

**MANSFIELD TOWNSHIP  
BURLINGTON COUNTY  
TOWNSHIP COMMITTEE  
JOINT SPECIAL MEETING MINUTES  
April 15, 2020**

The joint special meeting of the Mansfield Township Committee and the Mansfield Township Planning Board was called to order at 5:30 PM on the above shown date via conference call.

**Clerk Semus** noted that this meeting is being conducted during the current National Emergency with remote participation in accordance with guidance provided by the New Jersey Division of Local Government Services, Department of Community Affairs, as set forth in the Public Notice of this meeting.

**Clerk Semus** read the following Open Public Meetings Statement: “Adequate Notice” has been provided for this Special Joint Meeting of the Mansfield Township Planning Board and the Mansfield Township Committee and has been published in both the Burlington County Times and the Trenton Times on April 10, 2020, placed on the official website for the Township and filed with the Municipal Clerk of the Township of Mansfield, the notice of which contained the date, time, audio conference call number and pin/participant code for telephonic access to said meeting. Said notice further contained the purpose of this special joint meeting which is limited to matters necessary for the continuing operation of government and to meet statutorily required deadlines for action by both the Planning Board and Township Committee. Said notice also stated that formal action will be taken on all subjects listed within the notice for both the Planning Board and the Township Committee as so noted in N.J.S.A. 10:4-8(d), Amended 1981, by including Section 10:4-18 which addresses Regular Meetings of a Public Body, which is addressed under “Annual Notice”.

**Clerk Semus** stated that all members of the public are asked to remain on “mute” and not interrupt or comment except during the Public Hearing on the Resolution approving the Township’s Housing Element and Fair Share Housing Plan during the Planning Board portion of the meeting and during the public hearing on Ordinance 2020-6 and during the time reserved for Public Comment on both the Township Committee and Planning Board portion of the meeting.

Because the meeting was conducted remotely, **Clerk Semus** requested that everyone mentally acknowledge the flag salute.

**Attorney Tim Prime** made the following statement: Good evening. This is Tim Prime, of the firm of Prime & Tuvel, the Township attorneys for Mansfield Township.

Because this is a virtual meeting and also a Joint Meeting of the Planning Board and the Township Committee, and there are public hearings on both the Planning Board and Township Committee, I wanted to clarify the procedures for public comment at this meeting.

The Township’s housing element and fair share plan is a part of the Township’s Master Plan and includes an overall affordable housing plan for the Township in order to satisfy the Townships affordable housing obligation. The plan includes a variety of affordable housing measure and designates affordable housing sites in the Township, including the Tower Gate site. The housing element and fair share plan was approved by the New Jersey Superior Court by court order dated February 18, 2020.

The court order also approved a settlement agreement of the Tower Gate builders remedy litigation that had to be approved by both the Township Committee and the Planning Board. Again, this is the result of litigation and court orders, not an independent determination by the Township Committee. The settlement agreement obligated the Township to include Tower Gate in the housing element and fair share plan and to adopt a zoning ordinance for the Tower Gate property.

Under the municipal land-use law, any zoning ordinance must be referred first to the planning board for a report to the Township Committee reviewing the ordinance and confirming if it is consistent with the Township master plan. The master plan is being amended tonight by the planning board and the resolution before the planning board (1) adopts the housing element and fair share plan (2) reports to the governing body that the Tower Gate Zoning Ordinance is consistent with the adopted housing element and fair share plan and (3) recommends approval for adoption by the Township Committee. Again, this is required by the Court Order. The statute requires a public hearing on the planning board resolution.

After the planning board adopts the resolution this evening, the Township Committee will then consider and adopt a resolution endorsing the Housing element and fair share plan. It will then consider adoption of ordinance 2020-6, which is the Tower Gate Zoning Ordinance for possible adoption. Under general municipal law, any ordinance requires a public hearing prior to its adoption. Again, adoption of the ordinance is required by the Court Order.

Both the planning board agenda and township committee agenda include a time for public comment. This time is reserved for general public comment but not the Tower Gate Zoning Ordinance and not the Housing Element and Fair share plan, which have their own public hearings.

Because this is a virtual meeting, being conducted with remote participation by both by the planning board and Township committee members as well as the public, the Township is permitted to establish a time limit on the meeting itself and also to establish a time limit on public comment. The public is reminded that all public comment is limited to two minutes per person and the Township will not entertain comments that are repetitive of other comments already rendered by the public during the course of the public hearing.

The Township Committee and the planning board have been advised that the meeting this evening is being conducted to meet statutorily required deadlines for action by the Township committee and planning board, which were set forth in the special meeting notice published in accordance with the open public meetings act already referenced by the township clerk.

These procedures and time limits will be strictly enforced by the Township this evening.

**Clerk Semus** asked for roll call of the Planning Board members and the following were present: **Mr. Borgstrom, Deputy Mayor Cain, Mr. Flemming, Ms. Herbert, Committeeman Higgins, Mr. Sgro, Mr. Tahirak, Mr. Wainwright,** and **Chairman Preidel**. Also present on this conference call meeting is **Board Attorney Tom Coleman, Board Conflict Attorney Chris Norman** and **Planner Edward Fox**.

**Chairman Preidel** gave the following statement: Since we are conducting this meeting remotely, I will ask the Township Clerk to proceed with the Planning Board portion of the meeting.

**Clerk Semus** thanked Chairman Preidel and asked for a motion to memorialize the following resolution.

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD  
RESOLUTION NO. 2020-2-6  
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD  
CONCERNING THE APPLICATION OF  
MANSFIELD REALTY NORTH, LLC  
FOR FINAL MAJOR SITE PLAN APPROVAL**

**WHEREAS**, Mansfield Realty North, LLC, has applied to the Planning Board of the Township of Mansfield for Final Major Site Plan Approval for property located on Route 206 at Aaronson Road, known as Block 3, Lots 5.01 and 10.01 (the “East Tract”) and Block 4, Lots 6.01 and 7 (the “West Tract”) (collectively, the “Property”), for the purpose of developing the Property with warehouse/office buildings; and

**WHEREAS**, by Resolution No. 2019-1-6, the Planning Board granted Variances and Amended Preliminary Major Site Plan Approval<sup>1</sup> to the Applicant for the development of the Property to include a 772,800 square foot warehouse/office building on the East Tract and a 120,120 square foot warehouse/office building on the West Tract; and

**WHEREAS**, the Property is located within the Route 206 Northern Area Redevelopment Plan; and

**WHEREAS**, the Application for Final Major Site Plan Approval was deemed complete by the Planning Board on February 24, 2020; and

**WHEREAS**, a public hearing to consider the application was held by the Planning Board on February 24, 2020, after public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Mansfield and the statutes of the State of New Jersey; and

**WHEREAS**, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

**WHEREAS**, the following exhibits were presented by the Applicant during the February 24, 2020 Public Hearing:

A-1 Color rendering of the Overall Site Plan, dated January 21, 2019;

**WHEREAS**, the following review letters were submitted to the Board by its Professionals:

- February 20, 2020 Review Letter of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Robert S. Stout, PE, PLS and Samuel J. Agresta, PE, PP, CME;
- February 21, 2020 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- February 5, 2020 Review Memorandum of the Board Traffic Engineer, Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP; and

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support of its application for Final Major Site Plan Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property, located on Route 206 at Aaronson Road, known as Block 3, Lots 5.01 and 10.01 and Block 4, Lots 6.01 and 7, located in the Township’s Redevelopment Plan U.S. Route 206 Northern Area. The total area of the Property is 84.51 acres; the East Tract is 62.34 acres and the West Tract 20.17 acres. The Property is currently vacant farmland.

2. An Application for Final Major Site Plan Approval was submitted by the Applicant, providing the Board with a proposed set of plans, reports, studies and testimony.

3. The Planning Board previously granted to the Applicant Variance and Amended Preliminary Site Plan Approval, as memorialized by Resolution No. 2019-1-6, for the Property to be developed as follows:

- a. Variance to permit 314 parking spaces on the East Tract, exclusive of dock and trailer spaces;
- b. Variance to permit 106 parking spaces on the West Tract, exclusive of dock and trailer spaces;
- c. Variance to permit a 6 foot high solid wood fence along the top of the berm proposed along Aaronson Road;

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<sup>1</sup> The Applicant received Variance and Preliminary Site Plan Approval in August, 2017, to develop the Property with a 795,600 square foot warehouse/office building on the East Tract and a 150,000 square foot warehouse/office building on the West Tract.

