

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY**

**ORDINANCE 2021-5**

**AN ORDINANCE AMENDING THE MANSFIELD TOWNSHIP CODE TO DELETE AND REPEAL ORDINANCE 2020-14 WHICH CREATED A NEW CHAPTER 17A OF THE MANSFIELD TOWNSHIP CODE ENTITLED “ENVIRONMENTAL CITIZENS ADVISORY COMMITTEE” AND TO REPLACE SAID CHAPTER AND ADOPT A NEW CHAPTER 17A CREATING AN “ENVIRONMENTAL COMMISSION” PURSUANT TO N.J.S. 40:56A-1 *et. seq.***

**WHEREAS**, pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:5D-27 Ordinance, the Township Committee of Mansfield Township adopted Ordinance 2020-14, eliminating the Environmental Commission and creating and establishing an amended Mansfield Township Code Chapter 17A, Environmental Citizens Advisory Committee to assist and collaborate with the Planning Board in its duties; and

**WHEREAS**, the Mansfield Township Committee has determined that it is in the overall best interests of the Township and its residents to eliminate the Environmental Citizens Advisory Committee and to re-establish the Mansfield Township Environmental Commission pursuant to N.J.S. 40: 56A-1 *et. seq.* to provide an appropriate and necessary method for citizen participation in the planning board process, including environmental matters.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey that Ordinance 2020-14 is hereby repealed and deleted in its entirety and a new Chapter 17A of the Mansfield Township Code entitled and creating an “Environmental Commission” is hereby adopted as follows:

***§ 17A-1 Creation; purpose.***

A commission for the protection, development or use of natural resources, including water resources, located within the territorial limits of the Township of Mansfield, County of Burlington, State of New Jersey, is hereby established, said Commission to be known as the "Mansfield Township Environmental Commission," pursuant to the provisions of N.J.S.A. 40:56A-1 et seq. (P.L. 1968, c. 245), as amended and supplemented.

***§ 17A-2 Membership; compensation.***

- A. The Mansfield Township Environmental Commission, herein established, shall be composed of seven members appointed by the Mayor of the Township, one of whom shall be a member of the Mansfield Township Planning Board and all of whom shall be residents of the Township.
- B. No member shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest
- C. Members of the Commission shall serve without compensation, except as hereinafter provided.

***§ 17A-3 Terms of office.***

Terms of office of the first Commissioners shall be for one, two or three years, to be designated by the Mayor in making his or her appointments, so that the terms of approximately 1/3 of the regular members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors.

***§ 17A-4 Chairman.***

One member of the Mansfield Township Environmental Commission shall serve as Chairman and presiding officer of the Commission. The Chairman shall be elected yearly by a majority vote of the members of the Commission.

***§ 17A-5 Removal of members.***

The Mayor or Township Committee may remove any regular member of the Mansfield Township Environmental Commission for cause on written charges being served upon the member and after a hearing thereon upon 10 days written notice of the date and place set for said hearing, at which the member shall be entitled to be heard in person or by counsel.

***§ 17A-6 Vacancies.***

Vacancies occurring on the Mansfield Township Environmental Commission, occurring otherwise than by expiration of a term, shall be filled for the unexpired term in the same manner as an original appointment.

***§ 17A-7 Powers granted by statute.***

The Mansfield Township Environmental Commission, pursuant to N.J.S.A. 40:56A-2, shall have the power to conduct research into the use and possible use of the open land areas of the Township; may coordinate the activities of unofficial bodies organized for similar purposes; and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets, which in its judgment it deems necessary for its purposes.

***§ 17A-8 Index of open areas.***

The Mansfield Township Environmental Commission shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas and may from time to time recommend to the Planning Board of Mansfield Township plans and programs for inclusion in a Municipal Master Plan and the development and use of such areas. The Mansfield Township Environmental Commission shall keep, maintain and periodically update the Mansfield Township Environmental Resource Inventory (2007).

