

TOWNSHIP OF MANSFIELD  
LAND USE BOARD

February 28, 2022  
7PM

The regular meeting of the Mansfield Township Joint Land Use Board was held on the above shown date with the following in attendance: Chairman, Scott Preidel, Vice Chairman, William Tahirak, Douglas Borgstrom, Jeffrey Grouser, Committeeman, Brian Sisz, Deputy Mayor, Rudy Ocello, Jeff Grouser, Colleen Herbert, Ralph Wainwright, Frank Pinto, Carl Schwartz, Steve Coltre, Secretary Linda Semus and Land Use Coordinator Ashley Jolly. Ralph Wainwright, Scott Senese, and Dominick Marchetti were not in attendance. The meeting was called to order by Secretary Semus followed by the flag salute and the following Opening Statement:

“The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was published on January 13, 2022. 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.

**APPROVAL OF MINUTES: January 10, 2022:** A motion was offered by Frank Pinto and second by William Tahirak to approve the minutes of January 10, 2022. A Roll Call Vote was taken as follows:

AYE: PINTO, TAHIRAK, BORGSTROM, GROUSER, HERBERT, SISZ, OCELLO  
PREIDEL  
NAY: NONE ABSENT: WAINWRIGHT, SENESE, MARCHETTI  
NOT VOTING: COLTRE

**APPROVAL OF MINUTES: January 24, 2022:** A motion was offered by Frank Pinto and second by William Tahirak to approve the minutes of January 24, 2022. A Roll Call Vote was taken as follows:

AYE: PINTO, TAHIRAK, BORGSTROM, GROUSER, HERBERT, SISZ, OCELLO  
PREIDEL  
NAY: NONE ABSENT: WAINWRIGHT, SENSE, MARCHETTI

Dominick Marchetti is now present at 7:07 PM.

**Resolution 2022-01-01: Resolution of the Township of Mansfield Land Use Board concerning the application of NFI Real Estate LLC for Preliminary Major Site Plan and Bulk Variance approval for Block 47.02, Lots 3.01, 5, and 6, the Wainwright Tract**

A motion was offered by Deputy Mayor Ocello and second by Committeeman Sisz to approve Resolution 2022-01-01. Motion carried on a Roll Call Vote, recorded as follows:

AYE: OCELLO, SISZ, TAHIRAK, BORGSTROM, GROUSER, HERBERT,  
SCHWARTZ  
NAY: NONE  
NOT VOTING: PINTO, PREIDEL, MARCHETTI, COLTRE  
ABSENT: WAINWRIGHT, SENESE

**Resolution 2022-01-02: Resolution of the Township of Mansfield Land Use Board concerning the application of NFI Real Estate LLC for Preliminary Major Site Plan and Bulk Variance approval for Block 45.02, Lot 4, the Lounsbury Tract**

A motion was offered by Douglas Borgstrom and second by Deputy Mayor Ocello to approve Resolution 2022-01-02. Motion carried on a Roll Call Vote, recorded as follows:

AYE: BORGSTROM, OCELLO, TAHIRAK, GROUSER, HERBERT, SISZ,  
SCHWARTZ, COLTRE  
NAY: NONE NOT VOTING: PINTO, PREIDEL, MARCHETTI  
ABSENT: WAINWRIGHT, SENESE

**REVIEW FOR MASTER PLAN CONSISTENCY**

**ORDINANCE 2022– 3**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY AMENDING CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED “ZONING” TO ADOPT AND ENACT PROVISIONS PROHIBITING WAREHOUSES AND DISTRIBUTION CENTERS AS A PERMITTED USE IN MANSFIELD TOWNSHIP.**

**WHEREAS**, there are currently approvals in place for eight warehouse projects in Mansfield Township with a total building area of approximately 5,081,431 square feet; and

**WHEREAS**, four buildings in the approved warehouse projects are under construction with the remaining buildings still to be constructed; and

**WHEREAS**, the remaining approved warehouses will be constructed over a period of years; and

**WHEREAS**, a number of the approved warehouse developments in Mansfield were approved pursuant to the redevelopment process and warehouses, while others were approved in certain zoning districts as permitted in the Mansfield Township Code; and

**WHEREAS**, warehouses and similar uses are still permitted on certain zoning districts in the Township; and

**WHEREAS**, the Township Committee of the Township of Mansfield finds that additional warehouse development should be not be permitted in the Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

**SECTION ONE:** Chapter 65 “Zoning”, Article IV, “Definitions and Word Usage, Measurements” is hereby amended to add a definition of “Warehouse” as follows:

“**WAREHOUSE** – a building used for warehousing, storage, distribution or a similar establishment designed and used for the wholesale storage and distribution of goods.”

