

**TOWNSHIP OF MANSFIELD  
PLANNING BOARD  
REGULAR MEETING  
Monday, September 26, 2016**

The Regular Meeting of the Mansfield Township, Planning Board was held on the above shown date with the following in attendance: Chairman Scott Preidel, Douglas Borgstrom, Arthur Puglia, Robert Semptimphelter, John Kampo, Alan Abramowitz. Attorney Tom Coleman, Planner Barbara Fegley, Traffic Engineer Al Litwornia, and Secretary Ashley Jolly.

The meeting was called to order by Chairman 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 25, 2016. 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 29, 2016.

**Chairman Priedel** asked for a motion to amend the agenda moving the STA-SEAL application behind the public hearing for the master plan documents. A motion was offered by **Mr. Semptimphelter** and was seconded by **Mr. Puglia**. All ayes. Motion carried.

**MASTER PLAN REEXAMINATION REPORT**

**Edward Fox**, Licensed Professional Planner for Burlington County Bridge Commission. **Attorney Coleman** said Mr. Fox will provide testimony with respect to the three revisions to the Master Plan. **Mr. Fox** was sworn in.

**Mr. Fox** said the first report they would look at was the Mast Plan Reexamination Report which needs to have a review every ten years. Last one was done in 2006. First you must review past conditions. Cites the 2001 Master Plan goals. Second is the change in conditions. He explains that they went through the goals to see what has changed since 2001. Third, significant changes in assumptions, policies, and objectives were discussed. The different goals for TDR were also reviewed. Fourth specific changes were discussed and the recommendation was that the Planning Board should update its Master Plan to have different goals and objectives. Changes were recommended several changes involving land use. Suggesting that a new land use update be provided in addition to a new farmland preservation element. Lastly, was to report the status of redevelopment plans and whether there were any redevelopment plans that had to be incorporated into the Ordinance. The redevelopment plan was adopted for the Office Distribution Laboratory District.

**Chairman Preidel** asked if the board had any questions for Mr. Fox. There were none. **Attorney Coleman** asked if the changes he is suggesting are consistent with the statutes of the State of NJ in terms of satisfying the criteria for revision to the Master plan. **Mr. Fox** said yes.

**PUBLIC HEARING-**

**Chairman Preidel** then opened the meeting to the public.

**Bob Tallon** **Axe Factory Road, Hedding**-asked about the Master Plan Updates and MLUL and impacts of values to communities. Under MLUL a lot of entities can come into our Township and seek to do business or buy property, but some activities can devalue the homes in the surrounding areas. Is there anything in our Master Plan that takes that into consideration? **Mr. Fox**, said the reexamination report does not go into that specific detail, however the Land Use Plan Element went through each particular zone and different types of uses to evaluate whether they were compatible with the zones. **Mr. Tallon** said his concerns are with this TPP (Trans Pacific Partnership), if that goes through it gives a lot of power to outside agencies.

With no further comments **Chairman Preidel** closed the public hearing.

**RESOLUTION 2016-9-12:**

**RESOLUTION NO. 2016-9-12  
RESOLUTION OF THE PLANNING BOARD  
OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON  
ADOPTING THE 2016 MASTER PLAN REEXAMINATION REPORT**

**WHEREAS**, N.J.S.A. 40:55D-89 requires the Township Council to provide for a general reexamination of the Master Plan of the Township of Mansfield by the Mansfield Planning Board (the "Board"); and

**WHEREAS**, through this Resolution, the Board memorializes its findings concerning the review and analysis of the Mansfield Township 2016 Master Plan Reexamination Report, prepared by the Department of Economic Development and Regional Planning of the Burlington County Bridge Commission, by Edward E. Fox, III, AICP, PP, New Jersey Professional Planner License No. 33LI00510400;

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT:**

1. The 2016 Master Plan Reexamination Report, prepared by the Board's Consultant, and attached to this Resolution, having been previously reviewed by the Members of the Board and the Board's Consulting Engineer, Planner and Solicitor, and no objection having been identified, is hereby Adopted by this Board.
2. The Board's Solicitor, Engineer, Planner and Secretary are hereby further authorized to undertake any and all action to provide to the Burlington County Planning Board, the municipal clerk of each adjoining municipality, the Office of Planning Advocacy and to the Commander of the joint military facility a Notice, including the Resolution and Reexamination Report, that the 2016 Master Plan Reexamination Report and the Resolution have been adopted by the Planning Board of the Township of Mansfield.
3. The Board's Solicitor, Engineer, Planner and Secretary are hereby further authorized to undertake any and all action that may be required to implement the recommendations listed in the 2016 Master Plan Reexamination Report, including the preparation of amendments to the Township's Land Use Development Regulations.
4. **SEVERABILITY.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
5. **AVAILABILITY OF THIS RESOLUTION.** A copy of this Resolution shall be available for public inspection at the Office of the Planning Board of the Township of Mansfield.

