

MANSFIELD TOWNSHIP
BURLINGTON COUNTY
REGULAR MEETING MINUTES
April 20, 2022
Hybrid Meeting

The regular meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Marcial Mojena, Deputy Mayor Rudy Ocello, Committeeman Robert Tallon, Committeeman Brian Sisz, Township Solicitor Sara Werner, Engineer Doug Johnson, CFO Bonnie Grouser, Administrator Michael Fitzpatrick, Deputy Clerk Ashley Jolly and Clerk Linda Semus. Committeeman Golenda was absent.**

Clerk Semus read the following opening statement.

“Public notice of this meeting pursuant to the Open Public Meetings Act NJSA 10:4-6 to 10:4-21 has been satisfied. Notice of this meeting was properly given via Resolution 2022-1-11. Resolution was transmitted to the Burlington County Times and the Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, posted on the official website, filed with the members of this body and mailed to each person who has prepaid any charge fixed for such service. All of the mailing, posting and filing having been accomplished as of January 7, 2022.

The Flag Salute was held with a brief moment of silence.

Mayor Mojena mentioned that this is the Township’s first hybrid meeting and he thanked the employees for getting everything ordered and installed so quickly.

DEPARTMENT REPORTS

Police Report:

Chief Mulhall mentioned an incident that occurred on April 11th during the overnight hours there was a motor vehicle theft at the Manheim Auto Auction. A group of suspects had breached the gate off of White Pine Road and stole 4 vehicles. Patrols responded to the area and with the assistance of Bordentown Township Police 2 vehicles were recovered at a gas station in Bordentown. A juvenile suspect was taken into custody. The following day a third vehicle was recovered in BroxBronx New York. The investigation is ongoing. On April 18th calls of a subject entering parked cars in the Hedding area specifically on Old York and Mansfield Road West. Residents are asked to call and alert the PD if they see anything suspicious. Regarding traffic complaints, the department has been working on the Axe Factory Road truck issue. Officers have spent a little over 18 hours total and have tallied a total of just over a thousand vehicles in that time, but only 5 trucks. All 5 of those violations were stopped and cited, but that is averaging one truck every 3 to 3.5 hours. He spoke to the public works department and fortunately some improved signs can be installed to hopefully discourage truckers from turning onto Axe Factory. A speeding complaint on Atlantic Ave has been reported. Officers are currently working on said complaint. Notice was received that Atlantic Ave will be milled and paved starting Monday of next week. This is a County project; they will be milling and paving from Route 206 to Main Street. There will be a land closure as opposed to detour. The work will be done during normal business hours during April 25th and 26th. Construction work will begin on Columbus Road and Jacksonville Road which is also slated to start on Monday, April 25th and should last about 3 weeks. The hours of work will be between 9am and 3pm. The contractor was seeking approval to extend the work hours but the Police Department objected due to the rush hour back ups/backup. There should be no impact or additional delays during rush hours. Lastly, he wanted to remind everyone about the coffee with a cop event which is scheduled for Tuesday, April 26th from 8:30am – 10:30am hosted by the Dunkin Donuts in Homestead Plaza II.

Fire Prevention/OEM Report:

Chief Borgstrom reminded everyone that burning is prohibited except for Farm uses, however they do need to obtain a permit from the forestry. All yard debris/debris can be taken to the Public Works yard on Saturday. Summons will be issued if the Fire Department and/or the Police Department are called out. Schools are scheduled for inspection during Spring Break week. The State of New Jersey requires those inspections by June 30th. Lastly, with Field Day coming up it will be used as a functional drill for the Emergency Management plan.

Administrator Fitzpatrick questioned how residents should report burning.

Chief Borgstrom explained if there is burning that is not a recreational fire pit, 911 should be called. The Police will go out to determine whether it is a permitted burn.

EMS Report:

Mr. Wirth explained that he is sitting in for Chief Senf while he is away. This week EMS is conducting active shooter and rescue task force training with Bordentown PD and FD. He added that any groups or community members who would like CPR training or stop the bleed training should contact Chief Senf.

Fire Department:

Deputy Chief Dubell explained that so far this month there have been 3 vehicle fires, 2 assist EMS, 4 motor vehicle accidents, 1 gas leak, 2 building fires, 1 forest fire, 1 rubbish fire, 1 cover assignment, 2 helicopter landing assignments and 9 alarm systems for a total of 26 calls. The Department is in need of volunteers to help protect the residents and their property. The number of volunteers has substantially dropped. There has been more reliance on the mutual aid fire company's companies to cover calls within the Township. Anyone interested in becoming a volunteer, may stop by the fire house on any Monday night, between 6:30pm and 10:00pm.

Engineer's Report:

Engineer Johnson notification from NJDOT was received that they will be opening up the 2023 grant applications for municipal aid. Applications will be accepted starting April 30th . 30th.

Mayor Mojena questioned if we've received these grants in the past.

Engineer Johnson stated that a portion of Mansfield Road East was done recently. Improvements to Island Road will be completed with FY2022 money.

Engineer Johnson stated that the Mill Lane culvert project is underway and there is a detour. The culvert has been replaced. The contractor has completed installing the erosion protection along the banks of the road. This project will most likely be another week due to weather.

Engineer Johnson mentioned the Margolis Phase II facility has requested a CO inspection. Said inspection was completed and recommendation made to grant the CO. Bonds are still being held at this time. Complaints have been received regarding the forced main extension, particularly on Mansfield Road East. It was noted that several of the patches needed to be touched up or refreshed because they were settling as well as, debris in the roadway. The contractor was informed that those patches needed to be restored to grade, as well as cleaning up the debris in the roadway. Regarding the PSE&G project, they are currently working on their electrical improvements. The APWC worship center has been held up with material delays, but they are back at it. A bond estimate was prepared for T&N project on Route 130. All bonds and escrow will need to be posted prior to a pre-construction meeting.

