

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY
JOINT LAND USE BOARD
February 22, 2024
6:30PM
SPECIAL MEETING**

OPENING STATEMENT: The Notice requirements provided for in the Open Public meetings Act have been satisfied. Notice of this meeting was published on February 2, 2024. 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. Schwartz, Deputy Mayor Sisz, Mr. Ocello (Alternate 2), Mrs. Villegas (Alternate 3), Mrs. Semus (Alternate 4)
Members Absent:	Mr. Borgstrom, Mr. Grouser, Mrs. Herbert, Mayor Mojena, Mr. Pinto, Mr. Wainwright, Mr. Broski (Alternate 1)
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

APPROVAL OF PRIOR MINUTES: January 22, 2024 Meeting Minutes

Members Present: Mr. Borgstrom, Mrs. Herbert, Mr. Pinto, Mr. Preidel, Mr. Schwartz, Deputy Mayor Sisz, Mr. Wainwright (6:35PM Arrival), Mr. Ocello (Alternate 2), Mrs. Semus (Alternate 4)

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

Motion to adopt the January 22, 2024 meeting minutes was made by Mrs. Semus. Second by Deputy Mayor Sisz.

Roll Call Vote

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

Nays: None

Abstain: Mrs. Villegas

Absent: Mr. Borgstrom, Mr. Grouser, Mrs. Herbert, Mayor Mojena, Mr. Pinto, Mr. Wainwright, Mr. Broski

One Abstention, Five Ayes. Motion Carried.

January 29, 2024 Meeting Minutes

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)

Motion to adopt the January 29, 2024 meeting minutes was made by Mrs. Semus. Second by Deputy Mayor Sisz.

Roll Call Vote

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

Nays: None

Abstain: Mrs. Villegas

Absent: Mr. Borgstrom, Mr. Grouser, Mrs. Herbert, Mayor Mojena, Mr. Pinto, Mr. Wainwright,
Mr. Broski

One Abstention, Five Ayes. Motion Carried.

RESOLUTIONS: NONE

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. Lange and Mr. Lam gave a power point presentation regarding stormwater improvements. This power point was labeled exhibit A-44. The presentation showed the current flooding and drainage issues of the site. He said that the photographs in the slide were from their meeting on February 1, 2024 with the residents of Third Street. Mr. Lange took some of the images that day himself and some were given to him by residents of a previous storm's flooding. He said that there is an 18-inch pipe that runs from their side. He described the flooding as being on their side and spilling over the center line of the road onto the neighboring properties. He showed a picture of flooding in Joseph Papai's front yard. He said the image showed that the water was actively flowing and not standing water. Mr. Lange stated that residents at the site visit informed him that the water does dissipate after the storm. Mr. Lam said that they collected data from the July 12, 2021 storm that they showed images of in the previous slide. They put those numbers in their model to recreate the same conditions and their proposed improvements would improve the amount of water coming over the road. Mr. Lam said that they would be switching out two of the infiltration basins for some other form of BMPs. Chairman Preidel asked what they were going to swap it out for and what is the difference between the two. Mr. Lam said that there is a whole list of features from DEP that can be used. The applicant added one more basin to the site. There are 21 stormwater features for the proposed project. Mr. Lange said that the application is grandfathered under the old DEP stormwater regulations, but they tried their model with the new regulation standards just to see what the result would be. The results showed that their improvements would still reduce rainfall even under the new stormwater regulations. Mr. Schwartz asked what the neighbors could expect. Mr. Lange stated that there will be incremental improvement and that is because of the other sites in the area. There are many sources of water converging into that area. Mr. Noll said that he is in agreement with the applicant that they went above and beyond what you would normally see on an application. Not only are they meeting the DEP regulations they are exceeding it by reducing the volume. Based on the fact that they did their model off of an actual rain event he is confident in the improvements that the applicant is proposing. Mr. Noll believes that the improvements will reduce what is there now.

Exhibit A-41 is labeled Alternate Warehouse 2 Layout. On the north east side of the site Mr. Lam eliminated the asphalt and put green space. This would stop trucks from

accessing that side of the warehouse. He adjusted the sound wall limit, but still 25 foot high. Mr. Lam added a retention basin at the upper right-hand corner of the property. He expanded the middle basin by 30 feet. The location of the sound wall was adjusted on the southern truck court. Chairman Preidel asked if there was a reason that the sound wall didn't continue down the eastern side of the site another 30 feet where the car parking lot is.

Exhibit A-42 is known as a Sight Line Exhibit BB. This was done at the boards request to show the site line from Charles Avenue. Starting at the common property line there is a requirement of a 20-foot buffer, 50-foot building setback, and a 100-foot residential buffer. Mr. Lam testified that the building is 341 feet from that property line, over 3 times the residential buffer. The asphalt is 283 feet away from the property line and the sound wall is 257 feet away. There is currently 91 feet of existing vegetation that they are preserving and they are going to add an extra bioretention pond to the outside of the soundwall.

