

**MANSFIELD TOWNSHIP PLANNING BOARD
REGULAR MEETING
February 24, 2020**

The Regular Meeting of the Mansfield Township Planning Board was held on the above shown date with the following in attendance: Scott Preidel, Douglas Borgstrom, Frederick Cain, Shane Fleming, Colleen Herbert, Robert Higgins, Joseph Sgro, William Tahirak, and Secretary Ashley Jolly. Ralph Wainwright was absent.

The meeting was called to order by Chairman Scott Preidel, followed by the flag salute and the following opening statement:

The Notice requirements provided for in the Open Public meetings Act have been satisfied. Notice of this meeting was properly given in the annual notice which was adopted by the Mansfield Township Planning Board on January 14, 2020. 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 17, 2020.

APPLICATION PB: 2019-3: Motel 6 Preliminary & Final Major Site Plan

Attorney David Frank represented the applicant. All witnesses were sworn in by Attorney Coleman. The witnesses were as follows: Chetan Patel, Rakesh Patel, Bob Kahn and Nehal Jhaveri.

Chetan Patel explained his family has operated the Motel 6 formally the Imperial Motel since 1970. They have always had the vision of expanding the property throughout their 50 years in Mansfield Township.

Engineer Mr. Kahn stated the property address is 3312 Route 206 and is located in the highway commercial district. Currently there are four structures on the property. Three of the structures are used as part of the motel. The fourth structure was an old restaurant, but currently is used as storage. The applicant is proposing to add a second floor addition to the middle building, which will add 30 more rooms. A lobby in the front will also be added. 54 parking spaces are being proposed. The driveway access from Route 206 is existing and will remain.

Engineer Mr. Kahn brought forth Exhibit A-1 dated February 21, 2015 Site details. There is no parking along the back aisle of the driveway. The driveway to the restaurant from the Motel was eliminated and a sidewalk was added. Additionally another handicapped space was added. In regards to the parking, there will be a turning template for tractor trailers and 5 gravel tractor trailer parking spaces. There is a three car parking garage in the back as well. Existing lighting will remain as well as the existing signs. The sign locations will be added to the revised plans. All the existing drainage on the site is connected to the inlets along Route 206. There is no detention basin and one is not being proposed since there is minimum impervious. A block trash enclosure is being proposed on a concrete pad as well.

Attorney Frank questioned **Chetan Patel** how things come and go from the site and the frequency of same. **Chetan Patel** stated on a weekly basis there is a laundry service once per week. They park between building number one and two of the motel in an open area. **Attorney Frank** questioned the restaurant and the possibility of bringing it back to service. **Chetan Patel** stated at this time no, if something comes along in the future they would consider it at that point. **Attorney Frank** stated he submits that the restaurant is pre-existing non-conforming and no changes are being proposed.

Architect Jhaveri explained that currently the one story structure has 11 rooms at the bottom and a roof at the top; it also has a lobby and front desk. On top of the existing structure about 6,100 square feet will be added and roughly 6,500 square feet is existing on the first floor. On top of the existing first floor 13 rooms will be added. There will be 9 rooms added on the bottom existing floor. There will still be an open corridor. The existing motel exterior is in line what is currently in place, which is stone vainer and stucco. The construction will be what is required by code.

Mr. Borgstrom questioned if there will be sprinklers installed throughout and where the water would be coming from. **Architect Jhaveri** explained they will work with the Engineer and local utility company, but the entire building will be sprinkled.

Planner Edward Fox mentioned the trailers on site since there is an ordinance that does not allow trailers on site. **Attorney Frank** that ordinance took effect in 2006 therefore this property is pre-existing non-conforming from. **Planner Fox** mentioned that the ordinance requires a landscape plan to be provided. **Attorney Frank** stated a design waiver is being requested. The site is existing and there are not any additional areas to be created thereby existing landscaping should be adequate. **Planner Fox** added that he recommends the applicant consolidate the two properties since the motel is on two separate properties. **Attorney Frank** mentioned the two septic systems on the site and currently the one that services the motel is being reapproved by NJDEP. **Attorney Frank** explained that each septic system is assigned its own block and lot and they prefer not to consolidate the lots at this time. **Planner Fox** stated all of his concerns have been addressed.