**SECTION TWO:** Chapter 65 “Zoning”, Article XIX “General Regulations”, Section 65-88 “Prohibited Uses” is hereby amended to adopt a new subsection 65-88.B(5):

(5) Warehouses, except where protected by the Right-to-Farm Ordinance.

**SECTION THREE:** Chapter 65 “Zoning”, Article XX, “C-2. Highway Commercial District”, Section 65-34 “Conditional Uses” is hereby amended to delete and repeal the following Section 65-34A (3):

3. The following logistics uses may be permitted on individual parcels or combined adjacent parcels totaling 30 acres or more with frontage on US Route 206 north of Spring Hill Brook and Folwells Run or with frontage on NJ Route 68 north of White Pine Road:

(a) Warehouse facilities, trucking facilities and distribution facilities, subject to the area and bulk regulations of § 65-43 and the special regulations of § 65-45.

(b) Wholesale establishments, subject to the area and bulk regulations of § 65-43 and the special regulations of § 65-45.

**SECTION FOUR:** Chapter 65 “Zoning”, Article XI “ODL Office Distribution Laboratory District”, Section 65-41 “Permitted Uses” is hereby amended to repeal and delete the reference to “warehousing uses” from the purpose section and to further repeal and delete the following Section 65-41.C:

C. Warehouse facilities, trucking facilities and distribution facilities.

**SECTION FIVE:** Chapter 65 “Zoning”, Article XI “ODL Office Distribution Laboratory District”, Section 65-42 “Accessory Uses” is hereby amended to repeal and delete the following Section 65-42.D:

D. Storage within a completely enclosed area with visual screening or building in conjunction with a permitted use.

**SECTION SIX:** Chapter 65 “Zoning”, Article XII “LI Light Industrial District,” Section 65-46 “Permitted Uses” is hereby amended to repeal and delete the reference to “transportation and warehousing uses, wholesale trade uses” from the purpose section and to further repeal and delete the following Sections 65-41.C and 65-41.D:

C. Wholesale business establishment.

D. Indoor storage building or warehouse.

**SECTION SEVEN:** Chapter 65 “Zoning”, Article XII “Light Industrial District”, Section 65-47 “Accessory Uses” is hereby amended to repeal and delete the following Section 65-42.D:

D. Storage within a completely enclosed area with visual screening or building in conjunction with a permitted use.

**SECTION EIGHT:** Chapter 65 “Zoning”, Article XIV “HI Heavy Industrial District,” Section 65-56 “Permitted Uses” is hereby amended to repeal and delete the reference to “transportation and warehousing uses, wholesale trade uses” from the purpose section and to further repeal and delete the following Sections 65-56.E and 65-56.F:

E. Warehousing and wholesale establishments, storage yards, lumberyards for retail and wholesale and similar establishments.

F. Transportation and trucking terminals, terminal facilities for passengers and/or freight for trucks, railroads, taxi and bus lines, including maintenance and service facilities.

**SECTION NINE:** Chapter 65 “Zoning”, Article XIV “HI Heavy Industrial District,” Section 65-56 “Permitted Uses” is hereby amended to re-adopt, re-enact and save from repeal “lumberyards for retail and wholesale and similar establishments” as a permitted use in the “HI Heavy Industrial Zone”.

**SECTION TEN:** Chapter 65 “Zoning”, Attachment 2, “Zoning Schedule of Area and Bulk Regulations” is hereby amended to delete and repeal the Area and Bulk Regulations for “ODL Warehouse, trucking and distribution facilities

***REPEALER, SEVERABILITY AND EFFECTIVE DATE***

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

Attorney Dasti explained that Ordinance 2022-3 has been adopted on first reading by the Township Committee and is now being referred to the Joint Land Use Board whose duty is to decide whether it is consistent with the Master Plan. If the Board finds it is not compliant, the Township Committee can still approve it.

