. Mrs. Herbert asked if it was possible to go back to the drawing board and come up with a better way to buffer that area. Mr. Lam will come back with an exhibit of what it will look like from Charles Avenue. Mr. Lam said that the applicant was currently 300 feet over the requirement.

Mr. Fishinger said that for the warehouse use he was expecting 17% of the traffic to be coming east of the site on Kinkora Road, which equates to 17 cars going in in the morning and 6 cars in in the evening with 5 leaving in the morning and 16 leaving in the afternoon. They were not projecting a high volume of traffic to come out the Kinkora Road driveway. They are expecting some traffic that are going to come from Route 130 onto Kinkora Road to get into this portion of the site. The state would want to see an alternate access so that they were not concentrating all of the traffic to be on one entrance. Kinkora Road is a county road and is meant to be carrying traffic. By building the improvement on Route 130 they are trying to improve that situation to promote people to stay on the state highway. The only connection between the warehouses and residential housing is a pedestrian connection. Mr. Noll asked for an analysis on what the

traffic difference would be between Kinkora Road and the Route 130 jug handle if the access on Kinkora Road was blocked off. Mr. Fishinger would expect the traffic to be the same. He said that you would probably have less vehicles going east bound but more vehicles going west bound. Mr. Fishinger would come back to the Board with those numbers.

Jack Zyburka introduced himself as the sound engineer. He was sworn in and presented his credentials to the Board. Mr. Zyburka informed the Board that DEP has a state wide noise code of 65 decibels during day and 50 decibels at night. He stated that Mansfield's code mimics this state code. A noise study was conducted on the north, south, and west of the site. They needed to install some noise barriers mostly around warehouse 2. They have sound barriers around that warehouse in order to comply with the code along with some operational controls such as restricting back up alarms and restricting truck movement on the side of warehouse 2 at night. Chairman Preidel asked how do restrict backup alarms. You can restrict them out right by prohibiting their use or you can change out the alarm for a low noise emitting alarms. Chairman Preidel inquired as to who will enforce that. Mr. Zyburka said it will all be operational control with a yard jockey. Mr. Fox pointed out that the engineer's report does recommend these operational controls. Mr. Grouser asked who polices it. Mr. Fox replied that the Township engineer does. Mr. Zyburka said that if it became an issue the County Health Department would come out to enforce the state code. Mr. Zyburka said that they discussed adding signage that said at night don't go around the south side of the building. Mr. Borgstrom inquired if they had any models to show the effectiveness of the proposed sound wall. Mr. Zyburka said not with him. Mr. Grouser confirmed that without these things the site would not meet code in regards to sound. Mr. Zyburka said without these things they would need to have more restricted noise walls. Mr. Fox said that this would be an enforcement issue based upon complaints. Mrs. Herbert asked if they can't make the building a little smaller given the size of the property. Mr. Gianetti said that they look closer than they are because of the scale on paper. He said that they are actually over from Charles Avenue this was a redevelopment plan specifically designed and they were exceeding the buffer that was required. They recognize they have to comply with standard noise regulations, but there is a slew of means to remedy and assure compliance. The only thing the applicant could do is put the signage up and make the tenant aware. Chairman Preidel said that the Township would have to enforce it. Mr. Gianetti said that no matter what the Township would have to enforce. Chairman Preidel said that if there were larger sound walls it wouldn't need to be enforced. Mrs. Herbert appreciates exceeding the minimum, but really would like to stop doing the minimum. She respected that this is court mandated, but doesn't mean we need to do just the minimum. Mr. Varga said that the Board realizes that there are significant restraints regarding the soundwalls would the applicant be willing to work with engineer to expand sound walls throughout the site. Mr. Gianetti said the applicant was agreeable to working with the engineer on this.

Mr. Warwick presented Exhibit A-36 to the Board which were photographs of other residential housing projects that they have done. The projects he showed the Board were located in Burlington Township and Sayreville. Mrs. Herbert asked where the one in Burlington was located. It was determined that it was on Salem Road. He gave a listing of their housing projects and showed them images of their market rate housing and their

affordable housing. There wasn't a difference between the two both were very nice. Mr. Warwick discussed the amenity building. The amenity building would not be open 24/7, they would be staffed. The buildings are used for programs for the residents such as, demonstrations, seminars, tax preparation, and other things of that nature. They are typically not available for rent, but there may be an event that the community sponsors.

Chairman Preidel opened the meeting to public comment.