Traffic Engineer Litwornia concurs with the design waiver for the size of the parking spaces because it is common to have the 9x18 spaces. He added he would like to know the status of their application with the NJDOT. **Engineer Kahn** stated there are no changes to the curb cuts and the additional rooms should not generate very much more traffic, so they do not believe they will need an access permit. They will be needing a letter of no interest from NJDOT and they will apply for same. **Traffic Engineer Litwornia** added that he has no further concerns however, he would like a copy of the letter of no interest from NJDOT.

Engineer Agresta stated that the applicant has agreed to go back and forth on compliance and address some of the issues during that time. He questioned the degrading of some of the asphalt areas. **Engineer Kahn** stated there are some areas that are damaged that will be repaired, but has far has the general site grading there will be no major changes. **Engineer Agresta** questioned the truck parking in the stone and if there will be any issues with congestion or confusion. **Chetan Patel** explained that they only have a few to five or six trucks at a time and it seems to be self-explanatory, if needed signage could be added. **Engineer Agresta** talked about storm water and that typically for an application like this a small narrative is submitted by the applicant. The applicant agreed to submit same. **Engineer Agresta** had no further concerns.

Attorney Coleman questioned the number of parking spots required. **Planner Fox** stated 57 spots are required. **Attorney Coleman** asked for clarity on the number of parking spots that will be delineated on the final plans. **Engineer Kahn** stated it would be 61 parking spaces, which included 3 garage spaces and 5 tractor trailer spaces.

Chairman Preidel questioned the well on site and if a tank would be needed for the sprinklers. **Chetan Patel** stated if they needed would have a tank installed. **Chairman Preidel** questioned if they would need to enlarge the septic system. **Chetan Patel** stated currently it is sufficient however, they are in the process of getting a new system. **Attorney Coleman** stated that most likely tanks for the sprinklers will be needed unless there is an agreement with some utility. It may be advisable to have the final plans reflect where the tanks will be located. The applicant agreed to this condition of approval.

PUBLIC COMMENT:

Bob Tallon 2454 Axe Factory Road – He questioned if the motel would be changing its designation to a truck stop/motel. **Attorney Coleman** explained that the testimony from Mr. Patel stated that from 1970 the property has been frequented by trucks that may stay for the night. He's not sure he would categorize it as a truck stop. **Mr. Tallon** questioned the square feet of the extra impervious surface. **Attorney Frank** stated the only added impervious is the length of the sidewalk. **Mr. Tallon** was concerned about the trucks leaking oil into the nearby stream which is given a c-1 designation. **Engineer Agresta** stated that the site cannot be responsible for the maintenance of vehicles. He was not aware of any extra measures that would be needed for the parking of a few trucks.

There were no further comments from the public.

A motion to approve the above application for both preliminary and final site plan with the appropriate conditions discussed was offered by **Mr. Borgstrom**.

Attorney Coleman stated the above motion was for the property located at 3312 Route 206, block 3, lots 3.01 and 3.02. Additionally, all of the waivers that were identified in Planner Fox's letter and one variance for rear yard setback for the second floor addition not being closer 6.04 feet which is pre-existing, therefore it will not go further into the setback. Conditions of the approval would be that the applicant will provide a certification from the applicable outside agency that the septic is acceptable, a letter of no interest from NJDOT and a storm water narrative.

Mr. Cain seconded the above motion. Motion carried on a roll call vote recorded as follows:

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

NAY: None NOT VOTING: Sgro, Tahirak ABSENT: Wainwright

APPLICATION PB2020-1 Mansfield Realty North Final Major Site Plan

Attorney Ron Shimanowitz stated he represents the applicant and he brought along **Greg Oman, Site Engineer** and **Nate Mosley, Traffic Engineer**.

All of the above individuals were sworn in by Attorney Coleman.