Sarah Warner, Esq. from Prime and Tovel reiterated that this does not pertain to personal feelings but it is strictly whether it is consistent with the Master Plan. She turned to Mr. Ed Fox for his analysis of the situation.

Mr. Ed Fox referred to his letter dated February 23. He referred to 3 ways to determine consistency. It is consistent if it says the same thing as the Master Plan or when the Master Plan does not refer to it. He further stated that there are sections of the Master Plan where it is not inconsistent. Also, the ordinance does not say something differed than the Master Plan.

Frank Pinto commented on the section of the Municipal Land Use Code 40:55d-90 wherein it is Mr. Fox's opinion that this proposed ordinance does not constitute a moratorium. He asked Mr. Dasti if he agrees with that to which he said yes. Mr. Pinto also referred to Attachment One showing visions and goals in the reexamination report. He assumed they were part of the Master Plan. This was confirmed. Mr. Pinto referred to visions and goals to preserve farmland and natural areas, etc to protect the environment would be consistent with the prohibition of warehouses. Mr. Fox responded felt these were pretty good goals.

Dominick Marchetti asked, that, to make the Master Plan consistent with the new ordinance, there would have to be a re-examination of the Master Plan and only the JLUB could make a motion for this. Mr. Fox responded saying the JLUB can examine the entire plan or even one specific component. Mr. Marchetti felt that, the only way to make it fully consistent, by our planner, would be a reexamination to change any items.

Chairman Preidel, in referring to Mr. Fox's review, felt there are some items not consistent. If the JLUB does not approve this ordinance, the Township Committee can adopt it anyway. Mr. Preidel felt another idea would be to ask the Township to clarify the resolution and return it to the JLUB at the next meeting. Mr. Dasti explained that the statute requires a recommendation in 30 days.

Jef Grouser questioned the legality of properties that are now zoned for warehousing and, although we aren't changing the zone, we are eliminating warehouses. He asked, legally, what that sets the township up for. Attorney said any change in zoning is subject to challenge by the people who might be affected.

Carl Schwartz felt some objectives in the Master Plan seem conflicting wherein we want to maintain rural farmland and yet there is another objecting to maintain the "economic value" of the land for the farmer. This seems somewhat at odds.

Mr. Fox agreed there are goals to promote beneficial economic development and these could be conflicting when determining which goals apply. That's why the township set up different land use zones or districts.

Chairman Preidel questioned, in speaking of farming and the possibility of the farmer putting up a warehouse or large pole barn for storage of grain, etc. Mr. Fox wanted to make sure the word warehouse wasn't construed against farmers,

Committeeman Sisz wanted to confirm that there is more consistent than not consistent. Mr. Fox felt it is about 50-50. He then questioned whether the Master Plan, when reviewed for consistency, could be made consistent. Mr. Fox referred to the possibility of the Township Committee changing their minds. Attorney Dasti added that the master plan doesn't have to be reexamined because of this ordinance.

A motion was offered by Doug Borgstrom to approve the following resolution. This was second by Committeeman Sisz and carried on a Roll Call Vote, recorded as follows:

AYE: BORGSTROM, SISZ, TAHIRAK, GROUSER, HERBERT OCELLO, PINTO, PREIDEL  
NAY: NONE NOT VOTING: MARCHETTI, COLTE  
ABSENT: WAINWRIGHT, SENESE

(Resolution 2022-2-3)

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

#### **COMPLETENESS REVIEW**

**Applicant: AATGMN Property, LLC, Block 70, Lot 6.02, Kinkora Road & Rt. 130**  
Application for Preliminary & Final Major Subdivision & Site Plan for a mixed use Development consisting of 264 multi-family units, 236 townhomes which includes 88 affordable units plus a commercial component along Route 130 including a Drive thru restaurant

Ed Fox, Planner, said that, at the December meeting, he recommended that the application be found incomplete and a few items to be waived until final approval. Traffic Engineer, Chris Noll, had confirmed with Mr. Fox that, the settlement agreement exempts the applicant from filing any traffic impact studies since the access points are either on County or State roads. He had discussed with Mr. Noll that the application does include detailed truck circulation plans for the different uses, so, in terms of the traffic engineer's analysis, this portion was deemed complete.

Mark Malinowski said, when he reviewed the application, there were a number of items pertaining to drainage including soil boring analysis and information regarding stormwater control that was incomplete. However, since the December meeting, this information has been provided and he is finding the application is complete to enable his technical review.