Jack Zybura stated that eliminating the ring road not only helps with stormwater but it would help with sound. No trucks will be going back. This will not only help with evening sound, but day sound as well. Taking a look at the er across from the Kinkora Road entrance. Directly across from that entrance they were seeing a little spillage onto that vacant property. To eliminate that they were turning the sound barrier horizontally. Mr. Zybura felt that this was a better plan because he was eliminating the hole that was previously there in the sound barrier. Mr. Zybura addressed the reason why the barriers don't go past the building is because the louder part of the truck is the cab. When the trucks are backing in the cab doesn't go all the way to the docks. All barriers are now 25 feet on the site. Same analysis was performed as last time. Mr. Zybura feels that this was a better design. Exhibit A-45 labeled Sound Contour Maps were created because someone from the public asked for them. He said that they focused on the residential areas. Mr. Zybura testified that the application was under the 50-decibel limit and that is at their own proposed apartment buildings. Chairman Preidel asked if the developer was opposed to extending the two sound walls a little further out to the points that were the highest sound decibels by the building. They would probably need to add 20 ft. on the top and 30 ft. on the south to accomplish what Chairman Preidel is asking. The applicant was agreeable to that. Mr. Ocello asked how high the wall is by the housing. Mr. Zybura said that all of the sound walls were 25 ft.

Mr. Fishinger said that the Board asked at the last meeting if the southernmost driveway on Kinkora Road was closed what would that do to traffic on Kinkora Road. It does very little. In the morning there is a net reduction of six vehicles on Kinkora Road and in the evening there is a net increase of 2 vehicles. The direction of that traffic changes. Somebody coming further south if they couldn't turn, they would need to continue on Kinkora Road to Route 130. The traffic that would be coming up Route 130 that would have traveled down Kinkora Road would turn in early on the Route 130 driveway. In the morning it would be 14 more trips north bound and 20 less trips south bound. It would be the reverse on the other side since those driveways don't change. Mr. Fishinger stated that the County is going to require an after study. Mr. Noll said that the County will require a study after the development and if the counts are not consistent with predicted

counts, they will require remediation. Mr. Noll said that from an engineering stand point it is better to have a second access point.

Mr. Ocello asked if the applicant was using American Water or not. Mr. Lam said that a decision still hasn't been made on how they were supplying water to the site.

Schwartz asked how the residents would get to Crystal Lake Park. Mr. Lam said that there was a path on the site that they could use. Mr. Schwartz asked if the path crosses where the cars and trucks would be going. Mr. Lam said yes and that there is crosswalks and signage indicating pedestrian crossing.

Bob Tallon of 2454 Axe Factory Road said that while attending Master Plan meetings he learned that there are designations in Bordentown declaring the area overburdened. Mr. Tallon explained that one of the criteria for overburdened area was having industrial areas within 500ft. of houses. He said that the Board may want to look into that and also the impact of wells in an area that had water supply issues. He asked that the board not grant final approval tonight because he felt that there were still many open elements. Mr. Varga referenced Mr. Tallon's overburdened community comment and said that it was something that was being discussed with the Master Plan Committee. Mr. Varga said that the application is an approved use under the redevelopment plan. Mr. Gianetti did not agree with Mr. Tallon's statement that there was a slew of open items on the application. He said that the questions that were asked by the Board the applicant went back and provided that information.

Abigail Hemmes of 327 Third Street said that she provided the applicant with flooding photographs but only saw one in their presentation. She emailed the photographs to the Board Secretary. She would like those photographs presented to the Board. The first email that was sent was a forward that she originally sent to DEP and the County years ago. She was upset that the full Board was not in attendance for the hearing. Her photographs show that the flooding is out of control. They are from only one day that was four inches of rain in four hours. On a regular rain storm on a daily basis that area has flooding. She asked if any studies were done on regular day rainfalls? All of the rain runs down Third street and onto her yard because she is the last house on Third Street. She did not agree with Mr. Lange's testimony that the water dissipates after a rain storm. Mrs. Hemmes stated that there is always water running down Third Street. She asked if anyone has contacted the residents of Second Street as they to flood? Mr. Varga said that the hearing was advertised and announcements were made at the meeting. Mrs. Hemmes' photographs were marked as exhibit 01. Mr. Gianetti asked who, where, and when the photographs were taken? Mrs. Hemmes said that they were taken by her and her husband at her house on July 2021. Mrs. Hemmes described the pictures for the Board. Mrs. Hemmes said now that the Board is creating an overburdened area what will happen when he well water when her well dries up? Who will pay her bill for the water she will have to buy? She said the area was already at a water deficit. Mr. Varga said that his understanding of the applicant's testimony at previous meetings was that if they do use a well it would not be residential it would have to go to a deeper aquifer. The applicant wouldn't be touching Mrs. Hemmes' well at all so there would be no effect. She said that the town was putting low-income housing in the middle of a warehouse and

not giving them access to the town center. Mr. Gianetti objected to Mrs. Hemmes's statements and said that they were zoning questions.