Attorney Shimanowitz explained they are seeking final major site plan approval for the subject property which consists of two tracts. The east tract being block 3, lot 5.01 and 10.01; the west tract being block 4, lots 6.01 and 7. The east tract is about 62 acres in size and the west is about 20 acres in size. This property is in the c-2 zone but is governed by the redevelopment plan adopted by the Township Committee. The first time before the board, the board granted preliminary site plan approval together with parking variances. Thereafter this applicant returned in February of 2019 seeking amended preliminary site plan approval; at that time the development was reduced in size. The DOT jug handle was added and approved by the board as well. Tonight is the final site plan approval that follows through the preliminary approval.

Engineer Oman stated his exhibit the same from the previous hearing dated 1-28-2019 entitled overall site plan exhibit. It is a colorized rendering of the overall site plan for both sites. Said exhibit was marked A-1. Approval was received for 772,800 square feet of warehouse on the eastern side and 120,120 square feet on the western side. Outside agency approvals include Burlington County Soils, Burlington County Site plan and have since received DEP approval for flood hazard and wetlands permits. Outside agency approvals remaining are DOT, NJAW (NJ American Water) for offsite water and sewer, force main is about

2 miles. There have been no changes to the buildings as was previously submitted. The onsite pump stations will be maintained by the land owner.

Engineer Oman mentioned the Environmental Commission letter and the buffers associated with the tributaries. He stated these are not C-1 streams; they are fresh water non trout classifications. The original application did not include the jug handle. In reviewing the threatened endangered species within the property, it was close to one mile. According to DEP regulations if you have T&E within a mile of your property the repairing buffers along these streams would be 150 feet. The work for the original application was showing no disturbance within 150 feet other than an outfall for each of the basins. Approval for 150 feet was given by DEP and the board. Since the original application the jug handle makes more sense; in looking in the plans for the jug handle it encroached within 150 foot repairing. At the last hearing there was correspondence with the DEP that their T&E group did agree with their assessment that it was just over a mile therefore, the repairing buffers for this property should be assigned 50 feet. DEP approval was received in November of last year which states the 50 foot is accurate. There is an underground detention basin for the western property, this is an enclosed system, and the water is collected by an underground collection system to the underground basin before going to a storm filter in which the water is cleaned before being discharged to the tributary to the south.

Traffic Engineer Nate Mosley went through the review letter from Mr. Litwornia. He has been working with NJDOT on approval for the new traffic signal as well as the site driveways. NJDOT granted approval in 2019 for new traffic signal with the jug handle ramps as well as two separate right in right out only driveways one for each side of Route 206. All document copies requested by Mr. Litwornia will be submitted to his office. **Mr. Litwornia** added there will be a progression through the signal. **Mr. Mosley** stated the traffic signal will be coordinated with the two signals to the north. All three of those traffic signals will have fixed offsets that the DOT reviewed and approved. This should allow vehicles to progress smoothly and create gaps for driveways in between. **Mr. Litwornia** added there will be a condition of approval for a noise study to be completed. **Attorney Shimanowitz** agreed to this.

Planner Fox asked for the status on the legal descriptions regarding the conservation easements. **Attorney Shimanowitz** stated they are prepared and will be submitted. They will work with the Tax Assessor regarding the numbering of the lots.

Engineer Agresta stated the grading and the inconsistencies with the pipe inverts can all be addressed via resolution compliance. The applicant agreed to address the bulk of the comments. He would like to see some type of utility easement or agreement be submitted in case something happens down the road if these properties are sold individually, it would be beneficial to address this upfront.

Mr. Tahirak questioned the hours of operation and is there parking for empty trailers. **Attorney Shimanowitz** stated they do not have a tenant yet therefore hours of operation will be 24/7 to compete with the other users in the area. 24/7 operation is the standard in the industry. **Engineer Oman** stated in regards to the parking there 151 docks and 172 trailer spaces.

Ms. Herbert questioned the landscape buffers and whether or not that has been improved. **Attorney Shimanowitz** stated during preliminary approval they added to the landscape buffer and that has continued into the final approval; none of the landscape buffering has been changed since preliminary.