Attorney Dasti noted that the plans indicate public sewer but, at this point, the applicant is in litigation with the Bordentown Sewerage Authority. However, this issue cannot stop the Board from deeming the application complete. If the application is approved, it would be subject to the Bordentown Sewerage Authority.

Doug Borgstrom noted that the circulation plan did not have the fire apparatus that the township specified. He wanted this corrected because of his concern for fire safety.

Frank Pinto asked if the completeness ruling would allow any site work to take place. He was told no, it does allow the applicant to notice about the application that it is on file and they get a date for the hearing from the LUB staff.

Dominick Marchetti questioned the stormwater boring reports being anticipated and whether this is for water mitigation and flood litigation for the property. Mr. Malinowski said it was strictly for stormwater control.

A motion was offered by Deputy Ocello to deem the application complete. This motion was second by Chairman Preidel and carried on a Roll Call Vote, recorded as follows:

**AYE:** OCELLO, PREIDEL, TAHIRAK, BORGSTROM, GROUSER, HERBERT, SISZ, PINTO  
**NAY:** NONE            **NOT VOTING:** MARCHETTI, COLTE  
**ABSENT:** WAINWRIGHT, SENESE

**COMPLETENESS REVIEW: Tri-State Petro, Inc. Block 1, Lots 1, 2, & 3:  
Old York Road, 3372 Route 206, & 800 Route 68**

Application for Preliminary & Final Site Plan, Use Variance & Buk Variance for The construction of an approximately 2,022 square foot Dunkin Restaurant with a drive Thru window, 2 fueling service areas and a truck parking area.

Ed Fox referred to his letter and Chris Nulls letter dated February 18, 2022 wherein there are items important to have on file but were not provided. Items not provided include a boundary and property survey, a certification by an engineer or surveyor that the plans are accurate, information about technical details in regard to consolidating three lots, no current freshwater wetlands information, plus other items. He did speak with the applicant's attorney who assured him the information will be forthcoming. He recommended it be found incomplete but it could be reviewed at the next meeting if the Board found to be complete at that time.

Mark Malinowski referred to his report dated February 11, 2022 wherein the application was substantially complete although a signed survey needs to be submitted. He agreed with Mr. Fox's determination it be deemed incomplete.

A motion was offered by Committeeman Sisz to deem the application incomplete. The motion was second by Frank Pinto and carried on a Roll Call Vote, recorded as follows:

**AYE:** OCELLO, PINTO, TAHIRAK, BORGSTROM, GROUSER, HERBERT, SISZ, PREIDEL  
**NAY:** NONE            **NOT VOTING:** MARCHETTI, COLTE  
**ABSENT:** WAINWRIGHT, SENESE

**Application: Township of Mansfield, Block 28, Lot 5.02, 24548 East Main Street**

Application for Minor Subdivision and Bulk Variance for the purpose of  
Subdividing Block 28, Lot 5.02 into two lots

Sara Werner with firm of Prime & Tuvel was representing the township and asked Mr. Fox for his determination for completeness. Mr. Fox recommended that the application is complete as indicated on his February 22<sup>nd</sup> letter.

Ms. Werner explained the property located at 24548 East Main Street consists of approximately 2.038 acres of land and is currently developed with a parking area, baseball field and home of the former municipal public works and recycling center. The minor subdivision request is to create one new lot and one remainder lot. The new lot will be approximately .29 acres and would encompass the portion of the property that was the former public works yard and recycling facility. The remainder lot would be the baseball field and the parking area. No new construction is proposed. The intent of the subdivision is to subdivide the portion of the property no longer serving a municipal purpose to be offered at auction for sale to one of the adjacent property owners with the ultimate goal that the condition of the sale that the newly created lot will be consolidate into one of the adjoining properties. Variance and waiver relief is being sought. The sole variance is for frontage as there is no frontage on a public street although, when consolidated with one of the existing properties that does have street frontage. A design waiver is requested because the lot lines are not at right angles to the streets. The sale of the lot will also be made "as is". She said she had no issues in complying with the township's review letters.