Committeeman Ocello questioned how many roads the Township will put in for grants.

Engineer Johnson stated that this is a yearly grant that the DOT does for municipal aid, which is typically for road work, minor stormwater improvements associated with roadwork. Typically they award 200,000 to 250,000 towards a project generally based on population. He will discuss with Public Works on what the next priority road would be.

DPW Report:

Foreman Metz explained that all of the PW employees had their 2022 stormwater training. All of the outfall inspections were completed and the basin inspections were completed. Grass cutting has started. This past week he had met with a contractor on Sheffield Drive to get a couple of prices to fix 88 feet of the stormwater pipe.

Foreman Metz proceeded to speak on Mansfield Community Park. Slides showing the proposed new playground equipment were discussed. The new equipment will be purchased through two grants; one for 100,000 and one for 75,000. He had spoken with Ben Schaffer regarding the

purchase of new playground equipment. As per the last JIF inspection there were some issues with the current equipment. The second part of the project would include rubber matting. All of the equipment falls under ADA including ages 2-5 and 5-12. More equipment would be added to the park.

Administrator Fitzpatrick stated that Mansfield Community Park has had the courts updated and fields groomed. The new equipment will be the final touch to bring the Park back to life as everything in the park will now be updated. He thanked PW Foreman Metz for his hard work on this matter.

Mayor Mojena stated that this is an excellent project and very helpful to have significant funding. He thanked all for their hard work.

Ordinance: Second Reading/Public Hearing/Final Adoption

ORDINANCE 2022 – 6

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 LOGISTICS/WAREHOUSE USES IN MANSFIELD TOWNSHIP AND TO FURTHER AMEND MANSFIELD TOWNSHIP CODE CHAPTER 44A, “SITE PLAN REVIEW”, SECTION 44A-4.1 “MINOR SITE PLAN SUBMISSION; DEFINITIONS AND REQUIRED DATA.”

WHEREAS, On March 16, 2022, by adoption of Resolution 2022-3-14, the Township Committee of the Township of Mansfield, Burlington County, New Jersey directed the Township of Mansfield Planning Board to conduct a reexamination of the Mansfield Township Master Plan pursuant to the New Jersey Municipal Land Use Law, N.J.S. 40:55D-89; and

WHEREAS, pursuant to the authorization of the Township Committee, and as authorized by N.J.S.A. 40:55D-89, the Planning Board prepared the “2022 Master Plan Reexamination Report for Mansfield Township, Burlington County, New Jersey” (the “Report”) by the Township Planner, Environmental Resolutions, Inc. dated March 18, 2022 (“ERI”). A copy of said Reexamination Report was posted on the official Mansfield Township website and was available for public inspection in the Office of the Mansfield Planning Board, 3135 Route 206, Columbus (Mansfield Township), New Jersey 08022 during regular business hours; and

WHEREAS, a virtual public hearing was scheduled by the Mansfield Township Planning Board, sitting as a Joint Land Use Board, pursuant to N.J.S. 40:55D-25c(1), on Monday, March 28, 2022 at 7 o’clock pm, prevailing time, to review, consider and possibly adopt the Reexamination Report; and

WHEREAS, pursuant to N.J.S. 40:55D-13, notice of the scheduled public hearing was given by publication in the official newspaper of Mansfield Township at least 10 days prior to the date of the hearing, and further notice was given by certified mail to the clerk of all municipalities adjoining Mansfield Township, and further notice was given by certified mail to the Office of Planning Advocacy and to the Burlington County Planning Board; and

WHEREAS, at the March 28, 2022, public hearing, the Planning Board reviewed and considered the Reexamination Report and heard all persons who were interested in the Reexamination Report and who offered evidence, made comments, or asked questions. All such comments, questions and evidence, given orally or in writing, were received and considered and made a part of the public record by the Board; and

WHEREAS, at the public hearing, the Planning Board further reviewed and considered testimony by the Township Planner, Edward Fox, of ERI, summarizing the Reexamination Report; and

WHEREAS, members of the Planning Board suggested amendments to the Reexamination Report, which were made and included in the Report by the Township Planner; and

WHEREAS, the Planning Board then adopted Planning Board Resolution 2022-3-4 adopting the 2022 Examination Report, as amended.

WHEREAS, as noted by the Township Planner in his testimony before the Planning Board, and in chart form in the Report there are currently approvals in place for five large logistics/warehouse projects (including two with multiple buildings) in Mansfield Township with a total building area of approximately 5,433,355 square feet (including one project only a small portion of which is located in Mansfield Township). Three buildings in the approved projects are under construction and the remaining buildings in the approved projects will be constructed over a period of years; and

WHEREAS, as the Report noted, one of the major changes in Mansfield Township’s land use distribution assumptions, policies, and objectives since the 2016 Master Plan reexamination relates to the number of existing and potential proposed large-scaled logistics/warehouse uses that have developed since 2016; and

WHEREAS, as the Report further noted, any municipal policies promoting the development or redevelopment of lands not already approved for logistics/warehouse uses would conflict with Mansfield Township’s Vision Statement:

Mansfield Township is a balance of "town and country" - a place with a vibrant village of Columbus and the inviting and cozy hamlets of Georgetown and Hedding nestled within a larger, rural landscape of productive farmland, open spaces, woodlands and wetlands.