- d. East Tract improvements to include a 772,800 square foot building with 742,500 square feet of warehouse space and 22,800 square feet of office space;
  - e. West Tract improvements to include a 120,120 square foot building with 110,120 square feet of warehouse space and 10,000 square feet of office space;
  - f. Site improvements for stormwater management, lighting, signage, access drives and landscaping.
4. The taxes on the Property are current or exempt.
  5. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.
  6. Proper notice of the application for Final Major Site Plan Approval has been given.
  7. Board Chairman Preidel recused himself from participating on this Application as he owns property within 200 feet of the Property.
8. The Applicant was represented at the February 24, 2020 Public Hearing by Ronald Shimanowitz, Esquire, of Hutt and Shimanowitz, PC. Gregory Oman, PE, and Nathan Mosely, PE, testified on behalf of the Applicant during the Public Hearing.
  9. Mr. Oman provided the following sworn testimony during the February 24, 2020 Public Hearing:
    - a. He was previously qualified by this Board when he testified during the Public Hearing for Amended Preliminary Major Site Plan Approval;
    - b. Utilized Exhibit A-1 to describe the development of the Property and the proposed improvements that included buildings, parking areas, stormwater management facilities, lighting, landscaping, signage and access points;
    - c. Final Major Site Plan Approval is substantially identical to the Amended Preliminary Approval granted in January, 2019;
    - d. With the exception of the New Jersey Department of Transportation (“NJDOT”), New Jersey American Water Company (“NJAWC”) and New Jersey Department of Environmental Protection (“NJDEP”) approvals for off-site sewer and water improvements, the Applicant has received all outside approvals required for the proposed development of the Property;
    - e. The private water and sewer utilities will be maintained by the landowner;
    - f. He addressed the Environmental Commission’s February 11, 2020 letter, that the streams are not classified as “C-1” and that the New Jersey Department of Environmental Protection (“NJDEP”) has agreed to a 50 foot wide buffer and not 150 feet;
    - g. The stormwater managements design is an underground system that will be privately maintained.
  10. Mr. Mosely provided the following sworn testimony during the February 24, 2020 Public Hearing:
    - a. He is the Applicant’s Traffic Engineer and has been qualified by land use boards in the State of New Jersey to offer expert testimony in the area of traffic engineering;
    - b. The Applicant is finalizing the NJDOT approvals required for the light signals;
    - c. The traffic signal proposed by the Applicant will be coordinated with the existing light located to the North so that traffic progresses safely;
    - d. There have been no substantive changes to the Traffic Impact Statement previously submitted;
    - e. The Applicant will comply with the review comments contained in the Board’s Traffic Engineer’s review letter.
  11. The Applicant’s Attorney, Ronald Shimanowitz represented to the Board that the Applicant will comply with the respective review comments of the Board’s professionals, no tenants have been identified for either of the warehouse buildings but the warehouses will operate 24 hours a day.
  12. The following questions and testimony were provided by interested members of the Public during the February 24, 2020 Public Hearing:
    - a. Bob Tallon who expressed environmental concerns and that the project should not be approved; he was also concerned with the underground stormwater system and questioned whether the Mapleton sewer plant could handle the wastewater generated by the warehouse facilities.
    - b. Jamie Devereaux who had concerns regarding an increase to his sewer rates resulting from the warehouse wastewater directed to the Mapleton plant and farmland preservation and questioned whether tax breaks were being given to the developer;

- c. Frank Pinto who thought that the warehouse development will be a bad ratable as empty warehouses exist along the New Jersey Turnpike and that this development is too close to residential uses;
- d. Sanjev Shandel who objected to the proposed development;
- e. Marshall Mojina who objected to the development;
- f. Craig Kendall who objected to the development because it will lead to a decrease in property values;
- g. Catherine Tallon who questioned the landscaping plan and was concerned with watershed issues; she also questioned the Redevelopment Plan for this area of the Township;
- h. John O'Callahan who urged the Board to deny the Application;
- i. Hishan Mansour who objected to the warehouse development because it's too close to residential properties;
- j. Deborah Smith who objected to the development;
- k. Laurie Stevenson who compared this hearing to a hearing for a different warehouse project and whether the public was given an opportunity to be heard;
- l. Andrew Sparks who had concerns regarding noise and traffic;
- m. Thomas Stevenson who thought that the additional truck traffic will be a disaster;
- n. Katherine O'Callahan who had questions regarding the C-1 stream classification;
- o. George Bunker who knew the Property was zoned for commercial use but wanted more consideration for the buffer area;
- p. Rosemarie Bunker who testified that they are the closest residential property and that their property value will decrease;
- q. Anaja Kumar who testified that she is a real estate agent and that property values will be cut in half.

18. The Board Professionals reviewed their respective review letters/memoranda for the Board and the Public and the Applicant, through its agents and representatives, testified that the Applicant will work with the Board Professionals to resolve all outstanding review comments prior to final approval.

**AND WHEREAS**, based upon the above factual findings, the Planning Board has come to the following conclusions:

- 1. The Applicant has submitted a complete set of plans in connection with its application so that the Board has the necessary information to make a decision on the application for Final Major Site Plan Approval.
- 2. The plans submitted for Final Major Site Plan Approval conform to the plans that received Variance and Amended Preliminary Site Plan Approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Mansfield, on the 24<sup>th</sup> day of February, 2020, that this Board hereby grants to the Applicant Final Major Site Plan Approval to develop the Property with a 772,800 square foot warehouse/office building and related site improvements on the East Tract and a 120,120 square foot warehouse/office building with related site improvements on the West Tract, in accordance with the Applications, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant with its Applications for Preliminary, Amended Preliminary and Final Major Site Plan Approvals, which approvals are subject to the following conditions:

- a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval, Burlington County Soil Conservation District approval, Burlington County Board of Health Approval, New Jersey Department of Environmental Protection approval, New Jersey American Water Company approval and New Jersey Department of Transportation approval. Copies of all other approvals shall be submitted to the Township upon receipt.
- b. Subject to the testimony by the Applicant's agents and representatives at the February 24, 2020 Public Hearing as well as the January 23, 2019 Public Hearing for Amended Preliminary Site Plan Approval and the July 24, 2017 and August 28, 2017 Public Hearings for Preliminary Site Plan Approval.
- c. Subject to the submission of revised plans complying with the comments of the Board's professionals and with this Approval.
- d. Subject to the comments of the Board Engineer as contained in the February 20, 2020 Review Letter of Stout and Caldwell Engineers, LLC, by Robert R. Stout, PE, PLS, and Samuel J. Agresta PE, PP, CME, except as may be modified in this Resolution.
- e. Subject to the comments of the Board Planner as contained in the February 21, 2020 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified in this Resolution.

- f. Subject to the comments of the Board Traffic Engineer as contained in the February 5, 2020 Review Memorandum of Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution.
- g. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees required by the Municipal Land Use Law of the State of New Jersey prior to commencement of site work and construction.
- h. Subject to the Applicant's escrow account for the review of its Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.
- i. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
- j. Subject to this approval not guaranteeing the issuance of any zoning permit, construction permit or certificate of occupancy; the Applicant is subject to all applicable rules, regulations, codes, ordinances and statutes in obtaining said permits or certificates.
- k. Subject to retail sales being prohibited as part of the approved uses to be developed on the Property.
- l. Subject to the Applicant making its contribution to the Township's General Fund in lieu of installing the otherwise required sidewalk. The total contribution as calculated by the Board Engineer is \$58,704.00 (\$32,352 for Aaronson Road, \$15,488 for Route 206 North and \$10,864 for Route 206 South). The contribution shall be made prior to the issuance of any construction permits for the warehouse/office development.
- m. Subject to the Applicant's professionals working with the Board's professionals to address all outstanding comments prior to the Board's execution of the Final Site Plan Approved, including submission of sound wall details, site triangle information and trip generation information.
- n. Subject to the Applicant being advised that a post construction sound study must be submitted to the Planning Board demonstrating that the sound levels comply with State and County noise standards.
- o. Subject to all signage complying with the requirements of the Township Zoning Ordinance and Redevelopment Plan.
- p. Subject to the submission of a stormwater maintenance plan for the stormwater control facilities proposed for the developed sites. A stormwater maintenance declaration, referencing the approved stormwater maintenance plan, shall be recorded in the County Recording Office for the County of Burlington prior to construction.
- q. Subject to the submission of all easements, restrictions and declarations, including the stormwater maintenance declaration and the utility easement for the sanitary force main located on the East Tract that will serve the West Tract, that are required for the development of the Property as approved. Approval of the Board Engineer and Solicitor are required prior to the filing of the easements, restrictions and declarations with the County Recording Office.
- r. Subject to the conditions of Preliminary Site Plan Approval and Amended Site Plan Approval, as memorialized by Resolutions 2017-8-11 and 2019-1-6, except as may be modified by Final Major Site Plan Approval.
- s. Subject to the Applicant making its pro-rata share contribution to the traffic signal at the Township Municipal Building access drive and Route 206. The amount of the Applicant's pro-rata share shall be calculated in accordance with current NJDOT analysis and shall be reviewed by the Board Traffic Engineer.
- t. Subject to the Applicant addressing the washout of the southerly Route 206 culvert with NJDOT and NJDEP and submitting the plan approved by NJDOT/NJDEP that alleviates this culvert problem.
- u. Subject to the Board's execution of the approved Final Site Plan expressly conditioned on the Applicant satisfying the conditions of this Resolutions and the review comments contained in the review letters of the Board Engineer, Board Planner and Board Traffic Engineer.
- v. Subject to the Applicant posting all performance guarantees, maintenance guarantees and inspection fees required in accordance with the Municipal Land Use Law of the State of New Jersey for the development of the Property as approved.