Ms. Werner introduced Joe Augustyn, Planner from Alaimo Group was sworn and qualified. In addition, Township Administrator Michael Fitzpatrick was also sworn in. Mr. Augustyn gave a brief overview of the area and the reason for the subdivision and variances due to hardship and a benefit to the municipality as it is no longer needed and can be back on the tax rolls while being of benefit to the adjacent property owner. Mr. Augustyn said he had no issue with either the report of Ed Fox or the one of Mark Malinowski.

Michael Fitzpatrick, Township Administrator/Superintendent, clarified that the intent as presented is correct, including that the property being subdivided will be consolidated with one of the neighboring properties.

Ed Fox reviewed his report along with that of Traffic Consultant Chris Noll, dated February 22<sup>nd</sup>. He had no issues but did point out that the redevelopment statute allows towns to be creative as this subdivision was anticipated. Nothing has been proposed to be developed at this location.

Mark Malinowski referred to his February 11<sup>th</sup> report and referred to possible contamination on the property where the recycle yard was located but the property will be sold 'as is' so any future development of that site will be addressed at that time. It is a stoned lot with a concrete pad where there are some sheds.

Frank Pinto was concerned that, as a former recycling yard, by not doing the soil testing, potentially, property which is being turned over to another property owner could be a problem. He strongly suggested that soil sampling is completed before the property is auctioned off. He would hate to see someone stuck with a problem. Attorney Werner said anyone potentially bidding on

the property will be made aware of the property's history. Neighbors who know what has been there are already interested. The Township's position is not to undertake a study when the potential buyers are already aware.

Mr. Pinto asked if the potential buyer is required to consolidate the property in question to theirs. Ms. Werner said any future development will be subject to site plan. Plus any resolution of approval becomes part of the property so the buyer will be made aware of the conditions.

Mr. Fox felt the township will be specific about any redevelopment agreements in regard to this lot and the township will be held harmless from any contamination that may have happened.

Jef Grouser asked if there will be a development agreement with the township. Ms. Werner said no specific talks have been held regarding a redevelopment agreement. However, any agreement of sale will specify any indemnification causes, or rights or responsibilities of the parties.

Mr. Grouser asked if the sheds and/or concrete be removed. He was told it is being sold as is.

The Public Hearing was opened. As there were no questions or questions, the public hearing was closed.

A motion was offered by Doug Borgstrom to approve this application as proposed. The motion was second by Committeeman Ocello and carried on a Roll Call Vote, recorded as follows:

**AYE:** BORGSTROM, OCELLO, TAHIRAK, GROUSER, HERBERT, SISZ, PREIDEL  
**NAY:** PINTO  
**NOT VOTING:** MARCHETTI, COLTE  
**ABSENT:** WAINWRIGHT, SENESE

Resolution 2022-02-04

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

**APPLICANT: Atlantic Homes Associates, LLC, Block 26, Lots 2.02 & 2.03**

Application for minor subdivision and bulk variance for the purpose of realigning  
The existing lot line between two residential properties.

Attorney Jonas Singer appeared on behalf of the applicant. This is an application for property located at 364-372 New York Avenue, presently a dilapidated duplex on odd shaped lots. The intention is to reconfigure the lots, remove the presently existing structure, and construct two new single family homes. Variance relief is necessary for minimum lot area and minimum lot frontage.

Ed Fox said he and the traffic engineer recommend the application be deemed complete. Mark Malinowski agreed.

A motion was offered by Chairman Preidel to deem the application complete. The motion was second by Committeeman Sisz and carried on a Roll Call Vote, recorded as follows:



**AYE:** PREIDEL, SISZ, TAHIRAK, BORGSTROM GROUSER, HERBERT OCELLO,  
PINTO  
**NAY:** NONE                   **NOT VOTING:** MARCHETTI, COLTE  
**ABSENT:** WAINWRIGHT, SENESE

Matthew Garron, an equal partner with Nikos Vrettos of Atlantic Homes LLC, described the improvements on the property as existing to be consisting of a dilapidated home which they propose to demolish and replaces with two single family homes. A picture of the property was shown and has been acquired in separate transactions. Each proposed would be roughly 2,000 square feet, 4 bedrooms and 2 bathrooms. The property is serviced by public water but not public sewer. Currently there appears to be two separate cesspools. Their intent is to install two separate septic systems on each lot. Soil testing has confirmed that separate systems can be installed on each lot. A letter from South Jersey Engineers confirms that fact. However, there is a need for County Health Department approval for each septic system. The width of each lot will be 43.09feet, a variance required for this. Since 3 acres is the minimum lot size, a variance is required for lot size. If public sewer were available, the lots would conform.