Ms. Herbert then questioned the pump station. **Engineer Oman** confirmed it is going down White Pine Road to Four Seasons. Any road damaged will be repaired should it be recommended by the Township Engineer.

PUBLIC COMMENT:

Bob Tallon 2454 Axe Factory Road – He does not think this project should be approved. He has concern about the underground basin on the western side. The stream has a pending C-1 status and the underground

systems are more so designed for urban areas. He is concerned about the pollutants. There is a county park within one mile and there are multiple threatened and endangered species both on land and the water itself that that stream feeds. The Mapleton and Four Seasons plant was built years ago for that one purpose. He does not believe it was designed to have a lot of parasitical loads put on top of it. Northern Burlington County also discharges into that system. He then brought up portable water and stated that Mansfield is in the critical water area as designated by DEP.

Jaime Deveroux 1 Jasper Drive – He is concerned with the sewer which is at about 80% capacity now. He questioned how it would handle the extra capacity that these two warehouse will provide. Secondly, he questioned who would be paying the cost of the extra capacity of sewage. The sewer rates are currently already so high. What steps is the board taking to ensure the residents will not bear the cost of even higher rates. He is also concerned for Crystal Lake Park; the environmental issues are very concerning. The wildlife out there needs protecting. He understands ratable are needed but not at the expense of the taxpayers who will be bearing cost for the sewer and not at the expense of the environment. He asks the board members to ensure the appropriate steps to protect the Township are taken.

Frank Pinto 420 Island Road – Stated he drove down the turnpike and there are hundreds of thousands of available square footage and not one of them are in a residential neighborhood. There are a lot of reports that show chasing retail does not always equate to lower property taxes. These warehouses are located right next to residential homes and shows a disregard to the resident's quality of life and an impact on property values. He questioned the estimated number of trucks per day that will utilize the warehouses. **Attorney Shimanowitz** stated they have submitted traffic reports and added that this is a final approval. Preliminary and Amended Preliminary Approval has already been granted and there was traffic testimony that gave that information in great detail. **Mr. Pinto** is concerned for the Sherwood Lane development that will suffer will air and noise pollution issues. At minimum the board should consider downsizing the warehouses. He is also concerned of the decrease in property value for the homes in the Sherwood Lane development and the homes along White Pine Road. He advises residents to contact the NJDEP hotline if the trucks are idling exceeding 3 minutes and to also contact the Burlington County Health Department. Additionally, a complaint can be filed with the Township under chapter 34A, if the odor is offensive or nauseating to a resident. He then brought up the noise of back up beepers on the trucks and the NJ Environmental Rights Act. Lastly, he questioned the board members if they would want these warehouse built adjacent to their homes.

Sanjiv Chandel 330 Mansfield Road East – Questioned what the Township is doing and stated that there are empty warehouses all over the turnpike. He is worried about property values and the trucks going into the village of Columbus. He has not seen the ratable benefit talked about by the Township. He does not understand how the leaders of this township could let this happen.

Marshall Mojena 26 Sherwood Lane- He asked the board to think about how they would feel if they lived right next to this warehouse and to give that some thought when they vote.

Craig Kendall 30 Sherwood Lane- He has attended all of the meetings and the landscape buffering was discussed. He did not move out here to have a warehouse next to him. He believe the value of his home is going to plummet. The traffic on the road is going to unbearable. He concerned with the noise. There are vacant warehouses everywhere. There is a bald eagles nest in the area as well. He asked the board members to think about this before they vote.

Kate Tallon New Egypt, NJ- She mentioned the landscape ordinance for the Township and there are a lot of exotic and Asian species. She questioned if the tree and shrub types could be changed to be all native species. **Attorney Shimanowitz** stated this is final approval and there is a previously approved landscape plan. There is no intention to change the plan at this time. **Planner Fox** added the review was completed by his office and is included in his review letter for same. **Ms. Tallon** mentioned she works for Crafts Creek Watershed Association and she has data going back 20 years. The ecosystems are becoming unbalanced.