A motion to memorialize the above resolution was offered by **Committeeman Higgins** and was seconded by **Deputy Mayor Cain**. Motion carried on a roll call vote recorded as follows:

**AYE: Higgins, Cain, Fleming, Borgstrom**

**NAY: None NOT VOTING: Herbert, Sgro, Tahirak, Wainwright, Preidel**

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD  
RESOLUTION NO. 2020-2-7  
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD  
CONCERNING THE APPLICATION OF  
PATEL & SONS**

**FOR VARIANCE AND PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

**WHEREAS**, Patel & Sons, Inc. (the “Applicant”) has applied to the Planning Board of the Township of Mansfield (the “Board”) for Variance and Preliminary and Final Major Site Plan Approval for property located at 3312 U.S. Route 206, known as Block 3, Lots 3.01 and 3.02 on the Official Tax Map of the Township of Mansfield (the “Property”), for the purpose of constructing a second floor addition to the existing Motel 6 located on the Property; and

**WHEREAS**, a variance is required as the proposed development of the Property does not satisfy the Ordinance requirements pertaining to rear yard setback; and

**WHEREAS**, the application was deemed complete by the Planning Board on February 24, 2020; and

**WHEREAS**, a public hearing to consider the application was held by the Planning Board on February 24, 2020, after public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Mansfield and the statutes of the State of New Jersey; and

**WHEREAS**, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

**WHEREAS**, the following Exhibit was presented by the Applicant during the February 24, 2020 Public Hearing:

A-1 Revised Site Plan, dated 02/21/20, prepared by Adnan Khan, PE, AWZ Engineering, Inc.; and

**WHEREAS**, the following review letters were submitted to the Board by its Professionals:

- February 18, 2020 Review Letter of the Board Engineer, Stout & Caldwell Engineers and Surveyors, by Samuel J. Agresta, PE, PP, CME;
- February 19, 2020 Review Letter of the Board Planner, Environmental Resolutions, Inc., by Edward Fox, AICP, PP; and
- February 6, 2020 Review Memorandum of the Board Traffic Engineer, Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, and

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support of its Application for Variance and Preliminary and Final Major Site Plan Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property located in the Township’s Highway Commercial (C-2) Zoning District. The Property is improved with 4 masonry buildings, 1 masonry garage, 1 trailer and related site improvements. The masonry buildings are used for motel uses and a vacant restaurant.

2. The Applicant is proposing to construct a second floor addition to the Motel 6 (identified on the Site Plan as Building #2) located on the Property.

3. An Application has been submitted to the Board by the Applicant for Variance and Preliminary and Final Major Site Plan Approval, providing the Board with a proposed set of plans.

4. The Applicant is proposing the following improvements to the Property:

- a. Constructing a second floor addition to the Motel 6 and reconfiguring the internal space;
- b. Re-striping of the existing paved parking spaces, including re-striping to address ADA requirements;
- c. Re-configuring the existing sidewalk at the south end of the Motel 6 building to improve ADA accessibility;
- d. Adding a 9 foot by 7 foot trash and recyclable area;
- e. Installing concrete curbing along the front and southerly edges of the existing gravel areas.

5. The taxes on the Property are current or exempt.

6. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.

7. Proper notice of the application for Variance and Preliminary and Final Site Plan has been given, based upon the certified list from the Office of the Mansfield Township Tax Assessor.

8. The following non-conforming conditions/uses exist on the Property:

- a. Front yard setback – 75 feet required, 52.02 feet existing for restaurant building along the north side of the Property;

- b. Rear yard setback – 35 feet required. 6.04 feet existing for the Motel 6 building;
  - c. Trailer – nonconforming use.
9. The proposed development of the Property will require a variance as the second floor addition to the Motel 6 building does not satisfy the 35 foot rear yard setback requirement.
10. The Applicant is requesting submission waivers as identified in the review letters of the Board’s professionals.
11. The Applicant is requesting a design waiver to permit all new parking spaces to measure 9 feet by 18 feet where 9.5 foot widths are required.
12. The Applicant was represented at the February 24, 2020 Public Hearing by David C. Frank, Esquire. Chetan Patel, Adnan Khan, PE and Nehal Jhaveri, RA, testified on behalf of the Applicant.
13. Mr. Patel provided the following sworn testimony during the February 24, 2020 Public Hearing:
  - a. He is a representative of the family owned corporate Applicant;
  - b. He describes the family’s history and involvement in the community;
  - c. A majority of the deliveries at the site are for the pick-up and delivery of motel linens and the absence of a dedicated loading area has not negatively impacted the operations of the site;
  - d. Furniture is stored in the trailer, it has been on the Property for a substantial period of time;
  - e. There are no immediate plans for the restaurant building;
  - f. The parking lot will be patched in spots;
  - g. Trucks have parked at the site for years without causing parking and circulation issues.
  - h. A driving school is not located on the Property as indicated in the Board Planner’s review letter; it was a Google error.
14. Mr. Khan provided the following sworn testimony during the February 24, 2020 Public Hearing:
  - a. He is a professional engineer with the engineering firm AWZ Engineering, Inc., licensed in the State of New Jersey and has been qualified by New Jersey land use boards to offer expert testimony in the area of site engineering;
  - b. Utilizing Exhibit A-1, he describes the existing and proposed improvements to the Property;
  - c. The changes to the site will result in an increase in the number of paved parking spaces from 54 to 61;
  - d. In addition to the 61 parking spaces, there will be 4 additional parking spaces in the gravel area as well as a 3 car garage that is utilized by the family occupying the 3 bedroom Manager’s Apartment space;
  - e. There are no changes proposed to the existing site lighting, signage, landscaping or stormwater management facilities;
  - f. No measurable impervious coverage will be added to the site; there are no stormwater issues, such as flooding, at the site so the nominal additional impervious coverage will not require a new basin or any changes to the existing stormwater management control for the site;
  - g. The trash area will be enclosed;
  - h. The existing parking spaces measure 9 feet by 18 feet and the new parking spaces will be of similar size;
  - i. A Letter of No Interest will be obtained from the New Jersey Department of Transportation;
  - j. The rear yard of the Property is adjacent to the parking area of the NADE facility so there will be no detriment to the public or the adjacent property caused by a less than required rear yard setback;
  - k. The proposed development will enhance the use and appearance of the Property;
  - l. There are no real changes being made to the site itself, just a second floor addition to one of the existing buildings;
  - m. The Applicant will comply with the comments contained in the review letters and will work with the Board’s Professionals in addressing their outstanding comments.
15. Mr. Jhaveri provided the following sworn testimony during the February 24, 2020 Public Hearing:
  - a. He is a Registered Architect, licensed in the State of New Jersey and has been qualified by New Jersey land use boards to offer expert testimony in the area of architecture;



- b. With the addition of the second floor, the Motel 6 will be reconfigured with 9 motel rooms on the first floor and 13 motel rooms on the second floor;
- c. The manager's apartment has been there for years and will be maintained in the reconfigured Motel 6;
- d. It is common in the motel industry to have apartments for the motel's manager;
- e. A staircase will connect the first and second floors;
- f. The second floor will not extend further into Motel 6's existing rear yard setback than presently exists.

16. The Applicant's Counsel, David C. Frank, represented to the Board that (i) the trailer has been on the site for years and is a non-conforming use; (ii) the Applicant will secure the necessary letter that the existing septic systems are adequate for the improved site; and (iii) the Applicant is working with the County to verify the location of the septic filed(s). Mr. Frank also requested that the Board not require the consolidation of the 2 lots as there are 2 separate septic systems servicing the Property.

17. During the Public portion of the February 24, 2020, Robert Tallon commented on the impervious coverage and that the stream that runs by the Property is classified as a C-1 stream.

17. The Board Professionals reviewed their respective Review Letters/Memorandum and had no objections to the submission waivers requested or the proposed development of the Property as the Property is fully improved and there are no significant changes to the site and the building footprints.

**AND WHEREAS**, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. The Applicant has submitted a Complete set of plans in connection with its application so that the Board has the necessary information to act on the application for Waivers, Variances and Amended Major Site Plan Approvals.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the Zoning Ordinance of the Township of Mansfield would be advanced by the deviation from the Zoning Ordinance requirement for rear yard setback, as described herein and requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirement specified herein would substantially outweigh any detriment to the public good as variance approval and waivers allow for the development of the Property, and otherwise promote the safety, health and general welfare of the community.

4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Mansfield.

5. The granting of the submission waivers, as identified in the June 20, 2019 Review Letter of the Board Planner, is reasonable as the Property is a developed non-residential site and the Applicant addressed the waivers through testimony and the waivers have been recommended and/or can be a condition of approval.

6. Lot consolidation will not be required.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Mansfield, on the 24<sup>th</sup> day of February, 2020, that this Board hereby grants to the Applicant the following:

1. Submission waivers as identified in the February 19, 2020 Review Letter of the Board Planner;

2. Design waiver to permit all existing and new parking spaces to measure 9 feet by 18 feet;

3. A variance to permit the rear yard setback for the second floor addition of the Motel 6 building to be 20 feet;

4. Preliminary and Final Major Site Approval for improvements to the Property that include the (i) construction of a second floor addition to the Motel 6 building and the reconfiguration of the internal space into a manager's apartment, 9 guest rooms on the first floor and 13 guest rooms on the second floor; (ii) the re-striping of the existing paved parking spaces, including re-striping to address ADA requirements; (iii) the re-configuration of the existing sidewalk at the south end of the Motel 6 building to improve ADA accessibility; (iv) the addition of an enclosed 9 foot by 7 foot trash and recyclable area; and (v) the installation of concrete curbing along the front and southerly edges of the existing gravel areas, in accordance with the Application, Plans, Reports, Studies, Letters and Testimony submitted by the Applicant, which approval is subject to the following conditions:

a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval, Burlington County Soil Conservation District approval, Burlington County Board of Health approval, and State of New Jersey approval. Copies of all other approvals shall be submitted to the Township upon receipt.

b. Subject to the testimony of the Applicant and its agents and representatives at the February 24, 2020 Planning Board Public Hearing.