Mr. Garron was not aware of any wetlands or wetland buffer on the lots which back up to the Elementary School. He said there is no drainage or flooding concerns, no hazardous materials. A demolition permit will be obtained. There are a few trees on the property lines. Ownership of the trees is not clear. They will replace any trees that would have to be removed for the new construction. Mr. Garron said they are proposing the parking of two vehicles on each lot. They are requesting exception to the RSIS.

James Miller, Planning Consultant, gave his credentials which were accepted by the board. He said he has reviewed the letters prepared by the board professionals, visited the site and the area surrounding the site and the applicable sections of the township zoning ordinance and map. He shared the screen showing the location of the property and surrounding area. The zoning is R-4 which permits duplex homes with public sewer. However, since public sewer is not available, the R-1 requirements are applied with a minimum lot size of 3 acres. They feel they can install septic systems. One requirement they need was an exception to the parking requirements as they are proposing two off-street parking spaces per unit. He believes that the variances would provide an appropriate use of the lands and provide good civic design. The redevelopment of the property will result in the removal of a blighted and deteriorated structure on the property. Providing new structures would be an appropriate use of the property and desirable visual environment. In addition, the proposal would call for a 25 foot setback, thus eliminating the encroachment on the right-of-way. Proposed lots will conform to the R-4 standards. He felt this application will make this area more conforming, more consistent with the established residential land use patterns in the area. He said he saw no detriment to the application. The benefits will outweigh the detriment and represent a better zoning alternative.

Chairman Preidel requested a slide of the new lot lines indicating location of the projected buildings. Attorney Singer said the bulk standards will be met other than lot area and lot frontage. All bulk standards in the R-4 zone will be met. No plan showing lot lines was available.

Committeeman Ocello asked how the existing house was heated and how new ones will be heated. He was told it is unknown at this date but there was a gas service that had been disconnected in anticipation of demolition. The proposed source of heat will be natural gas, forced hot air. They are not aware of any buried tank. However, Committeeman Ocello felt this should be checked.

Attorney Singers aid the reports of both the Planner and Engineer have been reviewed and they will comply with the recommendations.

Ed Fox referred to his letter dated February 22, 2022. He noted that they need to obtain township demolition permit which will address underground tanks and asbestos. He noted that New York Avenue was widened from 66 feet to 80 feet in 1927 when it became NJ highway 39. In 1957, the bypass opened and NY Avenue and Atlantic Avenue were transferred over to the County. If it were reduced, speed could be reduced and it would be safer. In addition, he felt the tree removal protection should be enforced by the Forester. He was happy to hear the application will replace any trees that are removed.

Mark Malinowski referred to his letter dated January 14<sup>th</sup>. He noted that, when public sewer is not available, all bulk standards for the R-1 zone apply. If that is the case, the minimum front, side, and rear yard would require a variance. The subdivision should be conditioned upon site plan approval. Therefore he would like to see the location of the homes, the sizes of the homes with the grading and driveways. This should be shown on the plans. Burlington County Soil Conservation Approval as well as Burlington County Planning Board approval is required. Safety precautions should be made during demolition of the building for the safety of the public. Soil boring requirements for the septic system have been submitted.

Attorney Singer questioned the possibility of the site plan and drainage issue be submitted at the time of the building permit. Engineer Malinowski said he did not have a problem if the Construction Code Official is comfortable with reviewing that information.

Mr. Fox referred to set back requirements for R-1 which applies if sewer is not available. However, the applicant needs to seek variances for these requirements.

Attorney Singer requested an amendment to his application to allow for a 5 foot side yard with overall 10 foot total and also requested that, at the time of the building permit, submit a site plan with drainage showing required area of disturbance for each lot.

The public portion of the meeting was opened. With no comments or questions, the public hearing was closed.

A motion was offered by Committeeman Ocello and second by Douglas Borgstrom to approve this application with variances as requested. The motion was carried on a Roll Call Vote, recorded as follows:

AYE: OCELLO, BORGSTROM, TAHIRAK, GROUSER, SISZ, PINTO, PREIDEL  
NAY: NONE ABSTAIN: HERBERT

NOT VOTING: MARCHETTI, COLTE  
ABSENT: WAINWRIGHT, SENESE

RESOLUTION NUMBER 2022-2-5  
(A copy of this Resolution is spread on the following pages.)