Bob Tallon of 2454 Axe Factory Road said he had a concern about human remains possibly being dug up like at the Elion Site. He said that the Township Committee gave up certain rights in their settlement. He said one thing he didn't believe that gave up was the historical value of the property. Mr. Varga said that the Board can't talk about the value of the property. Mr. Tallon clarified that he was not referring to the monetary value of the property, he meant the cultural value of the property. This site is the original homesite owned by William Biddle. He was one of the first quakers to settle there that. He believed there is a possibility of a family gravesite. He said in a document called the sketch of William Biddle and Thomas Biddle it mentions slaves and Indian burial sites. He believes that there should be a geophysical study done of the site. Mr. Gianetti said that it was part of the DEP permitting that the state historic preservation office reviews the property. The applicant's DEP approval was currently pending. Mr. Fox concurred with both Mr. Tallon and Mr. Gianetti. The property is a part of the original William Biddle estate and the DEP will review and determine if extra testing of the site needed to be conducted.

Frank Pinto of 420 Island Road inquired as to whether the developer has any other projects with affordable housing units within an industrial site. Mr. Pinto assumed that the proposed multi-use path will be for walking, biking, roller blading, and other things of that nature. Mr. Gianetti said yes that's the intent of the proposed path. Mr. Pinto pointed out that the proposed path goes from the residential housing, around the warehouse side of the sound wall, and then requires users to walk around the truck driveway crossing over said driveways twice before being able to access the Crystal Lake Park. Mr. Pinto felt that township would have some liability by approving this plan. Mr. Gianetti said that there's an assumption that there will be a ton of kids at this site when in fact there is no evidence to support. There will be some kids yes, but this is not going to be a major school aged or child producing development. He believes this because of the number of bedrooms involved. Mr. Gianetti stated that fair share housing signed off on this plan. Mr. Pinto asked if when the acoustical evaluation model was done was it determined at the property lines or at the residences. Mr. Zybura stated that it was done at both property lines and sides of the houses. Mr. Pinto said that in his opinion relying on operational controls as a Board was asking for a problem. He the Board has a responsibility to think about these future residents.

Joseph Papai of 304 Third Street said that he lived on Third Street since 1958 in his parents' home and then in 1981 moved onto the corner of Third Street where he lives presently. His home is right on the corner of Third Street and Kinkora Road. He said the lowest point in that area is Third Street and his property. Currently half of that property drains in front of his property. He said that the area is heavy clay. He said that last

Monday the gentleman that spoke said that if there was a problem, they wouldn't correct it. He said that retention ponds will drain into the wetlands which is in front of his home. Mr. Papai went through the history of his property. It was determined that he would discuss drainage and flooding issues with the applicant's engineer at the site visit.

The Board took a five-minute recess.

Andrew Arenge of 874 North Bailey Street Philadelphia, PA said he grew up on 323 Third Street, his mother's home currently. Mr. Arenge confirmed that the sewer connection was coming from the Bordentown Sewerage Authority. He asked where the pipes would run. Mr. Lam said that it would run along Route 130 and would service the entire site. Mr. Lam stated that the exact path has not been confirmed by the Bordentown Sewerage Authority but it would be delivered by either a forced main or gravity system. Mr. Arenge voiced concerns about the sidewalks not coming down the other end of the road for those residents to get to the basketball courts, baseball field, and other amenities. He said there have been talks of the sidewalk going down Kinkora Road to the bus stops but not in the other direction. Mr. Arenge inquired about the jug handle. Mr. Fishinger said that the jug handle could store 9-10 tractor trailers. Mr. Arenge asked if they have done any type of study to alleviate the drainage on Kinkora Rd. and Route 130 area. Mr. Fishinger said that they have not done an analysis on Route 130 yet. They will have to do an analysis specifically for the roadway improvements. Mr. Arenge asked if the housing units were subdivided to their own lot separate from the warehouses. Yes, they are. He asked if the sound study was done at the property line for the housing units. Mr. Gianetti stated that it was. Mr. Arenge inquired about whether or not the application had a PILOT agreement. Mr. Varga said that it was irrelevant to the application before the Board and he would need to look that up in the agreement.

Bob Tallon of 2454 Axe Factory Road stated that back in 2008 American Water came to Mansfield because our town supplies water many of the communities south of us because of the wells we have. He questioned if they were using this well how is it going to affect us.

The applicant requested a special meeting for Thursday, February 22, 2024 at 6:30PM Motion to continue above referenced application to February 22, 2024 at 6:30PM was made by Chairman Preidel. Second by Mr. Borgstrom.

Roll Call Vote:

Ayes: Mr. Borgstrom, Mr. Grouser, Mrs. Herbert, Deputy Mayor Sisz, Mr. Schwartz, Chairman Preidel, Mr. Ocello, Mrs. Semus

Nays: None

Abstain: None

Absent: Mayor Mojena, Mr. Wainwright, Mr. Broski (*Alternate 1*), Mrs. Villegas (*Alternate 3*)
Three Abstentions, Six Ayes. Motion Carried.

COMMENTS FROM THE BOARD: NONE

PUBLIC COMMENT: NONE

ADJOURNMENT:

Motion to adjourn the meeting at 9:08PM was made by Mr. Schwartz. Second by Deputy Mayor Siz.

Respectfully Prepared and Submitted by,

Elizabeth A. MacLennan
Joint Land Use Board Secretary