A motion to approve the above resolution was offered by **Vice-Chairman Borgstrom** and was seconded by **Mr. Puglia** Motion carried on a roll call vote recorded as follows:

**AYE: Puglia, Semptimpfelter, Kampo, Abramowitz, Borgstrom, Preidel**

**NAY: None ABSTAIN: None ABSENT: Allen, Lippicott, Winn**

**LAND USE PLAN ELEMENT UPDATE:**

Mr. Fox said they went through and looked at different issues, like the zoning district boundaries, adding the purpose statements for each zone, looked at the agricultural uses permitted in each district. We looked at what types of housing would be permitted in the residential and mixed use zones. Commercial uses and industrial uses were discussed. The TDR program is included in the document. A detailed analysis was completed. This is a planning document that sets a different background. The Township Committee could amend the ordinance if they so desire.

**PUBLIC HEARING-**

Chairman Preidel opened the public hearing session. There were no comments. Public Hearing session was closed.

**RESOLUTION 2016-9-13:**

**RESOLUTION NO. 2016-9-13  
RESOLUTION OF THE PLANNING BOARD  
OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON  
ADOPTING THE 2016 LAND USE PLAN ELEMENT UPDATE**

**WHEREAS**, as required by *N.J.S.A. 40:55D-89*, the Township Council provided for a general reexamination of the Master Plan of the Township of Mansfield by the Mansfield Planning Board (the "Board"); and

**WHEREAS**, the 2016 Master Plan Reexamination Report was adopted by the Board on September 26, 2016; and

**WHEREAS**, *N.J.S.A. 40:55D-28* requires that the Master Plan include a Land Use Plan Element; and

**WHEREAS**, the Township's current Land Use Element was adopted by the Board in 2001 and amended in 2006 and 2011; and

**WHEREAS**, through this Resolution, the Board memorializes its findings concerning the review and analysis of the Mansfield Township 2016 Land Use Plan Element Update, prepared by the Department of Economic Development and Regional Planning of the Burlington County Bridge Commission, by Edward E. Fox, III, AICP, PP, New Jersey Professional Planner License No. 33LI00510400;

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT:**

1. The 2016 Land Use Plan Element Update, prepared by the Board's Consultant, and attached to this Resolution, having been previously reviewed by the Members of the Board and the Board's Consulting Engineer, Planner and Solicitor, and no objection having been identified, is hereby Adopted by this Board.
2. The Board's Solicitor, Engineer, Planner and Secretary are hereby further authorized to undertake any and all action to provide to the Burlington County Planning Board, the municipal clerk of each adjoining municipality, the Office of Planning Advocacy and to the Commander of the joint military facility a Notice, including the Resolution and the Update, that the 2016 Land Use Plan Element Update have been adopted by the Planning Board of the Township of Mansfield.
3. The Board's Solicitor, Engineer, Planner and Secretary are hereby further authorized to undertake any and all action that may be required to implement the recommendations listed in the 2016 Land Use Plan Element Update, including the preparation of amendments to the Township's Land Use Development Regulations.
4. **SEVERABILITY.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
5. **AVAILABILITY OF THIS RESOLUTION.** A copy of this Resolution shall be available for public inspection at the Office of the Planning Board of the Township of Mansfield.
6. **EFFECTIVE DATE.** This Resolution shall take effect immediately.

A motion was offered by Vice-Chairman Borgstrom and was seconded by Mr. Semptimphelter to approve the above resolution. Motion carried on a roll call vote recorded as follows:

**AYE:** Puglia, Semptimphelter, Kampo, Abramowitz, Borgstrom, Preidel  
**NAY:** None **ABSTAIN:** None **ABSENT:** Allen, Lippicott, Winn

**FARMLAND PRESERVATION PLAN ELEMENT:**

**Ed Fox** said that farmland preservation is very important in this community. The TDR program is discussed. The update was recommended because the document was done prior to changes in the MLUL. The document goes through different types of farmland preservation programs one could have. Such as, working with the County to define agricultural development areas. It talks about the different farms that are involved. Township is one of the few with a right to farm ordinance. Also has the ability under the code to have an agricultural advisory committee. One thing that was discussed was agricultural buffers which was not included in the current ordinance.