- c. Subject to the submission of revised plans complying with the comments of the Board's Professionals and with this Approval.
- d. Subject to the comments of the Board Engineer as contained in the February 18, 2020 Review Letter of Stout and Caldwell Engineers, LLC, by Samuel J. Agresta, PE, PP, CME, except as may be modified in this Resolution.
- e. Subject to the comments of the Board Planner as contained in the February 19, 2020 Review Letter of Environmental Resolutions, Inc., by Edward Fox, AICP, PP, except as may be modified in this Resolution.
- f. Subject to the comments of the Board Traffic Engineer as contained in the February 6, 2020 Review Memorandum of Litwornia Associates, Inc., by Alexander J. Litwornia, PE, PP, except as may be modified in this Resolution.
- g. Subject to the Applicant's escrow account for the review of the Application for Preliminary and Final Major Site Plan Approval being current. Failure of the escrow account to be current may result in the non-issuance of permits.
- h. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
- i. Subject to this approval not guaranteeing the issuance of any zoning permit, construction permit or certificate of occupancy; the Applicant is subject to all applicable codes, statutes, ordinances, rules and regulations for the issuance of said permits and certificates.
- j. Subject to the revised Final Site Plan showing 61 paved parking spaces.
- k. Subject to the trash and recyclable area being enclosed.
- l. Subject to the rear yard setback for the second floor addition being at least 20 feet.
- m. Subject to the submission of a Letter of No Interest from the New Jersey Department of Transportation.
- n. Subject to the submission of a letter from either the Burlington County Board of Health or the New Jersey Department of Environmental Protection that the existing septic systems will be adequate for the approved site.
- o. Subject to the submission of a stormwater management narrative, prepared by a professional engineer licensed in the State of New Jersey, that the existing stormwater management system can handle the stormwater management for the site post-construction.
- p. Subject to the Applicant being put on notice that notwithstanding that the consolidation of the 2 lots is not a condition of this approval, the transfer of one of the lots from common ownership may require amended site plan approval to ensure that the lots under separate ownership continue to function and operate as one (1) site.
- q. Subject to the Applicant posting all performance guarantees, maintenance guarantees and inspection fees required by the Municipal Land Use Law of the State of New Jersey for the development of the Property as approved.

**Clerk Semus** asked for a motion to memorialize the above resolution. A motion was offered by **Mr. Fleming** and seconded by **Deputy Mayor Cain**. Motion carried on a roll call vote recorded as follows:

**AYE: Fleming, Cain, Borgstrom, Higgins, Herbert, Tahirak, Preidel**  
**NAY: None NOT VOTING: Sgro, Wainwright**

**MANSFIELD TOWNSHIP PLANNING BOARD  
 RESOLUTION NO. 2020-4-8**

**APPROVING AND ADOPTING THE MANSFIELD TOWNSHIP HOUSING ELEMENT AND FAIR SHARE PLAN, REVIEWING MANSFIELD TOWNSHIP ORDINANCE 2020-6 AND REPORTING TO THE GOVERNING BODY THAT SAID ORDINANCE IS CONSISTENT WITH THE ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN AND RECOMMENDING IT BE ADOPTED BY THE MANSFIELD TOWNSHIP COMMITTEE**

**WHEREAS**, the Mansfield Township Committee ("Township") and the Mansfield Township Planning Board ("Board") were defendants in litigation filed by the developer of Block 70, Lot 6.02, consisting of approximately 118.53 acres ("Tower Gate Property") in the Superior Court of New Jersey, Law Division, entitled Tower Gate Associates v. Township of Mansfield, et al, Docket # L-1739-18, challenging the Township's

satisfaction of its affordable housing obligation and seeking to construct an inclusionary development on the Tower Gate Property; and

**WHEREAS**, the parties entered into a Settlement Agreement of said litigation, dated November 18, 2019, and a First Amendment to Settlement Agreement December 24, 2019, collectively referred to as the “Settlement Agreement”; and

**WHEREAS**, pursuant to Section 4.A of the Settlement Agreement, the Township and Planning Board agreed to adopt a zoning amendment rezoning the Tower Gate Property substantially consistent with the draft ordinance attached to the Settlement Agreement, and;

**WHEREAS**, pursuant to Section 4.B of the Settlement Agreement, the Township and Planning Board agreed to include the Tower Gate Property in the Township's Housing Element and Fair Share Plan (“HEFSP”); and

**WHEREAS**, on February 18, 2020, the Superior Court of New Jersey, Law Division, entered and filed an Order (“Order”) approving the Settlement Agreement and the Township's HEFSP; and

**WHEREAS**, Section 1(g) of the Order requires the Township to adopt the Zoning Ordinance substantially consistent with the Ordinance attached to the Settlement Agreement as same was modified by the terms of the Order; and

**WHEREAS**, the Township Committee has introduced Ordinance 2020-6 on first reading, as required by the Settlement Agreement and the Court Order, and referred the Ordinance to the Planning Board as required by the New Jersey Municipal Land Use Law pursuant to N.J.S. 40:55D-64 and N.J.S. 40:55D-26(a); and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Mansfield, County of Burlington and State of New Jersey, that, as required by the Settlement Agreement and the Court Order, the Mansfield Township Housing Element and Fair Share Plan dated December 24, 2019 is hereby approved and adopted.

**AND BE IT FURTHER RESOLVED** that, given the background, rationale and provisions of proposed Mansfield Township Zoning Ordinance 2020-6, and the Township’s constitutional obligation to provide for its regional share of affordable housing, and the Planning Board having been a party to both the Settlement Agreement and the Court Order as set forth above, and the Planning Board having herein approved the Townships Housing Element and Fair Share Plan, the Mansfield Township Planning Board, does hereby find that Ordinance 2020-6 is substantially consistent with the Housing Element of the Mansfield Master Plan, and recommends its adoption by the Mansfield Township Committee.

**Clerk Semus** opened the meeting for public comment on the above resolution and stated that said public comment would be limited to two minutes per comment, due to the restricted time limit of this meeting.

**PUBLIC COMMENT:**

**Bob Tallon, 2454 Axe Factory Road** – Questioned if he could comment on the Tower Gate change in the zoning.

**Attorney Prime** stated that this is only a public comment on the Mansfield Township Housing Element. The Tower Gate ordinance will have a public hearing during the Township Committee portion of the meeting.

**John OCalahan, 53 Oak Lane, New Egypt** – He stated that there were a lot of ordinances that were voted on and he is not aware if any of them have been made available to the public. He questioned how they are to comment on something that the public is not sure what it’s about.

**Board Conflict Attorney Chris Norman** stated that the comment period for the Tower Gate ordinance will be during the Township Committee portion of the meeting, if the concern is related to that particular ordinance.

**Mr. O'Callaghan** stated he is speaking on any of the ordinances voted on this evening in general and questioned how the public is to comment on any of them if the ordinances have not been made available.

**Attorney Tim Prime** stated there have not been ordinances adopted by the Planning Board. There have been three resolutions that memorialized approvals granted by the Planning Board at the February meeting. It is not required to publish these resolutions in advance. The other resolution related to the amendment to the Master Plan; there was a public hearing for that matter which was then referred to the Township Committee. The Tower Gate Zoning Ordinance was referred to the Township Committee and it will have its own public hearing.

**Mr. O'Callaghan** stated that he understands but if this memorializing an ordinance from a past meeting, he has not seen that the ordinance posted publically.

**Attorney Tim Prim** clarified that there are no ordinances adopted by the Planning Board. There were resolutions that dealt with approvals that were granted by the Planning Board.

**Mr. O'Callaghan** questioned when the resolutions would be available for the public.

**Attorney Prime** stated the resolutions would be available in the Land Use Office after they are signed by the Chairman and Secretary, which is the procedure that the Land Use Law requires.

**Mr. O'Callaghan** questioned when public comment be available for something that is available to the public.

**Attorney Prime** apologized and reiterated that there is no public comment for resolutions adopted by the Planning Board that memorialize approvals granted by the Planning Board during a public hearing in February.

**Clerk Semus** asked for a motion to close public comment. A motion was offered by **Mr. Borgstrom** and seconded by **Chairman Preidel** to close public comment. All ayes. Motion carried.

#### **BOARD MEMBER COMMENTS:**

**Deputy Mayor Cain** stated that he hopes everyone stays well and asked all to follow the guidelines from the CDC.

There were no further board member comments.

#### **MOTION FOR ADJOURNMENT:**

A motion was offered by **Committeeman Higgins** and was seconded by **Chairman Preidel**. All ayes. Motion carried.

**Clerk Semus** called the Township Committee portion of the meeting to order at 5:54 PM. The following Township Committee members were present: **Committeeman Magee, Committeeman Higgins, Committeeman Ocello, Deputy Mayor Cain, Mayor DiGiuseppe**. Also present on the conference call meeting: **Administrator Fitzpatrick, CFO Grouser, Attorney Tim Prime, Deputy Clerk Jolly and Clerk Semus**.