The stream is already so impacted and the warehouses will only make it worse. There will be less biodiversity and more mosquitoes; thereby more contaminants will be added to the watershed. She mentioned the redevelopment study and questioned if that was meant for blighted areas. This land was farmland and in her opinion does not meet the criteria set for redevelopment. **Committeeman Higgins** stated that this property has been zoned an industrial use for a very long time. It was not changed after the houses were built. There have been several hearings over the years. There has been preliminary approval and the applicant had given long presentations. The public concerns were addressed during those hearings. **Attorney Coleman** stated there were hearings and preliminary approval was granted. They cannot receive building permits until all outside agency approvals have been obtained. The Township Committee did have hearings for the redevelopment plan and same did come before the planning board as well. There has been ample opportunity to discuss with the planning board and Township Committee over the past four or five years how this property would be developed. **Committeeman Higgins** added that this is a permitted use for this property and any variances were already granted during preliminary approval. **Attorney Coleman** agreed with Committeeman Higgins. **Ms. Tallon** questioned tax abatements. **Attorney Coleman** stated that is not in the jurisdiction of this board to decide. **Ms. Tallon** added Mansfield Township is an ecological gem and the board should not approve this application especially knowing the pending C-1 status.

John O'Callaghan 53 Oak Lane New Egypt- He shared his credentials and experience. He believes the board has a right to vote how they would like and what is right for the community. In terms of engineering, the merit of the design is what everyone has concerns with. The fit of this project with the overall community, doesn't work. This specific project needs to be factored into the overall impact. He spoke about the Burlington County Preservation Plan. This plan seems to be in violation of the regional plans in this area. There is a large percent of the people that do not agree with this type of development. He asked for this application to be tabled. **Planner Fox** stated this area is in a suburban planning area two, it is not in a rural planning area. It was designated for sewer and was designated for industrial uses. **Mr. O'Callaghan** stated the population is set to increase and he wanted to know if the goal of the township to grow or to preserve. **Planner Fox** stated the goal of the plan of the township is to reflect what the zone is and what has been previously approved and the amended preliminary site plan for this specific project. **Mr. O'Callaghan** again asked the board to table the application.

Hisham Mansour 19 Sherwood Lane - He stated his concerns on property values. He would like to know the timelines after approval is received and how long will it take to develop because he would like to sell his house. He also questioned the possibility of a berm. **Attorney Shimanowitz** stated there is no set timeline as there are a lot of factors that will affect that. He continued stating they are here for final approval and the berm fencing plan has already been established; however, he is sure his client would be willing to speak outside of this hearing to see if there is something that can be done. **Mr. Mansour** stated there was a comment about the berm being modified. **Planner Fox** there was testimony that there were no changes to the landscaping/berm.

Jaime Deveroux 1 Jasper Drive – He questioned if the applicant was getting a tax break. **Mr. Cain** added that is not a topic for this board. **Mr. Deveroux** stated when he was on Township Committee and was fighting for ratable the County had purchased farmland through the township to ensure there were no commercial ratable in the township. **Planner Fox** stated that the County Farmland Preservation program does not add properties located in a suburban area 2, which is the area this particular property is located.

Debra Smith Southampton – stated she is very concerned for the environmental issues associated with this type of development. She talked about the empty warehouses in other towns. She feels the designation or zone of the property could have been changed by the township especially with the environmental concerns prior to this type of development going in. Her opinion is that it should be what the people in the town want.

Frank Pinto 420 Island Road – It is well known that this is final approval but they have not received final approval yet. It is his understanding the board has a right to not approve this application. **Attorney Coleman**

stated yes the board has the right to deny the application. **Mr. Pinto** stated he wanted to make sure the people and the board were aware of that.

Lori Stevenson 1039 Pottsville Road Florence- Stated she was here for the Margolis project who would not allow public testimony until the end. The board approved that project right away without taking into account what was said.