In other words, additional logistics/warehouse uses would be contrary to the Township’s other following vision principles:

- Preserve farming, farmland and natural areas;
- Maintain attractive, safe and easily negotiable highways and intersections; and

- Support multiple modes of transportation, including pedestrians and farm equipment.

WHEREAS, the Reexamination Report, as a whole, noted that a number of the policies, goals and objectives from the prior Township Master Plans need to be studied in a more comprehensive, full reexamination report, including updates to certain of the Master Plan Element, and recodification and preparation of a Unified Land Use Ordinance, to be addressed by the Township Committee, in the near future; and

WHEREAS, the Reexamination Report made the following specific recommendations to be accomplished now:

Article XIX: General Regulations

§ 65-88 *Prohibited uses*. Section C: Significant Changes in Assumptions, Policies and Objectives identifies three separate land development / planning concerns related to the number of existing and potential proposed large-scaled logistics uses that have arisen since 2016. Additional logistics uses, which include: wholesale warehousing; commercial warehousing; distribution / trucking / terminal facilities; freight carriers / couriers / third-party transportation providers, etc. for non-agricultural freight, as well as off-site truck and trailer parking, or drop lots, that have not already received Board approval should be prohibited.

§44A-4.1 - Consider provisions that would define a “minor site” plan to include development on commercial farms greater than 1,000 SF of building construction or 1,500 SF of clearing, grading, paving, or excavation in recognition of the Township’s Right to Farm commitment.

WHEREAS, the Township Committee of the Township of Mansfield finds that it is necessary for the health, safety and welfare of the citizens and residents of Mansfield Township the specific recommendations as set forth in the Reexamination Report, as adopted by the Planning Board, should be enacted and implemented now.

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: The “**WHEREAS**” clauses in the preamble portion of this Ordinance above are incorporated herein and made a part of this Ordinance.

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

“**LOGISTIC/WAREHOUSE USES**” – wholesale warehousing; commercial warehousing; distribution / trucking / terminal facilities; freight carriers / couriers / third-party transportation providers, and similar uses for non-agricultural freight designed and used for the wholesale storage and distribution of goods, specifically including off-site truck and trailer parking, or drop lots.

SECTION THREE: 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) Logistic/Warehouse Uses.

SECTION FOUR: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, 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 FIVE: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, 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 SIX: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, 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 SEVEN: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, 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 EIGHT: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve below, 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 NINE: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve below, 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 TEN: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve below, 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 ELEVEN: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, 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.

SECTION TWELVE: The following projects on the following parcels of land in Mansfield Township have been proposed for development with logistic/warehouse uses pursuant to Redevelopment Plans and Redevelopment Agreements which included covenants by the Township that the Township would not change the underlying zoning for the projects on said parcels. The projects on said parcels have further received land use development approvals from the Mansfield Township Planning Board which vest certain rights in the owners of said parcels and projects. Therefore, the following projects on the following parcels of land in the Township are exempt from the provisions of this Ordinance. Any future development of the projects on the following parcels shall be governed by the terms, conditions and covenants of the Redevelopment Plan, Redevelopment Agreement and the land use development approvals for the project.

1. Mansfield Logistics Park: Florence Columbus Road (mm 8.3), Zone: ODL
 - a. Margolis Phase 1 (2 buildings): Old Block 47.01, Lots 9.01, 9.02, 3.02 & p/o 11
New Block 47.01, Lot 11.01
 - b. Margolis Phase 2: Old Block 47.01, Lots 12 & p/o 11
New Block 47.01, Lot 11.02
2. Mansfield Realty North: US Route 206 (mm 36.5), Zone C-2
 - a. Mansfield Road/206 East: Old Block 3, Lots 5.01 & 10.01
New Block 3, Lot 5.03
 - b. Mansfield Road/206 West: Old Block 4, Lots 6.01 & 7
New Block 4, Lot 6.03
3. Elion Acquisitions: US Route 206, south of Mansfield Road West, Zone C-2
Old Block 30, Lots 9.02, 10, 11, 12 & 13.02
New Block 30, Lot 9.02 and Block 30.01, Lot 1
4. Segme Mansfield (Jones Farm): 5206 Route 130, Zone LI
Old Block 59, Lots 7.01 & 7.02; New Block 59, Lot 7.03
5. Turnpike Crossings IV, NFI/Vanco: 1170 Florence Columbus Road, Zone ODL
Old Block 45.01, Lots 2.01, 3.01 & 3.02, New Block 45.01, Lot 2

SECTION THIRTEEN: Mansfield Township Code Chapter 44A “Site Plan Review”, Section 44A-4.1 is hereby deleted, repealed and replaced as follows:

A “minor site plan” shall be defined as follows: (a) building construction of less than 1,000 square feet and/or (b) clearing, grading, paving or excavation of less than 1,500 square feet; however, buildings in excess of 1,000 square feet and/or clearing, grading, paving or excavation in excess of 1,500 square feet that is incident or accessory to an agricultural use of the property shall be considered a minor site plan in recognition of the Township’s Right to Farm commitment.

A motion to adopt the above ordinance was offered by **Committeeman Sisz** and seconded by **Committeeman Tallon**.

Public Comment:

Mayor Mojena opened the meeting for public comment on the above ordinance.

Tim Boyd, 4 Surry Court – Comment was inaudible as the microphone was not used.

Ray Vinisko, 44 Settlers Lane – He is concerned about the condition of the houses on Route 206. It seems as if they are ready to fall down. He questioned if any of them are being demolished in the near future.