**OLD BUSINESS:**

Liberty Lake/Mansfield Logistics Park – Barbed Wire Requirement

Attorney Dasti said he had been contacted by Administrator Fitzpatrick in regard to the requirement for barbed wire on top of the fences. This is adjacent to a child related park known as Liberty Lake. Both property owners have requested, for safety reasons, that the barbed wire requirement be removed from the prior approval. This is something the board can consider without the need for an application. Both property owners were in agreement.

Administrator Fitzpatrick said both property owners have contacted him and are in agreement to remove the barbed wire.

A motion was offered by Chairman Preidel and second by Committeeman Ocello to remove the barbed wire condition from the prior approval. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PREIDEL, OCELLO, TAHIRAK, BORGSTROM, GROUSER, HERBERT,  
SISZ, PINTO  
NAY: NONE NOT VOTING: MARCHETTI, COLTE  
ABSENT: WAINWRIGHT, SENESE

**DISCUSSION**

Chairman Preidel explained the conversations being held in regard to a re-examination of the Master Plan which was last completed in 2016. This is the duty of the Land Use Board who directs it to the Township Committee for final adoption. Since this has to be funded, he felt that the Governing Body is looking for ways to fund it after which meetings will be held. He noted it was a lengthy process.

Attorney Dasti added that the Board is required to re-examine the Master Plan every 10 years and, with the many changes the Township has experienced over the years, it is possible that it is time for a review.

Ed Fox referred to information the Board was provided condensing the information in regard to the goals and objectives of the different elements of the plan. He explained that, whenever the Land Use Element of the Master Plan is addressed, there is a requirement for having a climate resilient to planning evaluation. One thing to focus on is that the Township has just completed its court mandated affordable housing plan which requires housing to be built in two different areas. When this is adopted in the ordinance, the transfer of development rights program will not work. Most of the plan in the land use plan is based on TDR which will not work in Mansfield any more. The Board Members should be mindful of this.

Chairman Preidel referred to the state requirement for charging stations in certain areas of the township. He didn't feel it was in our zoning yet. Mr. Fox referred to the EVSE, Electric Vehicle Supply Equipment ordinance which became effective the end of 2021. New applications requiring preliminary site plan have to provide 1/3 of all parking spaces available to be charging stations. Tri State Petro was submitted after the state mandated the law, they must have the ESVE. Mr. Fox noted that the Township doesn't need an ordinance. The requirement can be referred to in the state law. Attorney Dasti said he will speak with Mr. Fitzpatrick and Mr. Prime tomorrow in regard to the model ordinance that can be adopted. Mr. Fox felt it was important for the Township to have its own ordinance. Mr. Fox also noted that one and two family homes as well as multi family of three and four units are exempt from this.

Mr. Schwartz questioned the process used in 2016 for the re-examination. Chairman Preidel said the entire Planning Board was involved in the discussions. He went into further detail about the process, including the various planners along the way. Attorney Dasti added the need to provide adequate notice including the adjacent municipalities.

#### BOARD COMMENTS

Chairman Preidel noted that, upon speaking to Land Use Coordinator Jolly, the Board is getting backed up with applications and, because of this, the possibility of two meetings a month has been proposed until there is a break in applications. He asked Ms. Semus and Ms. Jolly to consider scheduling meetings to be used when necessary, beginning in April. The Board members agreed.

#### PUBLIC COMMENT

Joe Baretta, Queens, NY, a Real Estate Broker represents an owner of property on Route 206. He asked Mr. Fox about the warehouse ban and whether it is consistent with the Master Plan as the Master Plan does state that Route 206 near Exit 7 is suitable for industrial development. Attorney Dasti said warehouses will not be permitted and referred to the newly adopted ordinance.

Bob Tallon, 2454 Axe Factory Road, declined to comment as there were other members of the Committee present and he was advised not to comment on something he will be voting on.

#### MOTION FOR ADJOURNMENT

A motion was offered by Carl Schwartz and second by Frank Pinto to adjourn. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

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Barbara A. Crammer, Deputy Clerk

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Linda Semus, Secretary