**MAYORS STATEMENT:**

**Mayor DiGiuseppe** stated to all attending the meeting, she hopes everyone is well and remains healthy. She asked that all comply with the requirements of the CDC and government officials. Because, this meeting is being conducted remotely, she asked the Township Clerk to proceed with the Township Committee portion of the meeting.

**RESOLUTION:**

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
RESOLUTION NO. 2020-4-1**

**ENDORISING AND APPROVING THE UPDATED MANSFIELD TOWNSHIP HOUSING ELEMENT  
AND FAIR SHARE PLAN**

**WHEREAS**, the Mansfield Township (“Township” and the Mansfield Township Planning Board (“Board”) were Defendants in litigation filed by the developer of Block 70, Lot 6.02, consisting of approximately 118.53 acres (“Tower Gate Property”) in the Superior Court of New Jersey, Law Division, entitled Tower Gate Associates v. Township of Mansfield, et al, Docket # L-1739-18, challenging the Township's satisfaction of its affordable housing obligation and seeking to construct an inclusionary development on the Tower Gate Property; an

**WHEREAS**, the parties entered into a Settlement Agreement of said litigation, dated November 18, 2019, and a First Amendment to Settlement Agreement December 24, 2019, collectively referred to as the “Settlement Agreement”; and

**WHEREAS**, pursuant to Section 4.A of the Settlement Agreement, the Township is obligated to adopt a zoning amendment rezoning the Tower Gate Property substantially consistent with the draft ordinance attached to the Settlement Agreement, and;

**WHEREAS**, pursuant to Section 4.B of the Settlement Agreement, the Township is obligated to include the Tower Gate Property in the Township's Housing Element and Fair Share Plan (“HEFSP”); and

**WHEREAS**, on February 18, 2020, the Superior Court of New Jersey, Law Division, entered and filed an Order (“Court Order”) approving the Settlement Agreement and the Township's HEFSP; and

**WHEREAS**, on April 15, 2020, after public hearing, the Mansfield Planning Board, as required by the Settlement Agreement and Court Order, adopted the Township’s HEFSP.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that the updated Mansfield Township Housing Element and Fair Share Plan, dated December 24, 2019, and attached hereto and made a part hereof as “Exhibit A is hereby endorsed and approved.

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

**AYE: Cain, Magee, Higgins, Ocello, DiGiuseppe**

**NAY: None ABSENT: None**

**ORDINANCE:**

**Second Reading/Final Adoption**

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
ORDINANCE 2020 –6**

**AN ORDINANCE TO AMEND THE CODE OF MANSFIELD TOWNSHIP CHAPTER 65, ZONING, TO  
CREATE A NEW ZONING DISTRICT SUBCHAPTER XXXIV, R-7, MIXED USE DISTRICT**

**WHEREAS**, the Mansfield Township (“Township” and the Mansfield Township Planning Board (“Board”) were defendants in litigation filed by the developer of Block 70, Lot 6.02, consisting of approximately 118.53 acres (“Tower Gate Property”) in the Superior Court of New Jersey, Law Division, entitled Tower Gate

Associates v. Township of Mansfield, et al, Docket # L-1739-18, challenging the Township's satisfaction of its affordable housing obligation and seeking to construct an inclusionary development on the Tower Gate Property; and

**WHEREAS**, the parties entered into a Settlement Agreement of said litigation, dated November 18, 2019, and a First Amendment to Settlement Agreement December 24, 2019, collectively referred to as the "Settlement Agreement"; and

**WHEREAS**, pursuant to Section 4.A of the Settlement Agreement, the Township is obligated to adopt a zoning amendment rezoning the Tower Gate Property substantially consistent with the draft ordinance attached to the Settlement Agreement, and;

**WHEREAS**, pursuant to Section 4.B of the Settlement Agreement, the Township is obligated to include the Tower Gate Property in the Township's Housing Element and Fair Share Plan ("HEFSP"); and

**WHEREAS**, on February 18, 2020, the Superior Court of New Jersey, Law Division, entered and filed an Order ("Order") approving the Settlement Agreement and the Township's HEFSP; and

**WHEREAS**, Section 1(g) of the Order requires the Township to adopt the Zoning Ordinance substantially consistent with the Ordinance attached to the Settlement Agreement as same was modified by the terms of the Order; and

**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:

The Code of the Township of Mansfield, Chapter 65 is hereby amended to create a new Zoning District, Subchapter XXXIV, R-7 Mixed Use District, as follows:

**Article XXXIV R-7 Mixed Use District**

**65-192 Purpose**

The purpose of the R-7 Mixed Use District is to provide for inclusionary development that is intended to assist the Township of Mansfield in satisfying a portion of its fair share housing obligation.

**65-193 Description of Zone Boundary**

The boundary of the R-7 Mixed Use District shall encompass the property identified as Block 70, Lot 6.02, which shall hereafter be referred to as the "Tract". The district boundary shall extend to the centerline of the mapped rights-of-way contiguous to the Tract. The municipal Zoning Map is hereby amended to reflect same.

**65-194 General Provisions**

- A. Except as expressly provided in Section 65-196 and elsewhere in this Ordinance, the development regulations set forth in this Article shall apply to the Tract as a whole, not to individual lots which may be created therein.
- B. Affordable Housing. The Affordable Housing requirements shall vary as the residential yield on the Tract is increased. Specifically: (i) fifteen percent (15%) of the of Dwelling Units up to a yield of four hundred eighty eight (488); and (ii) and thirty (30%) of the Dwelling Units between a yield of four hundred eighty nine (489) and five hundred sixty (560) within the Tract shall be income-restricted in accordance with the standards set forth at Section 65-200, below. For all non-residential development constructed within the R-7 Mixed Use District, such development shall be subject to the requirements of the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq.
- C. Open Space. A minimum of 25% of the Tract shall be dedicated as open space per N.J.S.A. 40:55D-43.
- D. The Tract shall be permitted to be subdivided into one or more lots, and one or more buildings or uses shall be permitted on a single lot. The Tract shall be permitted to be constructed in one or more phases.
- E. The regulations set forth in this Article shall supersede all other provisions of the Township Zoning Ordinance, unless otherwise stipulated herein. The provisions of Section 65.4(F) shall not apply to this Tract.
- F. The land use administration and procedural regulations of the Township of Mansfield Code shall remain in full force and in effect. Notwithstanding the foregoing, to prevent undue burdens on the provision of affordable housing, the following submission and checklist requirements shall not be

required in connection with any development application in the R-7 Mixed Use District.

1. Environmental impact assessments (Section 27-30.4); Environmental assessment reports (Section 27-30.4.1.); escrow for environmental professional staff (Section 27-30.6); and submission to the Mansfield Township Environmental Commission (Section 27-30.7).
2. Community Impact Statements (Section 27-30.5).
3. Soil borings (Section 44A-11); provided, however, that soil borings shall be submitted in connection with any specific areas of the Tract that that are intended to be developed for water detention or recharge.
4. Steep slope mapping and related requirements, if any.
5. Submission of soil samples (Chapter 65-95.4), provided, however, that soil borings shall be submitted in connection with any specific areas of the Tract that are intended to be developed for water detention or recharge.
6. Landscape Buffers (Section 65-100 to 65-101); provided, however, that a landscaping plan in sufficient detail shall be submitted to reflect the landscaping required under Section 65-197.
7. Traffic Impact Studies (Section 65-99.2).
8. Tree Removal (Chapter 60B).
9. Tree, Shrubbery and Landscaping (Chapter 60A).
10. Water Resource Buffer Conservation Zones (Chapter 63A).
11. Stormwater (Chapter 48), as the provisions of the Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq. (“RSIS”) shall control.
12. Open Space (Section 65-75 to 65-81).

The above submission exceptions shall apply to all submission checklists, including the general checklist, site plan checklist, and subdivision checklists.

E. Nothing in this Article shall contravene the statutory requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq (the “MLUL”).

#### **65-195 Use Regulations**

A. Definitions:

1. “Dwelling Unit” means a unit intended for residential use.
2. “Age-Restricted Housing” means housing that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: all the residents of the development where the unit is situated are 62 years or older; at least eighty percent (80%) of the units are occupied by one person that is 55 years or older; or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. §§ 3607.
3. “Convenience Store” means a retail business that stocks a range of everyday items, such as coffee, groceries, snack foods, confectionery, soft drinks, tobacco products, over-the-counter drugs, toiletries, newspapers, and magazines. Such stores may also offer money order and wire transfer

services, along with the use of a fax machine or photocopier for a small per-copy cost.

4. "Multi-Family Building" means a building designed for three or more Dwelling Units within one building.
5. "Townhouse" means a building that has no more than ten (10) Dwelling Units erected in a row as a single building, each being separate from the adjoining unit or units by an approved masonry, party or partition wall or walls, thus creating distinct and non-communicating Dwelling Units, such units intended for separate ownership or rental, and shall include stacked Dwelling Units.
6. "Mixed-Use Building" means a building consisting of any combination of Permitted Uses, including Dwelling Units and Commercial.