Mayor Mojena explained that although this is a good question, it will need to be addressed during general public comment. This portion of public comment is in regards to Ordinance 2022-6 only.

Mr. Vinisko added that he is really pleased with stopping the warehouses. He would like to keep the town agricultural. He has heard that a warehouse will be constructed on Columbus Florence Road. He asked if this was true. It is his understanding that there will be a warehouse and parking lot on the boarder of Florence and Mansfield Township.

Planner Fox stated that the two warehouses mentioned have been approved by the Township Joint Land Use Board. The one on the north side of the road is the Wainwright property and the one on the south side

is the Lounsberry property. Both stretch across the Township lines and to his knowledge they have not yet been approved by Florence.

Thomas Prol, Attorney for Turnpike Junction – He stated his client owns 3 lots over East Sharp Road and 1300 Jacksonville Road. He would like some more time before the Ordinance is adopted. His clientsclient’s property is located in the ODL zone which principally permits warehouse facilities, trucking facilities and distribution facilities. The property is near the NJ Turnpike which makes it an ideal location for a warehouse and logistic use. He feels there was not any consideration given to individual sites or zones including this particular site. The NJ State Planning Commission is finalizing zoning regulations on warehouse development for municipalities and counties. Since this is still underway he feels this Ordinance is premature. The ordinance eliminates realistic opportunities for development on his clientsclient’s property. He asked the Committee to consider his comments.

Peter SteckStack, License Planner – He was asked by Turnpike Junction to look at the proposed ordinance with relation to its three properties. Two of their properties are in the ODL Zone and one is in the LI Zone. Both properties are affected by the ordinance. The justification by the planning board is that the new ordinance advanced the vision statement that the planning board had adopted. He noted that the vision statement has not changed from the prior master plan that justifies the inclusion of warehousing and logistics uses. There are other aspects that are concerning and in his judgment this ordinance amounts to a moratorium on any new logistics or warehouse uses. As the Committee may be aware the MLUL prohibits moratoriums unless there is a statement from a health officer that it is needed for health and safety reasons. In addition, MLUL requires uniformity in the treatment of uses within each zone. This ordinance divides a number of zones into two categories; some properties that had warehouse uses or were approved for warehouse uses those uses will be permitted in the zone, but the same uses on another property in the same zone are prohibited. Warehouses are being treated differently within the same zone, which he feels violates MLUL. There is also an issue with notice to property owners. Normally, the MLUL requires that when a zone is reclassified property owners and those within 200 feet are notified of such. There is an exception in MLUL when the rezoning is recommended in a re-examination report, however the recent re-examination report does not identify properties where logistics and warehousing is now going to be prohibited. It only identifies individual properties where the warehousing/logistics uses is going to be permitted. He thinks the Mayor and Committee should look at the ordinance more before it is adopted.

Edward Fox, Township Planner (sworn in by Attorney Werner) – He worked on the Master Plan Re-Examination report which was produced in accordance with the MLUL and standard practices for professional planning in NJ. In the past 3.5 years he’s been working with the Township regarding all sorts of development practices and concerns specifically traffic, quality of life and farmland preservation/affordable housing. For the ten years prior to becoming the Township Planner, he worked as the Regional Planning Coordinator and Manager for the County of Burlington. He worked on most of the planning activities in the Township at that time as well. He can report that in the 13 years that he has been working in the County he has seen more than 15 million square feet of warehouses being produced in this part of Burlington County. The Master Plan Re-examination Report was very detailed about the history and the reason why warehouses and heavy vehicles are coming to this part of the state. He can also report that when he was with the County of Burlington there were tremendous problems with unanticipated traffic backups and emergency management provisions in the Townships of Florence and Burlington (Township & City) regarding large trucks and warehouses because although they were zoned for them, they were not planned for them. It was expressed by many that they do not want any more warehouses in the Township. He specifically spent time in the Master Plan Re-Examination Report working with the Solicitor as well as, the Joint Land Use Board in researching all the different approved warehouse and logistic uses. He analyzedanalyzed all the zones and major properties where such warehouses could be developed. This particular site being discussed is in the forks of the NJ Turnpike and the PA Turnpike. Warehouses are allowed on lots of two acres or more. The other parts of town in the C-2 district where they’ve been built, they’ve been on 20 acres or more. He mentioned in the Master Plan Re-examination Report that one of the reasons why warehouses/industrial development was improved for the area between the forks in the turnpike, which also includes the County Landfill, the Margolis Warehouse and the NFI Vanco Warehouse. This is because in 2004 the Mansfield Township Planning Board approved a circulation element which had a group of streets and roads that were made to create an industrial park in that part of the Township. It was to connect Sharp Road from Mill Lane to Jacksonville Road and down to Florence and Columbus Road. This would provide for communication and easy transportability of access without disturbing historic areas like Hedding or Columbus. When there is internal circulation, it works very well. That type of internal circulation is what Florence Township, Burlington Township and Burlington City did not do. There is an Amazon Warehouse facility that straddles Burlington City and Burlington Township, the only way to get there is to go into the edge of the center of Burlington. When the farm on the other side of the property in question was preserved for farmland and the Margolis property was approved, that entire Sharp Road connecting project was no longer available. This means that if a warehouse or major logistics use were to be developed on that property, they would need to go into Hedding or go through Mill Lane and back through Columbus or you could go to Jacksonville Road where there are some other warehouses being built. That would be a traffic nightmare. The quality of life in historic villages like Hedding and Columbus would be completely destroyed with any additional lack of transportation planning for this

particular use. He added that the Joint Land Use Board passed a resolution indicating that the Ordinance was consistent with the Master Plan. The vision statement did not change. The vision for the Township is simply a balance of town and country. This area has been a farm area for many years and farming is an important industry in this part of the Township. He recalls putting on the record in each one of the zones where warehousing was recommended to be removed that each one of the other zones allowed viable uses. This was just the removal of one use that was permitted in that zone. The idea of creating two different categories of zones; one where warehouses that have already been approved is one type of zone and the other is where nothing has been approved. This is a change of circumstance that is identified in the Master Plan. The notice of property owners does not need to be done with a Master Plan Re-Examination Report that was approved during a public hearing. If boundaries are being changed on a property or a few properties outside of a Master Plan then you are required to notify people. Lastly, this was done very intently and analyzed properties including the one being discussed.