Andrew Sparks 24 Sheffield Drive- He questioned the noise study and when that would be taken place. **Attorney Shimanowitz** stated after construction. **Engineer Agresta** stated there are certain decibel hours that are allowed during certain hours of the day. If they exceeded those decibels, people would file complaints and they may need to come back to the board to provide additional sound measures to meet the decibel levels. **Mr. Sparks** mentioned his concerns for engine breaking and if they would have an empty building if they cannot control the noise. **Engineer Agresta** explained he is not a sound engineer, he is aware of the rules, but he is not sure if they would be required to vacate or what would happen. **Mr. Sparks** questioned the traffic study and the traffic through Main Street in Columbus. **Engineer Agresta** stated their traffic report was submitted and reviewed and they are in compliance with all the regulations. **Mr. Litwornia** added DOT approval is required and is a condition of approval.

Mr. Stevenson Springfield Township- He stated there are so many warehouses going in and nothing seems to be transparent. He is worried about all the trucks and the warehouses aren't even constructed yet. He has concerned with Atlantic Ave and the trucks and traffic. He would like to know how they will divert the traffic north on Atlantic Ave from going to Main Street. **Planner Fox** stated that is a County Road and the County has jurisdiction over same. **Mr. Stevenson** questioned a bypass. **Planner Fox** the township has adopted a land use plan element and a circulation plan that includes a bypass at Columbus. **Mr. Stevenson** is concerned for the neighboring towns and the local parks.

Kate Tallon- She mentioned that Planner Fox made a statement about the C-1 designation being close to the river and the tidal areas; she asked for some clarity on that statement. **Planner Fox** stated the category 1 stream, which is based upon the habitat and the species as he read the report in the register, is from the Crystal Lake dam to the Delaware River, which he wanted to add for the record. This doesn't make that part a category one stream.

Bob Tallon – the tidal part of the stream is C-1 designation and once it's approved the whole stream gets the degradation to the headwaters. **Planner Fox** stated the board is held to different case law that the law they deal with is the law at the time the application was provided.

George Bunker 15 Aaronson Road – He is concerned with the 16 foot sound barrier not being sufficient since it is a 46 foot building. He thinks there should be more consideration in regards to buffering. He is assuming his property value will be cut in half. He asks for any consideration to cut down on the site of the building.

Rose Marie Bunker 15 Aaronson Road – She explained they have a deck that will be looking over all of this. During preliminary approval she was told there would be a 16 foot wall and she would like to know how close the wall will be to her house. She is worried they will not be able to sell their house in the future. In the past meetings were held regarding a big box store going in this location however, it seems very quickly things have changed. She realizes it was zoned commercial years ago, but when everyone bought the homes across the street, the zone for that property should have been changed.

Anjani Kumar 19 Hemmingway Lane- She is an experienced real estate agent and she hates to see the values of the homes on Sherwood and surrounding areas go down. It will probably go down about half of what they could get right now. It is really sad to see a big concrete building standing in this area.

John O’Callaghan- Stated just because something is zoned a certain way does not mean that an approved use should be automatically approved to go there. He thinks the board should take this into consideration. He asks that the board not act on this application and instead take some time to think about it.

There were no further comments from the public.

Attorney Coleman stated the board has an application presented by Mansfield Realty North. They have been here over one year ago and obtained preliminary site plan approval with a number of variances. The application is no deviation from the preliminary approval granted previously. It is an approved use and is consistent with the redevelopment plan. The applicant understands that construction cannot begin until all outside approvals are obtained.

Mr. Cain questioned if the applicant would be willing to raise the berm from 16 feet to 20 feet. **Attorney Shimanowitz** stated they would try and will work with the professionals on this.

A motion to grant final site plan approval was offered by **Mr. Higgins** and was seconded by **Mr. Cain**. Motion carried on a roll call vote recorded as follows:

AYE: Higgins, Cain, Borgstrom, Fleming

NAY: Sgro, Tahirak ABSTAIN: Herbert ABSENT: Wainwright

TOWNSHIP ORDINANCE 2020-3: Review for Master Plan Consistency

Planner Fox stated this ordinance will be rezoning the General Store and old Florist on the corner of downtown Columbus. This also includes the 3 unit apartment building next door. When the last land use plan element was adopted one of the suggestions was to change this property which is R-4 to C-1. This piece of property does not fit the R-4 zone. The area was declared as an area in need of redevelopment. The township committee may want to consider doing a special redevelopment plan for that property because the C-1 zone does not permit apartment buildings. It is consistent with the master plan but the Committee should consider a redevelopment plan.