**B. Permitted Principal Uses.**

1. Multi-Family Buildings.
2. Townhouses.
3. Age-Restricted Housing within Multi-Family Buildings, Townhouses, or Mixed-Use Buildings.
4. Commercial Uses, within 1,500 feet of U.S. Route 130, including any one or more of the following uses, in any combination:
  - (a) Any use permitted in the C-2 Highway Commercial District, except for:
    - (1) Automobile Repair Shops,
    - (2) Automobile Sales, Agencies and Services for new and used vehicles,
    - (3) Clubs and Lodges and all associated functions, and
    - (4) Mortuaries.
  - (b) Retail Stores, Shops, and Services (including drive-thru services)
  - (c) Restaurants, Eateries, and Drinking Establishments (including drive-thru, drive-in, and take-out/walk up window services, and refreshment stands)
  - (d) Grocery Stores
  - (e) Offices (general, professional, government, or medical)
  - (f) Banks, Credit Unions and ATM kiosks (including drive-thru and walk up)
  - (g) Gyms, Health Clubs, and Fitness Centers
  - (h) Child Care Centers, subject only to state childcare licensing requirements
  - (i) Adult Day Care Facilities
  - (j) Tutoring, Educational, or Training Establishments
  - (k) Hotels
  - (l) Gasoline Service Stations (specifically excluding the requirements of Section 65-37)
  - (m) Shopping Centers (specifically excluding the requirements of Section 65-39 and 65-40)
  - (n) Medical Facilities, such as urgent care, pain management, dialysis, and like facilities
  - (o) Convenience Stores (without or without Gasoline Service Stations).
5. Open Space.
6. Farming per Section 65-89.
7. Central Sewage Facilities.
8. Central Water Storage, Pumping, Treatment, and Conveyance Facilities.



9. Mixed-Use Buildings consisting of any combination of the above uses, in one or more buildings, within 1,500 feet of U.S. Route 130.

D. Permitted Accessory Uses.

1. Clubhouses, Community Swimming Pools (specifically excluding the requirements of Section 65-91), and Community Buildings ancillary to a principal use.
2. Management Offices ancillary to a principal use.
3. Recreational Facilities ancillary to a principal use (indoor and/or outdoor).
4. Patios, Decks, Sheds, Terraces, or Balconies ancillary to a principal use.
5. Parking Facilities and Garages, either surface (open air) or enclosed.
6. Enclosed Storage Facilities ancillary to a principal use.
7. Home Office uses per Section 65-95.1.
8. Drive-thru and Drive-up Windows.
9. Outdoor Seating and Delivery Service for Restaurants and Eateries.
10. Rooftop Recreation Facilities on Multi-Family Buildings; and
11. Any other use customarily incidental to a principal use.

E. Conditional Uses: None.

F. Prohibited Uses. All uses prohibited under Section 65-88 are also prohibited in the R-7 Mixed Use District.

**65-196 Area and Bulk Requirements**

A. Tract density for Dwelling Units: 560 Dwelling Units, maximum.

B. Tract density for Commercial: 40,500 gross square feet, maximum

C. Bulk Requirements for Townhouse:

<b>Requirement</b>	<b>Dimension</b>
Min. Principal Bldg Front Yard Setback, (Feet)	20
Min. Principal Bldg Rear Yard Setback* (Feet)	15
Min. Principal Bldg Side Yard Setback (Feet)	0
Min. Principal Bldg to Principal Bldg Setback (Feet)	30
Min. Principal Bldg Deck Side Yard Setback (Feet)	0
Min. Principal Bldg Deck Rear Yard Setback* (Feet)	7
Min. Accessory Bldg Side & Rear Yard Setback (Feet)	5
Max. Principal Building Height (Stories / Feet)	3.5 / 45
Max. Accessory Bldg Height (Stories / Feet)	1 / 15
Max. Lot Coverage (Percentage)	95

\*No setback shall be required where the lot does not back against another lot.

D. Bulk Requirements for Multi-Family Building; Commercial Uses; Mixed-Use Building:

Requirement	Dimension
Min. Principal Bldg to Principal Bldg Setback (Feet)	40
Min. Accessory Bldg Side & Rear Yard Setback (Feet)	5
Max. Principal Building Height (Stories / Feet)	3.5 / 45
Max. Accessory Bldg Height (Stories / Feet)	1 / 15
Max. Lot Coverage (Percentage)	90

E. Bulk Requirements for Open Space; Farming; Central

Sewage Facilities; and Central Water Storage, Pumping, Treatment, and Conveyance Facilities:

Requirement	Dimension
Max. Principal Building Height (Stories / Feet)	1 / 15
Max. Accessory Bldg Height (Stories / Feet)	1 / 15
Max. Lot Coverage (Percentage)	90

Building height shall be measured from the highest finished grade of the building.

**65-197 Buffering and Landscape Requirements**

A. The Tract buffer width shall be measured from the right-of-way lines existing or as determined at the time of submission of an application for development:

1. Northern Boundary (Route 130): 20 feet, minimum
2. Western Boundary (Kinkora Road): 20 feet, minimum
3. Eastern Boundary (County Park): 35 foot minimum when abutting townhouse building(s) and 25 foot minimum when abutting multi-family or non-residential building(s)
4. Western and Southern Boundaries (Residences): 30 feet, minimum

B. The buffer shall be maintained as a landscaped area and no structures shall be permitted within the buffer except for access drives, fencing, recreation paths, walkways, stormwater basins, utilities and/or signs. Buffer landscaping to be provided along U.S. Highway Route 130 shall be designed so as to not unreasonably interfere with visibility for the anticipated retail development along that frontage.

C. The minimum planting height for shrubs shall be 3 feet, and the minimum planting height for evergreen trees shall be 6 feet. Deciduous trees shall be 2.5 to 3 inches in diameter.

D. Where existing vegetation is preserved, new plantings shall not be required.

E. The buffer landscaping shall consist of two continuous parallel rows of evergreen trees in staggered rows planted 15' on center and the buffer may also include evergreen and deciduous trees and/or shrubs and/or ornamental grasses, perennials, and annuals.

F. Buffers may include a privacy fence (solid or open) in addition to the required vegetation and landscaping.

**65-198 Parking and Loading Requirements**

- A. Residential: Per RSIS.

- B. Commercial: 1.0 space per 250 square feet of floor area. This standard shall apply to any use not otherwise specified below.
- C. Hotel: 1.0 space per rental hotel room key.
- D. Restaurants, Eateries, and Drinking Establishments: 1.0 space per 3 seats of maximum occupancy.
- E. Child Care: Per N.J.S.A. 40:55D-66.6.
- F. Shared parking: For mixed-use developments, a shared parking approach to the provision for off-street parking, based on acceptable industry standards.

Handicapped designated parking shall be provided in accordance with the Americans with Disabilities Act (the "ADA").

Loading Requirement for Commercial buildings: one (1) loading space per 10,000 SF.

### **65-199 General Regulations**

- A. Landscaping
  - 1. All areas that do not contain buildings, structures, or paving shall be landscaped with plantings and/or lawn.
  - 2. All plant materials shall be in accordance with "The American Standards for Nursery Stock".
- B. Access, Circulation, and Parking Design for all Permitted Uses.
  - 1. All access, circulation, and parking dimensions shall be in accordance with RSIS and the ADA.
  - 2. Parking areas shall be permitted in any yard, including the front yard, provided the buffer requirements set forth above are met.
- C. Stormwater and Utility Design.
  - 1. All stormwater management shall be in accordance with RSIS and New Jersey Department of Environmental Protection ("NJDEP") requirements.
  - 2. All utility design shall be in accordance with RSIS and NJDEP requirements.
- D. Lighting.
  - 1. All freestanding light fixtures shall be no higher than 20 feet above grade level.
  - 2. The maximum illumination at all abutting existing residential property lines shall be 0.5 footcandles.
  - 3. Light fixtures shall be shielded and shall utilize metal halide, LED, or other white light source.
- E. Fences and Walls.
  - 1. Fences and walls shall be permitted in any yard, including the front.
  - 2. Fences and walls in the front yard shall be a maximum of 4 feet high.
  - 3. Fences in the front yard shall be 50% open.
  - 4. Fences and walls in yards other than the front yard shall be a maximum of 6 feet high.
- F. Refuse and Recycling. All refuse and recycling storage shall be fully enclosed and screened within the building or, if outside, within a refuse enclosure that is a minimum of 6 feet high.
- G. Signs.
  - 1. Roadside Signs.

- (a) One roadside entry sign shall be permitted at each access point along each road.
- (b) The maximum sign area for any roadside entry sign shall be 60 square feet.
- (c) The maximum sign height for any roadside entry shall be 8 feet.

2. Building Signs.

(a) Commercial signage shall be limited to one architectural wall sign per tenant per facade, having a maximum sign area of 60 square feet, or 10% of the storefront, whichever is lesser; and further provided that such signs shall be affixed to the principal elevation and located below the second story. For tenants located in an end-cap or a single-tenant building, two (2) wall signs shall be permitted.

(b) Multi-Family Buildings shall be limited to one sign per Multi-Family Building, having a maximum sign area of 60 square feet.

3. Directory Signs.

(a) Directory ground signs shall be permitted within the interior of the Tract, to identify or distinguish different neighborhoods or clusters of building types within the development.

(b) Directory signs shall not exceed 16 square feet in area.

(c) Directory signs shall not exceed 8 feet in height.