Kristianne Goodenough, 28126 Gaunts Bridge Road – She explained that part of Mansfield’s vision statement states that to maintain farmland as the highest and best end use of the land. Most of the properties that currently have warehouses approved have been actively farmed in the recent past. This Ordinance ensures that the Master Plan is being followed and valuing farmland. Although agricultural is not the most profitable however at the end of the day there is a reason why there are still so many farmers in the Township.

John O’Callaghan, 53 Oak Lane, New Egypt – He’s been following this for many years. He’s not sure how anyone could think that we need more time to do this. He feels it is consistent with the Master Plan and he does not believe that it creates split zoning. He thanked the Committee for doing the right thing.

Mayor Mojena closed the public hearing session.

Mayor Mojena added that this is something that has been discussed and looked at in this Township for many years. There are several warehouses approved and being built. In terms of adding more he has witnessed the residents of the Township speak clearly, repeatedly and loudly; with that the Committee has listened. In regards to adding more warehouses, the Committee has listened to the public’s opinion and the public is not in favor of that at this time.

As stated above, the motion to adopt the above ordinance was offered by **Committeeman Sisz** and seconded by **Committeeman Tallon**. Motion carried unanimously as follows:

AYE: SISZ, TALLON, OCELLO, MOJENA

NAY: NONE ABSENT: GOLEND

CONSENT AGENDA:

Note to the Public: Robert's Rules for Parliamentary Procedure provide for a consent agenda listing several items for approval by the Committee via a single motion. Any item requiring expenditure is supported by a Certification of Availability of Funds. Any item requiring discussion will be removed from the Consent Agenda.

RESOLUTION 2022-4-14

A RESOLUTION CONSENTING TO THE PROPOSED TRI-COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT FOR THE VANCO WAREHOUSE COMMERCIAL DEVELOPMENT BLOCK 45.01, LOTS 2.01, 3.01 AND 3.02 MANSFIELD TOWNSHIP

WHEREAS, Mansfield Township has received a written request dated March 2, 2022 for municipal consent pursuant to N.J.A.C. 7:15-3.5(g) to a proposed amendment to the Tri-County Water Quality Management (WQM) Plan for a commercial development known as “Vanco Warehouse Commercial Development”, Block 45.01, Lots 2.01, 3.01 & 3.02, Mansfield Township, Burlington County, prepared by Coastal Environmental Consulting, LLC; and

WHEREAS, the amendment will expand the existing sewer service area (SSA) by 0.83 acres on Lot 3.02; and

WHEREAS, the project will generate a proposed wastewater flow of 10,000 gallons per day (GPD) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyancing facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, the proposed WQM plan amendment has been publicly noticed in the New Jersey Register and the New Jersey Department of Environmental Protection (NJDEP) has determined that the proposed amendment is compliant with the applicable regulatory criteria at N.J.A.C. as described in said notice; and

WHEREAS, Burlington County has confirmed that the proposed change in the SSA designation is acceptable

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

1. By adoption of this resolution, Mansfield Township hereby consents to the proposed Tri-County Water Quality Management (WQM) Amendment for a commercial development known as “Vanco Warehouse Commercial Development”, Block 45.01, Lots 2.01, 3.01 & 3.02, Mansfield Township, Burlington County, prepared by Coastal Environmental Consulting, LLC, as publicly noticed by NJDEP.
2. This Resolution hereby incorporates by reference the findings by NJDEP, as set forth in public notice, said notice being attached hereto and part of this Resolution as Exhibit A, including the DEP determination that the proposed sewer service area (SSA) does not contain any areas mapped as endangered or threatened wildlife species habitat rank 3, 4 or 5; does not contain any areas mapped as natural heritage priority sites; and the SSA does not contain any C1 waters or 300-foot riparian zones along any C1 waters or tributaries.
3. A certified copy of this resolution shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

RESOLUTION 2022-4-15

RESOLUTION FOR THE REFUND OF HOMESTEAD REBATE

WHEREAS, a Homestead Rebate Credit for the year 2018 taxes was applied to the properties listed below in 2022; and

WHEREAS, the homeowner is declared as 100% Disabled Veterans and is exempt from paying taxes; and the refund is due to the homeowner;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on April 20, 2022 hereby authorizes the refunding of the following by the Tax Collector.

Block	Lot	Property Owner	Address	Amount		
		Robert Ward	36 Settlers Lane	\$557.69	42.21	7

A motion to approve the consent agenda was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Tallon** however **Committeeman Tallon** asked to discuss Resolution 2022-4-14.

Mayor Mojena agreed to said discussion.

Committeeman Tallon explained that he is concerned with the long term affects. He further explained that the developer is only responsible for general maintenance. The Township is responsible for any major repairs to the pipe and/or road.

