

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

RESOLUTION NO. 2022-12-3

**RESOLUTION AUTHORIZING AND DIRECTING COMPLETION OF NEGOTIATIONS ON
SETTLEMENT AGREEMENT TO RESOLVE LITIGATION FILED BY TURNPIKE
JUNCTION AGAINST THE TOWNSHIP OF MANSFIELD AND PLANNING BOARD**

WHEREAS after preparation and adoption by the Joint Land Use Board of Resolution 2022-04-07 approving the reexamination of the Mansfield Township Master Plan by the Mansfield Township Joint Land-Use Board, the Township Committee adopted Ordinance 2022-6, prohibiting warehouse and logistic uses in Mansfield Township; and

WHEREAS, after serving notice to all of the property owners of 161 properties in the Township affected by Ordinance 2022-6 prohibiting said warehouse and logistic uses, and after adoption by the Joint Land Use Board of Resolution 2022-08-12 confirming that the Ordinance was consistent with the Township Master Plan, after reexamination, the Township Committee adopted Ordinance 2022-13 re-adopting Ordinance 2022-6; and

WHEREAS, Ordinance 2022-13 was adopted by a split vote of the Township Committee, with three members voting for adoption of the Ordinance and two members voting against; and

WHEREAS, both Ordinances exempted previously approved warehouse projects including five projects approved pursuant to a redevelopment plan prohibiting zoning changes on said properties, as well as two projects that had received approvals prior to adoption of the Ordinances from the Joint Land Use Board; and

WHEREAS, litigation has been filed by Turnpike Junction Inc. ("Turnpike Junction") against the Township and the Joint Land Use Board challenging Ordinance 2022-6, and the warehouse ban generally (the "litigation"); and

WHEREAS, Turnpike Junction owns Block 4, Lot 5, with frontage on Route 206. ("Route 206 Property"). The 206 Property is in the same geographic area of the Manheim auto auction property as well as the warehouse projects already approved and under construction on Route 206; and

WHEREAS, the Route 206 Property is also included in the 2017 Mansfield US Route 206 Northern Area Redevelopment Plan, the same Redevelopment Plan that includes the other warehouses on Route 206; and

WHEREAS, since the Route 206 property is already in the Redevelopment Area, if a warehouse can be developed on the Route 206 property, the Township and Turnpike Junction would already be entitled to enter in to a pilot agreement for payment of an Annual Service Charge instead of regular property taxes, resulting in additional funds to the Township that are ultimately going to be very important given that, with the warehouse ban now being permanent, there will be little or no for future non-residential development in Mansfield; and

WHEREAS, the Township Attorney has recommended a settlement of the Turnpike Junction litigation to finalize the adoption of Ordinances 2022-6 and 2022-13, eliminating years of delays during which time other property owners could challenge the validity of the Ordinances, and to eliminate any challenge as a result of the split vote of the Mansfield Township Committee on Ordinance 2022-13; and

WHEREAS, the Township Attorney has further recommended a settlement to avoid the anticipated hundreds of thousands of dollars of legal, planning and other professional fees required to defend said Ordinances in the litigation; and

WHEREAS, the Township Attorney has further recommended a settlement that would allow the Route 206 Property to be developed for a warehouse, but without any guaranteed minimum square footage or any other guarantee. The development would be for whatever development density and square footage area that the Planning Board, DEP and DOT ultimately approve, in the same manner as the other warehouses on 206; and

WHEREAS, the other Turnpike Junction properties are located on East Sharp Road (Block 48, Lots 1 and 2, Block 49, Lot 1, assessed with Block 49, Lot 3) and Jacksonville Road (Block 56, Lot 1) collectively, the (“Jacksonville Road Properties”); and

WHEREAS, the Jacksonville Road Properties are in an area of other preserved properties, including the “County Rails to Trails” easements and the preservation of the Jacksonville Road Properties would be a significant and important addition to the Township's open space and/or farmland preserved inventory; and

WHEREAS, the Township Attorney has recommended that any settlement of the Turnpike Junction litigation must require that the Jacksonville Road Properties be permanently restricted against from any further development and either deed restricted for farmland preservation or conveyed as deed restricted open space to the Township or County; and

WHEREAS, the Township Attorney has further recommended the settlement to also prevent further litigation in the event that the Township Committee decides to proceed with the Tower Gate Industrial Alternate Development.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey that the Township Attorney is hereby authorized and directed to complete negotiations on a Settlement Agreement to resolve the litigation aforesaid, and, upon completion of said negotiations, to provide said Settlement Agreement to the Township Committee and the Joint Land Use Board for final approval and execution, and

BE IT FURTHER RESOLVED that the adoption of this Resolution shall not be interpreted or considered to be an approval of the Turnpike Junction Settlement Agreement by Mansfield Township, unless and until a final form of agreement is authorized to be executed by adoption of a resolution of the Mansfield Township Committee and, where required, the Joint Land Use Board of Mansfield Township; and

BE IT FURTHER RESOLVED that any real estate development or project proposed as a result of the execution of any settlement agreement with Mansfield Township is subject to all required outside agency approvals, including, but not limited to, the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Department of Transportation (NJDOT), Burlington County and subdivision/site plan approval by the Mansfield Joint Land Use Board.

MOTION: SISZ

SECOND: OCELLO

ROLL CALL VOTE:

AYES: SISZ, OCELLO, TALLON, MOJENA

NAYS: NONE

ABSENT: GOLENDIA

ABSTAIN: NONE

CERTIFICATION

I, LINDA SEMUS, RMC, CMR Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby CERTIFY the foregoing to be a true and accurate copy of the resolution adopted by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at a meeting held on December 7, 2022 at 7:00 PM

LINDA SEMUS, RMC, CMR
Municipal Clerk