4. Directional (wayfinding) Signs.

(a) Directional ground signs shall be permitted within the interior of the Tract, to facilitate wayfinding to amenity areas such as clubhouses or neighborhoods or clusters of building types within the development.

(b) Directional signs shall not exceed 16 square feet in area.

(c) Directional signs shall not exceed 8 feet in height.

5. All signs within the Tract shall be designed in a cohesive manner.

6. All signs on Townhouse lots shall be subject to Section 69-112.

H. Mechanical Equipment. Air conditioning units, HVAC systems, exhaust pipes or stacks, electric and gas utility meters, and related mechanical equipment and elevator housing shall be screened to minimize visual impact.

**65-200 Affordable Housing Requirements**

- A. Fifteen percent (15%) of the Dwelling Units constructed within an inclusionary development within the Mixed Use Zone up to four hundred eighty eight (488) and thirty percent (30%) of those Dwelling Units in excess of four hundred eighty eight (488) are to be affordable to low and moderate income households (“Affordable Units”) in accordance with the Superior Court’s February 18, 2020 Order approving the Settlement Agreement in the matter of Tower Gate Associates v. Township of Mansfield, et al, Docket No.: L-1739-18. Accordingly, in the event of a total development of up to 488 units, fifteen percent (15%) of those units shall be reserved as Affordable Units (*i.e.* 74 Affordable Units if the inclusionary development consists of a total of 488 dwelling units). Further, in the event in of an inclusionary development consisting of 489-560 total dwelling units, thirty percent (30%) of the dwelling units in excess of 488 shall be reserved as Affordable Units (*i.e.*, 22 additional Affordable Units (96 Affordable Units in total) if the inclusionary development consists of a total of 560 dwelling units).
- B. The Affordable Units shall be deed restricted in accordance with the provisions of the Uniform Housing

Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), which shall govern the number of bedrooms and rents for the Affordable Units.

- C. Phasing for construction of the Affordable Units shall be in accordance with COAH's phasing schedule established by N.J.A.C. 5:93-5.6(d).
- D. All Affordable Units shall comply with the regulations of UHAC and/or the New Jersey Council on Affordable Housing (“COAH”), as may be applicable, including, but not limited to those concerning (a) income qualification, (b) controls on affordability for a period of thirty (30) years, (c) deed restrictions, (d) bedroom distribution, (e) low/moderate income split, (f) affirmative marketing, and (g) handicap accessibility.
- E. All Affordable Units shall be subject to affordability controls for a period of at least thirty (30) years following the initial certificate of occupancy for the affordable unit and upon the conclusion of that thirty (30) year period the municipality’s decision as to when and whether to extinguish affordability controls shall be governed by the applicable UHAC provisions.
- F. Townhouses shall be permitted to be arranged in a stacked or interlocking fashion, whereby an Affordable Unit shall be permitted to be located vertically above or vertically below a market-rate unit.

*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.

**PUBLIC HEARING:**

**Clerk Semus** stated that public comment would be limited to two minutes per comment due to the restricted time limit of this meeting.

**Bob Tallon, 2454 Axe Factory Road** – He mentioned buffers regarding the Tower Gate property and the nearby park. His thoughts were that the 2017 Route 130 study had mentioned keeping development away from the Kinkora Trail; however, there are places where the Kinkora Trail will be within 100 feet of this development. He believes that would go against that study. He also mentioned the DEP had required a 300 foot buffer from the park because of the bald eagle habitats. He added that he was unclear why the zoning would need to be changed from an R-1.

**Attorney Tim Prime** stated that the settlement agreement had attached to it, the zoning ordinance. The zoning ordinance was part of the settlement agreement approved by the Court; thereby, the Township Committee must adopt said ordinance as part of the settlement agreement.

There were no further comments from the public.

A motion adopt the above ordinance was offered by **Committeeman Magee** and was seconded by **Deputy Mayor Cain**. Motion carried on a roll call vote recorded as follows:

**AYE: Magee, Cain, Higgins, Ocello, DiGiuseppe**  
**NAY: None     ABSENT: None**

## **FINANCE: Budget Presentation**

**CFO Grouser** thanks all whom were involved with the preparation of the budget. The budget process begins in December and is a collaborative effort by all departments. She thanked Mayor DiGiuseppe and Committee, as well as Administration and Account Robert Nehalia of Bowman and Company.

**CFO Grouser** referred to the 2020 budget model. She stated the first page is the calculation of the tax rate. The local tax rate will increase from .50092 to .52377, which is an increase of .02284, also commonly known as two pennies or two tax points. A tax point or one penny is valued at \$101,015.74. Mansfield Township is currently assessed at One billion ten million one hundred and fifty seven thousand four hundred and twenty dollars. For every penny of tax point that one would like to shave off the budget, one must realize additional revenues in the amount of \$101,000, cut appropriations by that amount, utilize more fund balance, or a combination of the three.

**CFO Grouser** stated the average homeowner will see an annual increase in the amount of \$59.18. This is based on the average assessed home value of \$250,227.00. The residential assessed value is 865,035,000.00. The number of residential properties in town is 3,457, which represents 86% of total tax parcels. The average assessed home value of \$250,227.00 that is than multiplied by the local tax rate and divided by 100 to arrive at the yearly cost to the average taxpayer of \$1,310.60, which is resulting in the \$59.18 increase.

**CFO Grouser** stated our fund balance at year end 2019 was \$1,458,116.00. The township is utilizing \$800,000 of its fund balance to support the budget. The maximum amount of revenues has been anticipated, the maximum tax correction rate has been anticipated (which is 98.24%) and the maximized delinquent tax revenue of \$531,000.00.

**CFO Grouser** explained has far as appropriations, a salary increase for all nonunion personnel has been calculated at 3%. PBA and CWA collective bargaining agreements have been calculated as per contract. She then outlined the different departments and the increases of the budgets for same. Additionally, there was a 5% reduction to all departments as an expense line item, with the exception of the Court. There is a new appropriation that is outside of the CAP, this year for the declared state of emergency cost for COVID-19.

**CFO Grouser** stated the current budget is \$218,000.00 under the State's levy CAP without utilizing any available CAP bank. The current budget is \$32,000.00 under the State appropriation CAP without utilizing any available CAP bank. She stated it is a nine million dollar budget and then gave a breakdown of same. The budget introduction was extended from March 30<sup>th</sup> to April 28<sup>th</sup>. The Township will introduce its budget on April 15<sup>th</sup>. The budget adoption was extended from April 30<sup>th</sup> to May 30<sup>th</sup>. The Township will be adopting on May 20<sup>th</sup>.

**Committeeman Higgins** stated that appropriations can only be done if the township generates revenue. Looking at the 2018 budget the fund balance that went to 2018 budget may have been about \$30,000.00.

**CFO Grouser** stated the fund balance that went to 2019 budget was \$30,000.00.

**Committeeman Higgins** stated there was maybe \$20,000.00 in the surplus after that inclusion. At the end of this year the Township has 1.4. The Committee has taken a lot heat because of the recent developments/warehouses. Between those developments and the sale of the old Municipal Building, the Township was able to generate 1.4 by the end of the year. Now appropriating \$800,000 for the 2020 budget, which would come out to about eight cents. Basically, if the township did not have these warehouses coming there may have been a six or seven cent tax increase. Additionally, there are some opportunities this year to get some roll back taxes as well as PILOT programs and with all of the revenue being generated, he would feel

more comfortable raising the taxes one cent and reducing the surplus by another \$101,000. He does not feel like that would be a complicated thing to achieve.

**CFO Grouser** clarified that Committee Higgins suggestion was to use another \$100,000 of fund balance to lower the tax rate to one penny increase.

**Committeeman Higgins** added either that or take \$101,000 and take one penny off the tax rate; this would be his suggestion.

**Deputy Mayor Cain** stated the issue is valid and there are monies available. If the township can generate a break for its residents then this is something the Committee should seriously consider. The other concern is the fire company because it is a volunteer group and unfortunately volunteerism is not what it used to be. The fire company issue needs to be addressed if not this year definitely next year.

**Mayor DiGiuseppe** stated that she worked very closely with CFO Grouser on this budget. She agreed with most of what Committeeman Higgins said. In the beginning of this process she was open to a zero increase in taxes or minimal. Throughout this entire process and through all discussions with the Township Committee; the budget as introduced is what was established. Prior to this meeting there was no recommendation for the 1 cent increase therefore, she is recommending introducing the budget the way it was presented this evening. Currently, no monies have been received for the warehouses and with the Fire Company and Police Department needing things, this is a fiscally responsible budget with minimal increase. It is her recommendation and the budget is introduced as presented this evening.

**Committeeman Higgins** stated he had believed he presented to CFO Grouser that he wanted no more than one cent increase a month ago.

**Committeeman Magee** stated the township is starting to see some rewards from commercial development however, he agrees with the Mayor that there are things still yet to come. He agrees he would love to see a zero increase if it were possible. He does not want to delay the adoption of the budget. He questioned if the budget can be adopted the way it is and then recognize that \$101,000 in some other way. He would like to get it to one cent, but he does not want to hold up the budget. He agrees with Deputy Mayor Cain that the Fire Department is a major concern, but that will not be solved by one warehouse development and it is more than just a lack of volunteers.

**Committeeman Ocello** stated he agrees with Committeeman Magee on the budget. The Committee has been going back and forth about the budget and he thinks it should stay as is at this point.

