

**MANSFIELD TOWNSHIP
PLANNING BOARD
MEETING MINUTES**

**January 14, 2020
7:00pm**

Reorganization Meeting:

Secretary Ashley Jolly called the meeting to order at 7pm. All stood for the flag salute to be followed by the following opening statement:

The Notice requirements provided for in the Open Public meetings Act have been satisfied. Notice of this meeting was properly given in the annual notice which was adopted by the Mansfield Township Planning Board on January 28, 2019. Said Resolution was published in the Burlington County Times, e-mailed to the Burlington County Times, and Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body, and mailed to each person who has requested copies of the regular meeting schedule and who has prepaid any charge fixed for such service. All the mailing, posting and filing having been accomplished on January 31, 2019.

Roll Call:

The following were in attendance: Frederick Cain, Shane Fleming, Colleen Herbert, Robert Higgins, Joseph Sgro, William Tahirark, Ralph Wainwright, Scott Preidel. Also in attendance was Attorney Chuck Petrone, Planner Edward Fox, Engineer Mark Malinowski, and Secretary Ashley Jolly.

Nomination for Chairman:

Mr. Higgins made a motion to nominate Scott Preidel for Chairman. Motion was seconded by **Mr. Cain**. Secretary Ashley Jolly asked for any further nominations. There were none. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Tahirak, Preidel

NAY: None ABSENT: Borgstrom

Nomination for Vice Chairman:

Chairman Preidel asked for a nomination for Vice Chairman. **Mr. Higgins** made a motion to nominate Doug Borgstrom for Vice Chairman. Motion was seconded by **Mr. Cain**. Motion carried on a roll vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Tahirak, Preidel

NAY: None ABSENT: Borgstrom

Nomination for Secretary:

Chairman Preidel made a motion to nominate Ashley Jolly as acting secretary. Motion was seconded by **Mr. Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Tahirak, Preidel

NAY: None ABSENT: Borgstrom

**MANSFIELD TOWNSHIP
PLANNING BOARD
Resolution Number 2020-1-1
ANNUAL MEETING NOTICE**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., requires the adoption by a public body of a schedule of the regular meetings to be held during the calendar year; and

WHEREAS, upon proper notice pursuant to the act, no further notice of those meetings will be necessary, and

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Mansfield, assembled in a public session on January 14, 2020, as follows:

The Planning Board hereby designates the following dates as the dates of its regular meetings until the next reorganization meeting to the Planning Board on Monday, January 25, 2021, and unless otherwise modified by Resolution of the Planning Board, meetings begin at 7:00 P.M. All meetings shall be held in the Mansfield Township Municipal Complex, 3135 Route 206 South, Columbus, New Jersey.

February 24, 2020	August 24, 2020
March 23, 2020	September 28, 2020
April 27, 2020	October 26, 2020
Tuesday, May 26, 2020	November 23, 2020
June 22, 2020	December 28, 2020
July 27, 2020	January 25, 2021- Reorganization & Regular

A motion to adopt the above resolution was offered by **Mr. Fleming** and was seconded by **Mr. Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Tahirak, Preidel

NAY: None ABSENT: Borgstrom

**MANSFIELD TOWNSHIP
PLANNING BOARD
Resolution Number 2020-1-2
APPOINTMENT OF PLANNING BOARD PROFESSIONALS**

WHEREAS, there exists a need for a Planning Board Solicitor, a Planning Board Engineer, a Planning Board Planning Consultant, and a Planning Board Traffic Consultant; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40a:11-et seq) Resolution authorizes the award of contracts for 'Professional Services' without competitive bids must be publicly advertised.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Township of Mansfield, County of Burlington, as follows:

1. The Chairman and Secretary of the Planning Board are hereby authorized and directed to execute agreements with:

THOMAS J. COLEMAN, III, Esquire from the Firm of Raymond Coleman Heinold, 325 New Albany Road, Moorestown, NJ for services as Solicitor for a term of January 1, 2020 to December 31, 2020, and

STOUT & CALDWELL ENGINEERS, LLC, 705 Route 130 South, Cinnaminson, NJ for Engineering services for a term of January 1, 2020 to December 31, 2020, and

ENVIRONMENTAL RESOLUTIONS, 815 East Gate Drive, Mt. Laurel, NJ for services as Planning Consultant for a term of January 1, 2020 to December 31, 2020, and

LITWORNIA ASSOCIATES, 3 Trading Post Way, Medford, NJ for services as Traffic Consultant for a term of January 1, 2020 to December 31, 2020

2. These contracts are awarded without competitive bidding as “Professional Services” under the provisions of the Local Public Contracts Law because of the specialized nature of the work.
3. A copy of this resolution shall be published in the Burlington County Times as required by law within 10 days of its passage.