***§ 17A-9 Referrals to Commission; recommendations.***

A. Pursuant to N.J.S. 40:55-27(b), the Planning Board of Mansfield Township sitting as a Joint Land Use Board shall provide a complete copy of all applications for development (as defined in N.J.S. 40:55D-3) submitted to said Board, including all plans and reports submitted, to the Mansfield Township Environmental Commission for the issuance of a written report with its recommendations as to the development and use of the area within said development and for its opinion on the effect of said development on the surrounding area based upon the studies made by the Mansfield Township Environmental Commission, including the Township's Environmental Resource Inventory. The recommendations and the opinion on the effect of the development by the Mansfield Township Environmental Commission shall not be binding on

any decision on the application by the Board. The recommendations and opinion by the Mansfield Environmental Commission shall be in writing and shall include, but not be limited to, the consideration, evaluation and impact of the development on the following:

- (1) Wetlands, floodplains, flood hazards and known flood area, marshes and public access to the waterways.
  - (2) Identification of scenic, historic, park and recreation sites.
  - (3) Air and water pollution.
  - (4) Natural screening, trees and tree placement and replacement.
  - (5) Soil erosion.
  - (6) Location of utilities and highways.
- B. Provided that the complete copy of the application for development submitted to the Planning Board, including all plans and reports, is provided to the Mansfield Township Environmental Commission no later than thirty (30) days prior to the public hearing on the application, the Mansfield Township Environmental Commission shall issue its report on the development to the Planning Board of Mansfield Township not later than thirty (30) days following the referral. The failure of the Mansfield Township Environmental Commission to act within the allotted time or an extension mutually agreed upon extension with the applicant shall be deemed to be a favorable recommendation of the development and the proposed use of the area within the development with no opinion on the effect of the development on the surrounding area. However, if the complete copy of the application for development submitted to the Planning Board, including all plans and reports, is not provided to the Mansfield Township Environmental Commission at least thirty (30) days prior to the public hearing on the application, the public hearing cannot be heard by the Planning Board until the Mansfield Township Environmental Commission has at least thirty (30) days to issue its report.

***§ 17A-10 Right to acquire property.***

The Mansfield Township Environmental Commission may, subject to the approval of the Township Committee, acquire property, both real and personal, in the name of the Township of Mansfield by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. In acquiring any such property, the Mansfield Township Environmental Commission may acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reservations) as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas in the Township.

***§ 17A-11 Records; annual report.***

The Mansfield Township Environmental Commission shall keep records of its meetings and activities and shall make an annual report to the Township Committee of the Township of Mansfield.

***§ 17A-12 Appropriation of funds; employees; grants.***

The Township Committee of the Township of Mansfield may appropriate funds for the expenses incurred by the Mansfield Township Environmental Commission. The Mansfield Township Environmental Commission may appoint such clerk and other employee as it may from time to time require and as shall be within the limits of the funds appropriated to it. The Mansfield

Township Environmental Commission may, with the approval of the Township Committee, seek and make application for grants to assist it in the performance of its duties.

**§ 17A-13 Checklists.**

Chapter 27 of the Mansfield Township Code "Land Use Procedures", Checklist A "General Checklist", Checklist B "Site Plan Checklist", Checklist C, "Major Subdivision Checklist", Checklist D, "Minor Subdivision Checklist" and Checklist E, formerly known as "Land Development Checklist for Applications to Zoning Board of Adjustment" and hereby amended to be Checklist E "Checklist for Variance Applications" is and are hereby amended to include and require copies of the complete application, including all plans and reports, to be submitted to the Mansfield Township Environmental Commission. To the extent required, all provisions in the Code of Mansfield Township involving and/or requiring review of applications for development by the Planning Board of Mansfield Township sitting as a Joint Land Use Board, including Chapter 44A "Site Plan Review", Chapter 50, "Subdivision of Land" and Chapter 60 "Zoning" are hereby amended to provide that the Board shall consider the written report containing the comments and recommendations of the Mansfield Township Environmental Commission in the review and decision on said applications for development

***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.