**Committeeman Higgins** stated the budget would not be held up, it would simply be taking income from one item and putting into the other item and then introducing the budget.

**Mayor DiGiuseppe** questioned what Committee Higgins is recommending exactly.

**Committeeman Higgins** clarified taking fund balance anticipated \$800,000 and make that \$901,000 which would take a penny off, then you take that and reduce it from the local purpose tax.

**Mayor DiGiuseppe** questioned the CFO if taking that from the fund balance, whether she felt that would be a credible action.

**CFO Grouser** stated the township is sitting on one million four hundred fifty eight one hundred and six. The proposal is to use nine hundred thousand, which would leave five hundred and fifty eight thousand dollars' worth of fund balance going into next year. The PILOTS may not be received until 2021 and most likely not

until the end of 2021. She does not believe those can be recognized as a revenue in 2021 budget. When this budget process started, the revenues were maximized, the tax collection rate was maximized as well as delinquent tax revenue. There is a chance that the township will not meet all of the revenues and at the end of the day it will come out of fund balance anyway. She suggests to not use another \$100,000 of fund balance.

**Mayor DiGiuseppe** currently the township is involved with the COVID-19 expenditures. On a daily basis she is on calls with the Administrator, CFO, and Clerk for purchases that the Township needs to make. There has already been an increase in the budget for \$30,000 and an additional \$50,000. If that runs out an emergency appropriation would need to be added after the budget is approved. Based on all of that she again recommends the budget is introduced as presented. Additionally, she reiterated as of this current date the township has not received all of the revenues that were anticipated from the warehouses.

No further discussion. Clerk Semus asked for a motion to adopt the below resolution.

**RESOLUTION:**

**MANSFIELD TOWNSHIP  
BURLINGTON COUNTY  
RESOLUTION 2020-4-2  
MUNICIPAL BUDGET OF THE TOWNSHIP OF MANSFIELD,  
COUNTY OF BURLINGTON, FOR THE FISCAL YEAR 2020**

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**Township Of Mansfield [Code 0318], Burlington County - 2020 Budget**

**MUNICIPAL BUDGET NOTICE**

**Section 1.**

Municipal Budget of the Township of Mansfield, County of Burlington for the Fiscal Year 2020.

Be it resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year;

Be It Further Resolved that said Budget be published in the Burlington County Times and the Trenton Times In the issue of April 22, 2020.

The Governing Body of the Township of Mansfield does hereby approve the following as the Budget for the year 2020:

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Mansfield, County of Burlington, on April 15, 2020.

A Hearing on the Budget and Tax Resolution will be held at Township Municipal Building, on May 20th, 2020 at 7:00 o'clock (P.M.) at which time and place objections to said Budget and Tax Resolution for the year may be presented by taxpayers or other interested persons.

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**EXPLANATORY STATEMENT**

**SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET**

General Appropriations For: (Reference to item and sheet number should be omitted in advertised budget)

1. Appropriations within "CAPS"

(a) Municipal Purposes {(Item H-1, Sheet 19)(N.J.S. 40A:4-45.2)} \$ 5,886,265.45

2. Appropriations excluded from "CAPS"

(a) Municipal Purposes {(Item H-2, Sheet 28)(N.J.S. 40A:4-45.3 as amended)} \$ 2,540,658.21

(b) Local School District Purposes in Municipal Budget (Item K, Sheet 29) 0.00

Total General Appropriations excluded from "CAPS" (Item O, Sheet 29) \$ 2,540,658.21

3. Reserve for Uncollected Taxes (Item M, Sheet 29) –

Based on Estimated 97.8 % Percent of Tax Collections \$ 602,924.20

4. Total General Appropriations-

\$ 9,029,847.86



- 5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11)  
(i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)- \$ 3,758,491.13
- 6. Difference: Amounts to be Raised by Taxes for Support of Municipal Budget (as follows)
  - (a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes \$ 5,271,356.73
  - (b) Addition to Local District School Tax (Item 6(b), Sheet 11) 0.00
  - (c) Minimum Library Tax 0.00

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

**AYE: Ocello, Magee, DiGiuseppe**  
**NAY: Cain, Higgins ABSENT: None**

**MANSFIELD TOWNSHIP  
 BURLINGTON COUNTY  
 RESOLUTION 2020-4-3**

**MEMORIALIZING RESOLUTION FOR THE REFUND OF TAX OVERPAYMENTS**

**WHEREAS, Property Taxes were overpaid on the property listed below; and**  
**WHEREAS,** this overpayment was due to a payment by PennyMac Loan Services, LLC, and they are requesting a refund;

**NOW THEREFORE BE IT RESOLVED,** that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their special meeting held on April 15, 2020 hereby memorializes the authorization for the refunding of the following to PennyMac Loan Services, LLC, by the Tax Collector.

<b>Block</b>	<b>Lot</b>	<b>Property Owner</b>	<b>Amount</b>
9.01	1.04	Nicholas & Erica Santoro	\$2,819.49

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

**AYE: Magee, Cain, Higgins, Ocello, DiGiuseppe**  
**NAY: None ABSENT: None**

**MANSFIELD TOWNSHIP  
 BURLINGTON COUNTY  
 RESOLUTION NO. 2020-4-4**

**RESOLUTION AUTHORIZING PURCHASING AGENT ASSISTANCE FOR TOWNSHIP'S  
 TEMPORARY PURCHASING AGENT**

**WHEREAS,** the Local Public Contracts Law, at N.J.S. 40A:11-3 provides that when the cost or price of any contract does not exceed the total sum of \$17,500 in a contract year, the contract may be awarded by a purchasing agent or other employee designated by the governing body when so authorized by ordinance or resolution; and

**WHEREAS,** N.J.S. 40A:11-9 provides that the governing body may by resolution, designate an individual to serve as the contracting units Temporary Purchasing Agent, provided that the individual possesses required purchasing experience and is working toward obtaining a qualified purchasing agent certificate pursuant to the statute; and

**WHEREAS,** Gordon Ball possesses a qualified purchasing agent certificate; and

**WHEREAS,** the Township Committee desires to retain Gordon Ball on an "as needed" basis to assist the Township's Temporary Purchasing Agent in procurement issues and public contract compliance.

**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 Administrator and/or the Township's Temporary Purchasing Agent are authorized to use Gordon Ball to provide assistance to the Township on procurement issues

and public contract compliance on an "as needed" basis during calendar year 2020 as an independent contractor at the hourly rate of \$75 dollars per hour, and a total amount not to exceed \$1,500.00.

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

**AYE: Cain, Magee, Higgins, Ocello, DiGiuseppe**  
**NAY: None ABSENT: None**

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
RESOLUTION 2020-4-5  
A RESOLUTION AUTHORIZING THE TRANSFER OF JUNK TITLES TO  
2001 TOWING AND RECOVERY, INC. AND FLYNN'S TOWING**

**WHEREAS**, the Township of Mansfield offered for public auction certain vehicles identified in Resolution 2019-7-8 and Resolution 2019-4-8; and

**WHEREAS**, the GovDeals site conducted the subsequent public auctions and the minimum bid threshold was not met; and

**WHEREAS**, NJSA 39:10A-3, allows a public agency, under certain circumstances, to apply for a junk title; and

**WHEREAS**, the Mansfield Township Police Department, on behalf of the Township of Mansfield, filed for and received junk titles from the New Jersey Motor Vehicle Commission for the below listed vehicles which did not sell during said auction.

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

1. The Township Committee hereby transfers the following junk titles to the listed entities:

<u>Vehicle</u>	<u>VIN</u>	<u>Towing Agency</u>
2006 Pontiac Grand Prix	VIN # 2G2WP582661189263	2001 Towing & Recovery Inc
2003 Mitsubishi Lancer	VIN # JA3AJ26E93U014488	Flynn's Towing

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

**AYE: Ocello, Cain, Magee, Higgins, DiGiuseppe**  
**NAY: None ABSENT: None**

**BILL LIST: Regular & Escrow**

A motion to approve the bill list for regular and escrow was offered by **Deputy Mayor Cain** and seconded by **Committeeman Ocello**. Motion carried on a roll call vote recorded as follows:

**AYE: Cain, Ocello, Magee (except as noted below), Higgins (except as noted below), DiGiuseppe**  
**NAY: None ABSENT: None ABSTAIN: Higgins & Magee from check # 10274**

**PUBLIC COMMENT:**

**Carl Schwartz, 40 Fitzgerald Lane** – Regarding the budget, he wanted to add the significant impact of the virus on the municipal and constituent side and potentially put a freeze on anything that is not contractually required until the public health crisis is over.

There were no comments from the public. Motion to close public comment was offered by **Committeeman Ocello** and seconded by **Deputy Mayor Cain**. All ayes. Motion carried.

**MAYOR AND COMMITTEE UPDATES/COMMENTS:**

The Committee thanked everyone for participating in this meeting and asked all to abide by the CDC regulations and asked all to remain safe and healthy during these unprecedented times.

**MOTION FOR ADJOURNMENT:**

A motion to adjourn was offered by **Deputy Mayor Cain** and seconded by **Committeeman Magee**. All ayes. Motion carried.

Respectfully Submitted by:

Prepared by:

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Linda Semus, RMC, CMR  
Municipal Clerk

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Ashley Jolly, Deputy Clerk