A motion to adopt the above resolution was offered by **Mr. Cain** and seconded **Mr. Fleming**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Tahirak, Preidel

NAY: None ABSENT: Borgstrom

**MANSFIELD TOWNSHIP
PLANNING BOARD
Resolution Number 2020-1-3
DESIGNATION OF OFFICIAL NEWSPAPERS**

NOW, THEREFORE, BE IT RESOLVED, by the Mansfield Township Planning Board, of the County of Burlington, State of New Jersey that the following are designated as the official newspapers until December 31, 2020:

Primary: Burlington County Times

Secondary: Trenton Times

A motion to adopt the above resolution was offered by **Mr. Cain** and seconded by **Mr. Fleming**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Tahirak, Preidel

NAY: None ABSENT: Borgstrom

Special Meeting

Chairman Preidel explained that the board would be appointing conflict counsel Christopher J. Norman Esq. from the firm of Platt & Riso, 40 Berlin Road, Stratford, New Jersey. This counsel will be specifically for the Tower Gate matter.

Attorney Norman explained his credentials to the board. The board members had no questions regarding said appointment.

**MANSFIELD TOWNSHIP
PLANNING BOARD
RESOLUTION 2020-1-4

APPOINTING CONFLICT COUNSEL**

WHEREAS, the Mansfield Township Planning Board is involved in the affordable housing compliance process and requires the appointment of conflict counsel to assist with same; and

WHEREAS, as the Board Attorney has recused himself with regard to the Tower Gate project, and the Board has the need for additional action with respect to that project; and

WHEREAS, the Board has determined that the anticipated legal expenses associated with this matter will not exceed \$17,500, and as such, there is no requirement for a Request for Proposal (“RFP”) process; and

WHEREAS, the Borough desires to appoint Christopher J. Norman, Esquire, of the firm of Platt & Riso, 40 Berlin Rd, Stratford, New Jersey, and to further place a cap on the cost of said services to an amount not to exceed \$2,000.

NOW THEREFOR BE IT RESOLVED by the Mansfield Township Planning Board, County of Burlington, State of New Jersey that Christopher J. Norman, Esquire, of the firm of Platt & Riso, is hereby appointed as Conflict Counsel for the Mansfield Township Planning Board, for legal services related to affordable housing as it relates to the Tower Gate project in an amount not to exceed \$2,000.

Mr. Higgins made a motion to adopt the above resolution. Motion was seconded by **Mr. Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Tahirak, Preidel

NAY: None ABSENT: Borgstrom

Review of Amended Settlement Agreement:

Chairman Preidel explained that the board would be reviewing the amended settlement agreement for Tower Gate Associates, Block 70, Lot 6.02.

Attorney Norman stated the original settlement agreement called for 560 residential units and 96 affordable housing units. The amendment establishes a 15% set aside for the first 488 units and between units 488 and 560 any units per that area would be a 30% set aside, which gets you to 96 which is in the fair share plan. This would satisfy the 3rd round which is good through 2025.

Chairman Preidel questioned what happens after 2025. **Attorney Norman** explained that it is very hard to determine that at this point.

Chairman Preidel explained that the Township already has a development that has not been built yet, which also has affordable housing. **Attorney Norman** explained that he is not aware of that development. **Mr. Higgins** mentioned Pulte. **Planner Fox** explained that the plan constructed was for 48 units on the Pulte side and the Tower Gate site. **Chairman Preidel** questioned if the settlement agreement includes Pulte. **Attorney Norman** stated this agreement only deals with Tower Gate. He continued by saying that typically there is a concept of how many units they think they can build total and a percentage is affordable, but if the project gets downsized then other things will come into play.

Chairman Preidel questioned why the extra homes were added. **Attorney Norman** explained the number is 560 and typically the developer gets enhanced densities and for rentals it is a 20% set aside if the units are condos and townhouses, but if the units are for sale then it would generally be a 15% set aside. The developer does not make profit off of affordable units. The developer will get profit off of enhanced density from the market units.

Chairman Preidel questioned if the board could vote no on this agreement. **Attorney Norman** explained that you are supposed to work towards an approval. As long as, the developer presents a plan that is consistent with the ordinance, then they are entitled to approval. If the developer comes up with a bad plan with a lot of variances; that could be a basis for denial, or they would come back and amend the plan. He continued by stating that it is very difficult to deny it and it never happens; that is very unlikely. That is unless the affordable housing laws in New Jersey change.