**PUBLIC HEARING-**

**Chairman Preidel** opened the meeting up for public hearing.

**Bob Tallon, Axe Factory Road, Hedding-** He said he thinks the farmland buffer might have been a good idea with what is going on with the Albanese property. He wanted to make sure it was implemented. **Chairman Preidel** told him it is in there.

There were no further public comments. **Chairman Preidel** closed the public hearing.

**RESOLUTION 2016-9-14:**

**RESOLUTION NO. 2016-9-14  
RESOLUTION OF THE PLANNING BOARD  
OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON  
ADOPTING THE 2016 FARMLAND PRESERVATION PLAN ELEMENT UPDATE**

**WHEREAS**, as required by *N.J.S.A. 40:55D-89*, the Township Council provided for a general reexamination of the Master Plan of the Township of Mansfield by the Mansfield Planning Board (the "Board"); and

**WHEREAS**, the 2016 Master Plan Reexamination Report was adopted by the Board on September 26, 2016; and

**WHEREAS**, *N.J.S.A. 40:55D-28* states that the Master Plan may include a Farmland Preservation Plan Element; and

**WHEREAS**, through this Resolution, the Board memorializes its findings concerning the review and analysis of the Mansfield Township 2016 Farmland Preservation Plan Element Update, prepared by the Department of Economic Development and Regional Planning of the Burlington County Bridge Commission, by Edward E. Fox, III, AICP, PP, New Jersey Professional Planner License No. 33LI00510400;

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT:**

1. The 2016 Farmland Preservation Plan Element Update, prepared by the Board's Consultant, and attached to this Resolution, having been previously reviewed by the Members of the Board and the Board's Consulting Engineer, Planner and Solicitor, and no objection having been identified, is hereby Adopted by this Board.
2. The Board's Solicitor, Engineer, Planner and Secretary are hereby further authorized to undertake any and all action to provide to the Burlington County Planning Board, the municipal clerk of each adjoining municipality, the Office of Planning Advocacy and to the Commander of the joint military facility a Notice, including the Resolution and the Update, that the 2016 Farmland Preservation Plan Element Update have been adopted by the Planning Board of the Township of Mansfield.
3. The Board's Solicitor, Engineer, Planner and Secretary are hereby further authorized to undertake any and all action that may be required to implement the recommendations listed in the 2016 Farmland Preservation

Plan Element Update, including the preparation of amendments to the Township's Land Use Development Regulations.

4. **SEVERABILITY.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
5. **AVAILABILITY OF THIS RESOLUTION.** A copy of this Resolution shall be available for public inspection at the Office of the Planning Board of the Township of Mansfield.
6. **EFFECTIVE DATE.** This Resolution shall take effect immediately.

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

**AYE: Puglia, Semptimphelter, Kampo, Abramowitz, Borgstrom, Preidel**

**NAY: None ABSTAIN: None ABSENT: Allen, Lippicott, Winn**

#### **APPLICATION PB16-01P+FMJS+V STA-SEAL, INC:**

**Mr. Allen Sampson** applicant's surveyor was sworn in. **Mr. Sampson** said the applicant applied for the same application in 2013, however because the approvals expired they are now back before the board asking for the same approval. **Mr. Sampson** described the location to be on route 130, south bound side. Block 66, Lot 8. The applicant was proposing to create 3 lots. The larger one would be 13.05 acres and the other lot will contain an office building and the other would have an acreage of 2.1 approximately.

**Mr. Sampson** submitted exhibit A-1, subdivision plan, title subdivision plan of tax lot 8 block 66, dated May 30, 2013 last revised August 15, 2016. **Mr. Sampson** described the property. Proposed lot 8.01 is 13.05 acres. Proposed lot 8.02 is 2.1 acres. Applicant submitted an application to NJDOT for approval and was granted permission in 2014. The board had noted several encroachments.

**Mr. Sampson** submitted exhibit A-2, Plan of survey dated March 29, 2013. The encroachments one being a stockpile. There was an old chain link fence that was removed. There was also a stockpile encroachment on lot 8.01 unto 8.02. The proposed lot line runs along the eastern side of the existing main site. A utility easement and site triangle easement was discussed. A variance was required because the ordinance requires 10% open space and said variance was granted in 2013 and would not cause any deterrent to the community.

**Planner Barbara Fegley**, asked about the edge of stone is that just the edge of even ground. There is a line edge of stone on this property and goes to the other one. **Mr. Sampson** said he missed that and it should be on there. **Planner Fegley** asked if they would submit revised plans. **Mr. Sampson** said yes.