Administrator Fitzpatrick thanked **Committeeman Tallon** for bringing up this matter. He clarified that this is something that was done by a previous committee, but he wanted to make clear that what **Committeeman Tallon** is referring to is two phases; the everyday maintenance is being paid for by the developer however down the road if the pipes were to fail under the road that is not everyday maintenance. The large capital projects are not covered by the developer.

Committeeman Tallon read the following statement from a document dated November 20, 2012: “The Township has provided information indicating that the wastewater management plan amendment will not impact taxes as it has already been budgeted. Proposed development such as the Margolis Warehouse was included in the amendment by Mansfield Township in an attempt to create ratable and lessen the burden of the tax payer. The Township maintains that any costs associated with future utility will be burdened by the utility user only, not the tax payers in the Township at large.”

Mayor Mojena explained the resolution on the agenda this evening is amending an existing agreement. The Township Committee will need to analyze what can be done to mitigate this issue for the future.

Attorney Werner added that the discussion regarding who is responsible for maintenance is not related to the resolution on the agenda. There is an existing agreement and the resolution is to map the new area of treatment that will be included in the agreement. Terms of the agreement will not be changed by this resolution. She further explained the time limit on adopting the resolution.

Committeeman Tallon questioned if the Planning Board gets involved with the wastewater management plan amendments since the come in after approval is given.

Attorney Werner explained that it falls under the jurisdiction of the DEP and outside agency approvals are a part of Planning Board approvals; however, the DEP monitors it. The amendment being discussed has already been approved by the DEP.

Committeeman Tallon questioned if additional warehouses that were approved will be able to tie in as well.

Attorney Werner could not confirm that as it the DEP's jurisdiction.

Mr. Landsburg, NFI – He wanted to clarify the resolution is limited to just their site. NFI is doing a lateral into the existing infrastructure that is on the Margolis site. It is a private lateral and will be funded by NFI. In addition, NFI will fund 100% of the cost, maintenance and 100% of any long term capital repairs going forward.

Mayor Mojena directs the Solicitor to examine this issue to determine what can be done to understand the long term capital costs and what can be done to protect the Township.

As stated above, a motion to approve the consent agenda was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Tallon**. Motion carried on a roll call vote recorded as follows:

AYE: OCELLO, SISZ, MOJENA

NAY: TALLON ABSENT: GOLEND

BILL LIST: Regular & Escrow

A motion to approve the bill list was offered by **Deputy Mayor Ocello** and seconded **Committeeman Tallon**. Said motion carried unanimously as follows:

AYE: OCELLO, TALLON, SISZ, MOJENA

NAY: NONE ABSENT: GOLEND

DISCUSSION ITEMS/PUBLIC HEARINGS/PRESENTATIONS TO COMMITTEE:

A. Cannabis Presentation – Peter DeStefano

Mr. DeStefano is being represented by his Attorney Marty Judge. Attorney Judge explained they will be presenting a power point presentation. It will be a conceptual presentation for the consideration of the Township Committee of a proposed amendment to an existing Ordinance that does not allow any form of cannabis business in the Township. His client is seeking permission to grow a limited quantity of cannabis in an existing greenhouse on an existing farm (Hedding Farms). If the Committee were to amend the Ordinance to allow this, they would need to file an application for a state license from the Cannabis Regulatory Commission. This is solely for the growing of cannabis. There will be no wholesale, distribution or retail. Should any approvals be obtained, the applicants are aware that they will need to comply with certain NJ requirements.

Mr. DeStefano he has been a Mansfield resident and teacher for 10 years. He gave his educational qualifications. He has worked on his family farm for many years.

Mohammad Hassan is working on this project with Mr. DeStefano. He gave his educational qualifications. He will be handling the marketing aspects of the business.

Adam Withosomedio is also working on the project. He gave his educational qualifications and background. Currently they are looking to hire additional individuals to work on this project.

Mr. Withosomedio explained there is a market demand for the product and he will be cultivating organic product. He would like to help preserve the agricultural heritage of Mansfield Township. Hedding Farms is located at 1126 Hedding Jacksonville Road adjacent to the Homestead Development. The micro grow business will be less than 1,000 plants. Organic growth methods would be used with minimal environmental impact. Mr. Withosomedio showed a slide of the farm with the existing greenhouse where the business would take place.

Mr. Withosomedio went through the current guidelines in NJ in regards to a micro grow cannabis business. The workforce cannot exceed 10 employees. Growth area cannot exceed 2,500 square feet and height cannot exceed 24 feet. There are limitations on the amount of crops that may be housed in the greenhouse. The owners cannot have interest in any other cannabis industries. He explained how the trends are currently going in regards to cannabis. In regards to legalizing cannabis in NJ over 2/3rds were in favor of the ballot measure allowing recreational cannabis usage. In Mansfield Township 3,705 people were in favor of recreational cannabis usage (per ballot questions), 2,182 voted no.

Mr. Hassan explained that the township can decide exactly what type of cannabis business is right for their community. He went over the therapeutic benefits of cannabis. He further explained that Hedding Farms is not a dispensary. The cannabis that is grown will be sold to wholesalers in NJ. There will be very minimal foot traffic.

Mr. DeStefano added that up to 2% of every sale will be given to the Township. He feels this is a way to help preserve the farmland in the Township. He gave some history of some of the local farms. He would love to help donate to several of the Township organizations such as the Historical Society and Special Events Committee. He explained a charitable organization he is hoping to start in the near future.