Claudia Teal of 2295 Old York Road asked how many trees in the wetlands area were remaining? Mr. Gianetti stated that all of the trees in the wetlands area were staying.

Andrew Areng of 874 North Bailey Street Philadelphia, PA representing his mother of 323 Third Street. Mr. Areng said that he has additional footage of that storm. Mr. Areng said that his mother took the video of the same storm in Mrs. Hemmes' photographs on July 2021. Mr. Areng asked if the light blue was pervious pavement? Mr. Lam said that the car parking at the warehouse had porous pavement. There are underground drains to the porous pavement. Mr. Areng asked why that same asphalt wasn't being used in the residential parking areas? Mr. Lam said that they were choosing to use other means to mitigate runoff on that portion of the site.

Jonette Tilton of 2400 Kinkora Road confirmed that on the right side of the warehouse there is no sound barrier. Chairman Preidel said that the applicant agreed to go another 30 ft. towards the warehouse with the sound wall. There would be no trucks going on that side anymore. Mrs. Tilton asked why the sound wall wasn't going all the way down. Mr. Gianetti said the wall was to address truck noise and no trucks would be on that side of the warehouse. Mrs. Tilton asked if the property was draining towards her property. Mr. Lam said that her property would not receive more water from the applicant's site.

Mr. Schwartz confirmed with Mr. Gianetti that the applicant would not be willing to come back after the development has been established to see if the stormwater plans put in place worked. Deputy Mayor Siz asked what if after their stormwater plan was put in place what if the residents still had flooding? Mr. Gianetti said that the applicant wasn't solving the flooding issues of Third Street. The applicant was just making sure they weren't making the flooding worse. There will still be flooding, the applicant didn't create the flooding issue. Deputy Mayor Siz asked whether the issue of water would still be coming over the road from the applicant's property? Mr. Ocello said that there was water coming from multiple properties in that area. Mr. Lange said that the applicant has gone above and beyond what they were required to do and they really are trying to do the right thing.

Mr. Varga asked Mrs. Herbert if she was on Zoom for the whole hearing tonight? Mrs. Herbert said that she was not. Mr. Varga said that she could comment, but she would not be permitted to vote on the application.

Public comment on the above application was closed at this time.

Mrs. Herbert confirmed that what she heard in the testimony is that the applicant has made some modifications and they believe that the flooding should not increase. Mr. Gianetti confirmed. Mrs. Herbert asked if it gets worse would the applicant try and fix it? She asked them to please consider coming back and fixing the problem, if it is made worse by them? Mr. Varga said that if the applicant did actually make the flooding worse than their testimony would not be accurate and they would be required to fix it.

Mr. Noll stated that there would be a two-year maintenance bond on the stormwater improvements as required by law.

Mr. Ocello inquired as to whether it was a County road. Mr. Noll said it was and that the Township would make the County aware of the drainage issues.

Mr. Gianetti summarized the application before the Board. The applicant complies with the Redevelopment Plan set forth for this application. The applicant addressed concerns to discourage trucks from coming off of Kinkora Road. They have addressed noise concerns adding more sound wall to both warehouses. In regards to stormwater management the applicant complies with the DEP regulations. The applicant met with the neighbors and designed further improvements beyond what is required to help mitigate stormwater issues. This is a fully conforming application.

Motion to approve the above-mentioned application with all conditions set forth by the Board and its professionals was made by Mr. Schwartz. Second by Deputy Mayor Sisz.
Roll Call Vote

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

Nays: None

Abstain: Mrs. Villegas

Absent: Mr. Borgstrom, Mr. Grouser, Mrs. Herbert, Mayor Mojena, Mr. Pinto, Mr. Wainwright, Mr. Broski

One Abstention, Five Ayes. Motion Carried.

COMMENTS FROM THE BOARD: NONE

PUBLIC COMMENT:

Chairman Preidel opened the meeting to public comment. There being no public comment, the meeting was closed to public comment.

ADJOURNMENT:

Motion to adjourn the meeting at 9:02PM was made by Mrs. Semus. Second by Mr. Ocello.

Respectfully Prepared and Submitted by,

Elizabeth A. MacLennan
Joint Land Use Board Secretary