**Traffic Engineer Litwornia** said the only thing outstanding was the easement. The sidewalk contribution was delivered to the Township.

**Engineer Matt**, said they had submitted to soil conservation and only the proposed lot numbers were issued. Need to file by deed and plot.

#### **PUBLIC COMMENT-**

Bob Tallon Axe Factory Road- Said that he has an interest in environmental things like streams and he knows the state did a lot of work around this property. He asked if it was in the Delaware River flood plain.

**Mr. Sampson** said that it does go by where the heavy line is on the plan and the elevation is 17. **Mr. Tallon** asked if this would require a storm water plan. **Mr. Sampson** said no.

**Attorney Coleman** said this approval would be for preliminary and major subdivision approval with the bulk variance that was discussed by the applicant to permit less than ten percent open space requirements established by our ordinance. The approval would be subject to the applicant satisfying any conditions set forth in Ms. Fegley's September 21<sup>st</sup> letter, Stout & Caldwell August 26<sup>th</sup> letter and Al Litwornia letter dated August 9<sup>th</sup>.

A motion to approve the above was offered by **Vice-Chairman Borgstrom** and was seconded by **Mr. Semptimphelter**. Motion carried on a roll call vote recorded as follows:

**AYE: Puglia, Semptimphelter, Kampo, Abramowitz, Borgstrom, Preidel**

**NAY: None ABSTAIN: None ABSENT: Allen, Lippicott, Winn**

#### **APPROVAL OF MINUTES:**

A motion was offered by **Mr. Puglia** and was seconded by **Mr. Semptimphelter** to approve the minutes of August 22, 2016. All ayes. Motion carried.

#### **PUBLIC COMMENT:**

**Shane Oliver 25291 Mt. Pleasant Road-** He spoke about coming to the last meeting to speak about the delta between the ordinances for the solar section versus where NJ BPU is going. He wasn't sure if the board had the opportunity to look at the documents he submitted.

**Secretary Ashley Jolly** said that **Mr. Oliver** came before the Zoning Board with his information not the Planning Board. **Mr. Oliver** said he was mistaken and got his dates mixed up. He asked if the board had a chance to look at what **Mr. Fox** had suggested; the land use plan element update.

**Mr. Puglia** asked what Mr. Oliver was looking for. **Mr. Oliver** said there was a lot of things Mr. Fox had said especially in regards to farmland preservation, how this township was on the leading edge of the curve. There is a lot going on in the State of NJ and their master plan. It would be beneficial to the township to be in line with the state. **Mr. Oliver** wants to put solar on his property of 3 acres. He meets the general requirements for a solar array and he wants to use 20% of his property.

**Attorney Coleman** asked if he had applied. **Mr. Oliver** said yes, he received a denial because the assumed amount of energy produced would be greater than 110% of what the general property single family house would require. However the ordinance does not state a statistical value. **Attorney Coleman** said he must file an application with the Zoning Board to get the approval that he is seeking. **Mr. Oliver** said he believes so, and he applied for that but it was denied. **Attorney Coleman** asked if Mr. Oliver applied to the Zoning Board. **Secretary Ashley Jolly** clarified that **Mr. Oliver** did not submit an application for the Zoning Board; only a zoning permit application.

**Planner Fegley** said that it sounded like there was an interpretation by the Zoning Official that said he was denied. **Mr. Oliver** said yes he was denied but the denial was not in line with the ordinance. So the Zoning Official asked me to go in front of the board to ask them to

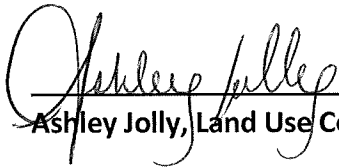
review the way the Ordinance is currently stated. **Attorney Coleman** said he thinks **Mr. Oliver** now recognizes that he will not get any relief from this board. If he comes back to the Zoning Board they will not be able to help either because all they can do is look at the ordinance before them. He said **Mr. Oliver** can come fill out an application to come before the Zoning Board for an interpretation of the ordinance. However, we can only interpret using the ordinance we have. He suggested **Mr. Oliver** go to the Township Committee to ask for the Ordinance to be revised to add this subsection R. He said MLUL requires that before and Land Use type ordinance gets approved it gets introduced by Township Committee and then come before the Planning Board for consent. Then, the Township Committee can adopt it at that point.

**ADOURNMNET:**

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

**Respectfully Submitted:**

**Date Approved:**

  
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Ashley Jolly, Land Use Coordinator

10-24-16