Mr. Withosomedio went over the security of the site. Hedding Farms is naturally secluded with the greenhouse almost 400 yards off the road surrounded by forest. There is one entry and exit with a locked key pad and buzzer access gate with a camera. Several cameras would be installed onsite as well as, electronic fencing. They will hire a security contractor who will be connected to the Police, Fire and EMS Departments. The greenhouse will have access for only authorized NJ CRC ID card holding personnel. Fire suppression systems will be installed.

Mr. DeStefano briefly discussed traffic which would be minimal. Regarding visibility the greenhouse is already constructed any additional necessary structures would not be visible to anyone on the road. There would be no customers on the site. He then went over the filtration system for any possible odors. It regards to odor it is the size of the operation that matters. Regarding water consumption, techniques that use less water will be utilized. The grow facility will be 100% organic; there will be no pesticides or chemicals used. For lighting, LED lights will be used and they are better at conserving energy. Mr. DeStefano briefly summarized his presentation. He asked that the Committee allow his micro grow business to operate in good standing and allow them the right to farm.

PUBLIC COMMENT: Regarding the Presentation

Ray Vanesco, Homestead – He asked if the CRC was a part of the Department of Agriculture. He also questioned if the property would be inspected. The size of the site was said to be 1,000 plants however he was curious if that would be expanded.

Mr. DeStefano clarified that the CRC is a separate entity. The CRC would send an inspector however, approval from the Township as well as the State is necessary. In regards to size, the state offers 5 tiers; micro 1,000 plants, Tier1 is 10,000 and Tier 5 would go up to hundreds of thousands. The complaints regarding smell are usually from the Tier 5 facilities. In addition, the Township has the ability to limit size.

Kristianne Goodenough 28126 Gaunts Bridge Road – If this was allowed she suggests getting in touch with Fire Marshall Borgstrom and EMS Chief Senf as well as, Chief Mulhall. She questioned if this matter would need to go before the JLUB.

Attorney Werner explained if the Ordinance was amended most municipalities have created their own boards similar to a CRC and can review for licensure and possible referral to the JLUB.

Andy Foss, 110 Candlelight Court – She is not against legalization, but she feels the information regarding odor was glossed over. She is worried about the wastewater and the possibility of increased theft she is concerned about trucks going in and out during harvest season.

Mr. DeStefano explained that much of that was addressed. Regarding the harvest season at the small scale the harvest only occur 3 to 4 times per year. More than likely for 1,000 plants it will be two to three vans not trucks. He briefly addressed the water techniques and odor that was previously discussed.

Ron Robinson, 34 Candlelight Court – He questioned why this type of business would need to be next to 1,100 senior citizen homes.

Mr. Hassan explained the farm happens to be Mr. DeStefano's residence. He reiterated the small scale of this micro grow business.

Karen Shannon, 13 Laurel Ridge Lane - She questioned what justifies amending the Ordinance for this business.

Attorney Judge explained the reasoning why there is an Ordinance against any cannabis business within the municipality as at the time the state did not have any set regulations and municipalities only had a certain amount of time to adopt Ordinances regarding same.

Rosemary Dhi, 27 Carriage Hill Lane – She is concerned about the health, safety and welfare of the residents. She feels homes values will go down and is also concerned that the filtration system will not work appropriately. She questioned how the product is stored.

Mr. DeStefano explained that the product is in a vacuumed sealed containment system until it is picked up for distribution.

Lisa, 35 Lake View Terrace – She is concerned about the impact on the neighborhood as well as the impact of the lighting on the homes.

Mr. DeStefano mentioned that any impact study would be submitted to the land use board.

Attorney Judge further noted that the Township has the ability to establish their own licensing board.

Robert Higgins, 450 Mansfield Road East – He is aware of the concerns over cannabis and the Ordinance was passed because the regulations from the State were unknown. Now that there are rules established he feels it is up to the Committee to decide what is best for the Township. He would like to see the town stay agricultural and cannabis is an agricultural use. He discussed odor and how all farms produce odors.

Joseph VanMater 26954 Mt. Pleasant Road – He likes the idea and would like to keep Mansfield agricultural. He questioned the 2% sales to the municipalities. He also questioned the projected revenue.

Mr. DeStefano confirmed that is the capped amount to the municipalities. It cannot go higher than 2%. Projections for one year after the first harvest would be \$2.1 million gross.

Joe, Deep Hollow Lane – He lives directly behind the farm. He is concerned with night traffic.

Mr. DeStefano explained they are capped at 10 employees. As far as nighttime traffic goes it will most likely be one person.

Vinny, 62 Deep Hollow Lane – He was thankful for the presentation and wishes them good luck.

Shavone Constantine, Deep Hollow Lane – She doesn't feel it's the prudent to do this so close to a senior citizen neighborhood.

Kate Tallon, 53 Oak Lane, New Egypt – She enjoyed the presentation. She mentioned that she works for the Watershed Association and was happy to hear the operation would be organic with no chemical runoff. She supports all agriculture regardless of the product.

Karen Shannon – She questioned if the security lights would be on all night.

Mr. DeStefano – The lighting will be on the opposite side where it is very wooded.

Attorney Werner explained these are questions for the JLUB should the Committee change the Ordinance to allow the micro grow facility.

Barbara McDonald, 24 Fernwood Court – She questioned their long term goals.

Mr. DeStefano explained that the vision is for the micro business at this particular location.

Ruth Cosma, 18 Deep Hollow Lane – She backs up to the property and she is concerned with the odor, light pollution and noise as well as home values.

Attorney Judge referenced his environmental law experience how this will be very minimal impact and most likely undiscernible.

Josh Rosier, 24739 East Main Street – He wished them the best of luck.