Mr. Cain stated that this is based on the development going through as long as they have sewerage. If sewerage does not appear, then this would not move forward. **Attorney Norman** stated you can only build affordable inclusionary units on sewerage, because it is the only way to meet the density.

Mr. Fleming questioned if there have been towns successful in challenging builder remedies. **Attorney Norman** stated not too many municipalities have prevailed in builders remedy litigation because the courts invented the Mt. Laurel doctrine so they want it to succeed. **Mr. Fleming** stated if the Township does not work with the builder than the Township lose a lot of control. **Attorney Norman** explained that the Township does lose control and would expend an enormous amount of professional fees. **Planner Fox** explained this is consistent with other aspects of the Master Plan. It does not generate any more housing on that site. It just increases the number of the percentages of affordable housing because the 48 units on the Pulte site have not and may not occur.

Mr. Fleming questioned because of the environmental concerns, does DEP have direct oversight of this project? **Planner Fox** stated there are several areas that the Township reviews and DEP reviews as well. DEP will be reviewing this because of the wetlands involved. DEP will also need to be involved because this development would need to involve an amendment to the Township's wastewater management plan or otherwise known as a 208 plan. DEP will look at the concept plan and make sure the environment is taken care of as well. There will be a lot of oversight with DEP in regards to environmental issues.

Mr. Higgins mentioned DOT would handle the traffic studies. **Planner Fox** confirmed both the DOT and County will be reviewing same.

Mr. Higgins questioned what happens in 2025 if there is no longer any developable land. **Attorney Norman** stated if a municipality lacks the developable land or if they don't have sewer there is a provision called the durational adjustment, which basically means you do not have to build it, you might have to provide an overlay zone, if some property can be redeveloped for affordable housing; essentially they cannot force you to do it if there are no resources to accomplish it.

Mrs. Herbert questioned how long the units remain affordable. **Attorney Norman** explained the units would be affordable for 30 years and are subject to renewal. The units are rental units and each person would need to qualify.

Chairman Preidel questioned how Chesterfield no longer has any buildable ground. **Planner Fox** stated that would be because of TDR. **Chairman Preidel** questioned if TDR was enacted here, there would be no more buildable ground. **Planner Fox** stated that was the idea 2 years ago. The Planning Board adopted the plan in 2017, such plan required ordinances, which were not put into plan. **Mr. Higgins** explained that there were a lot of questions at the time regarding the sending districts and whether or not there were enough units or if too many units were being awarded from the sending districts. During the review it came about that there were not enough sending units to do TDR. **Planner Fox** stated the report he helped put together, included the real estate marketing analysis from a well-respected firm, indicated that based on the real estate assumptions, post great recession, there was a market for it, although not a fantastic demand for it, because there was more sending area than there was a market for, but it could've worked. He continued the concern was not doing what Chesterfield did, which is an increased density bonus. If you preserve X amount of acres instead of building one unit in the new village you could build two or three. The Township Committee wanted a one for one and the plan was designed to not have a net increase. **Mr. Higgins** explained that TDR was deemed not realistic at the time. The Township Committee has never locked out TDR, it could always

come back into play. He clarified that it would be just a plan. The individuals who own the land may not agree with how the Township would like to see the land developed. **Planner Fox** confirmed same. He stated in Lumberton TDR worked for about 1/3 of their receiving area and not much activity happened after the year 2000 and they retired the TDR program.

More discussion ensued on the environmental on the environmental concerns for the Tower Gate site. **Planner Fox** explained that the environmental concerns will be handled by the NJDEP. Further discussion then ensued regarding TDR and the cause and effects of same on affordable housing.

Chairman Preidel stated the board has reviewed the Amended Settlement Agreement. **Attorney Norman** explained that the board would need to make a motion regarding same.

A motion to approve the first amendment to the settlement agreement was offered by **Mr. Cain**. The motion was seconded by **Mr. Fleming**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Preidel

NAY: None ABSENT: Borgstrom ABSTAIN: Tahirak

Approval of Minutes:

Regular & Executive- November 25, 2019

Regular – December 16, 2019

A motion to approve the above mentioned minutes was offered by **Mr. Cain** and seconded by **Mr. Fleming**. Motion carried on a roll call vote recorded as follows:

AYE: Cain, Fleming, Herbert, Higgins, Preidel

NAY: None ABSENT: Borgstrom

Comments from the Board:

There were no further board member comments.

Public Comment:

There were no comments from the public.

Motion for Adjournment:

A motion to adjourn the meeting was offered by **Mr. Cain** and seconded by **Mr. Fleming**. All ayes. Motion carried.

Respectfully Submitted by:

Date Approved:

Ashley Jolly, Land Use Coordinator