A motion to recommend the above Township Ordinance is consistent with the Master Plan was offered by **Mr. Fleming** and was seconded by **Mr. Borgstrom**. Motion carried on a roll call vote recorded as follows:

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

NAY: None ABSENT: Wainwright

MEMORIALIZING RESOLUTION 2020-1-5:

**MANSFIELD TOWNSHIP PLANNING BOARD
RESOLUTION
2020-1-5**

**Approving Amended Settlement Agreement
With Tower Gate Associates**

And Authorizing Planning Board Chairman To Execute Same

WHEREAS, the Township of Mansfield (hereinafter “the Township”) and Mansfield Township Planning Board (“Planning Board”) previously entered a Settlement Agreement (“Settlement Agreement”) with Tower Gate Associates in the matter of *Tower Gate Associates v. Township of Mansfield, et al.*, Docket No. L-1739-18 to resolve litigation challenging the Township’s satisfaction of its affordable housing obligation and to permit the implementation of zoning to permit inclusionary development as contemplated by a Concept Plan, attached as an exhibit to the Settlement Agreement; and

WHEREAS, the Township, Planning Board and Tower Gate Associates desire the amend the “Settlement Agreement” to address certain contingencies, including a modification to the affordable housing set aside in the event the Concept Plan for the inclusionary development does not yield a total sum of five hundred sixty (560) dwelling units; and

WHEREAS, the Amended Settlement Agreement was reviewed by the Planning Board at its regularly scheduled meeting on January 14, 2020; and

WHEREAS, the Planning Board finds that the proposed Amended Settlement Agreement is in the interests of Mansfield Township to meet its constitutional obligation under the *Mount Laurel* Doctrine and to resolve the *Tower Gate Associates* litigation;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of Mansfield Township that it hereby endorses and approves the Amended Settlement Agreement, copy attached hereto as Exhibit "A", and hereby authorizes the Planning Board Chairman to execute same.

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

AYE: Cain, Preidel, Fleming, Herbert, Higgins

NAY: None NOT VOTING: Borgstrom, Tahirak ABSENT: Wainwright

APPROVAL OF MINUTES: January 14, 2020

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

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

NAY: None NOT VOTING: Borgstrom, Sgro ABSENT: Wainwright

PUBLIC COMMENT:

Frank Pinto 420 Island Road- What changed in the Tower Gate Resolution. **Planner Fox** this is memorializing a resolution that was passed last month. **Mr. Pinto** brought up the conflict of interest issue with the board attorney. He is concerned that the replacement was previously a partner of the current board attorney and also presents a conflict. He thinks the board should hire a different attorney that has no affiliation with the board attorney. **Planner Fox** explained that he was at the hearing with the judge and this matter was brought before the judge. The judge had no issues with this with Mr. Coleman or his conflict of interest attorney Mr. Norman.

Michael Fitzpatrick 2 Fireside Circle- He appreciates Mr. Pinto and what he is trying to do for the Township. He added that he was at the hearing with the Judge and the Judge said that Mr. Coleman did nothing wrong. This issue was debated back and forth in the courtroom with Judge Covert and she had no problems with the Attorneys.

John O'Callaghan- Questioned what the criteria for a parcel of land to fall into a rehabilitation program. **Planner Fox** went into an explanation of the difference between an area of rehabilitation and an area of redevelopment.

There were no further comments from the public.

MOTION FOR ADJOURNMENT:

A motion for adjournment was offered by **Mr. Cain** and was seconded by **Mr. Fleming**. All ayes. Motion carried.

Respectfully Submitted by:

Date Approved:

Ashley Jolly, Land Use Coordinator