There were no further comments from the public.

Attorney Werner clarified that the gentlemen were not seeking any approval this evening. They simply wanted to find out if the Committee would be open to entertaining any cannabis related facility; in particular a micro facility.

Mayor Mojena thanked the gentlemen for their presentation.

B. NFI Request – Michael Landsburg

Mr. Landsburg he is the Chief Development Officer, NFI which has the Vanco project that was the subject of an earlier resolution. He gave a brief background on the NFI warehouse approval process which now has final approval. The sewer service amendment from the DEP is in process. NFI would like to begin some site work clearing, grading, stormwater and utility infrastructure and is asking for approval for same from the Committee while they wait for last permits and approvals to come in within the next 60 days.

Mayor Mojena asked if completing the grading would help with seeding and planting before the winter season to prevent soil erosion.

Mr. Landsburg confirmed and stated that it will also help keep them on schedule.

Attorney Werner stated that this type of site work was permitted previously prior to the adoption of the new Ordinance. It is still permitted the only difference is the developer needs to come before the Committee to ask permission to do so. As per the Attorney's office and the Engineers office there are no issues with the exemption being granted.

A motion to approve the request to allow site work to begin at the Vanco site was offered by **Committeeman Sisz** and seconded by **Deputy Mayor Ocello**. Motion carried unanimously on a roll call vote recorded as follows:

AYE: SISZ, OCELLO, TALLON, MOJENA

NAY: NONE ABSENT: GOLENDIA

NEW BUSINESS: Mayor's Comments/Updates

Committeeman Tallon – He was invited to the old Quaker meeting house regarding some grave stones that were knocked over on the developers property. He does not think this should be allowed. He provided pictures to the Administrator.

Administrator Fitzpatrick explained that he has viewed the pictures. He mentioned that as part of the approval the developer had to do ground penetrating radar and it seems that work was completed. He will have a conversation to see how much was disturbed when they had left the site.

Mayor Mojena stated that he met with the Mayor of Bordentown to discuss 53 acres of what would become a waterfront park. Slides of same were shared with the public. There would be trails and bird lookouts etc. Mansfield owns 20 acres adjacent to the 53 acre park. They asked for Mansfield's interest in participating. Personally he is very interested.

Some brief discussion of the location of the park occurred.

Mayor Mojena then mentioned the affordable housing trust fund and how Triad has done two mailings to get the word out about funding that may be used to rehab affordable units as well as, mortgage assistance. So far no one has responded to the letters.

PUBLIC COMMENT:

Robert Higgins, 450 Mansfield Road East – He had thought someone had tried to develop the waterfront property years ago and it was highly contaminated. Regarding the sewer line discussion from Margolis to Burlington City; he believed Margolis was not going to use all the sewerage and at the time he thought some of that could be used for downtown. He believes that is the reason they were not charged for capital maintenance fee. He then mentioned the Pulte property and questioned how they would be getting sewer or septic. He would have an issue if they would be getting sewer from Homestead. He had understood that anyone who ties into the Margolis line would be charged a maintenance fee.

Colleen Herbert, 2 Millennium Drive – She is so thankful for all the improvements going into the parks however, Jef Jones (prior Township Superintendent), held everything together with a needle and a thread. She feels Brandon and the current PW Department are doing a great job, but the Township has resources now that it didn't have before. We cannot forget Jef because he kept everything together with very little funding. She thanked Jef Jones for everything he has done for the Township. Next she thanked the Committee for holding the Developers accountable. She then mentioned the walking path in Mansfield Community Park which has some gaps. Lastly, she is not against a take a book leave a book library in the park. She is just concerned with the safety of such. She explained the importance of communication.

Mayor Mojena thanked Mr. Jones for all his hard work over the years. He also thanked Ms. Herbert for her comment.

LaVerne Cholewa, 43 Vandevere Lane – She is the President of the historical society and she was disappointed to find out the roof leak and heating/air will not be fixed upstairs as the historical society just spent \$1,000 on the mural. She is also concerned about the safety of the artifacts in them museum. Secondly, she received a call about the cemetery. She believes graves were dug up and tombstones were all over the place. She has heard that scavengers have begun taking things from the site. She is very concerned about this matter.

Administrator Fitzpatrick added that the developer was doing ground penetrating radar to see where the graves were located.

Some additional brief discussion took place regarding the grave site and the possibility of scavengers on the site.

Mayor Mojena added regarding the ac unit for upstairs, that the Township is looking into programs that will help the Township to reduce power consumption and install highly efficient equipment. They will pay up to .85 cents on the dollar. In the meantime, possibly some temporary units can be installed.

Bill Robbins, 139 Newbold's Court, Vincentown – He had appeared before the Land Use Board before because he is the President of the Quaker organization which sold the old meeting house to the Ad-Dawah Center. He was made aware of the Warehouse application that received approval. He let the attorney of the JLUB know that the property behind the home was a burial ground. In visiting the property he is concerned with what he saw. He is aware that there will be a redesign of the basin and he would like to know if there would be an amended site plan submitted to the JLUB.

Administrator Fitzpatrick explained that the application has been before the board and received final approval.

Some additional discussion took place regarding preservation of said cemetery.

There were no further comments from the public.

MOTION FOR ADJOURNMENT

A motion was offered by **Committeeman Tallon** Deputy Mayor **Ocello** and second by **Committeeman Sisz** to adjourn. Motion carried unanimously. .

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Ashley Jolly, RMC, CMR
Deputy Clerk

Linda Semus, RMC, CMR
Municipal Clerk