

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY  
MEETING MINUTES  
February 22, 2012  
Executive Session  
6:00 PM**

The regular executive session meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Arthur Puglia, Deputy Mayor Robert Higgins, Committeeman Sean Gable, Committeeman Fred Clark, Committeewoman Janice DiGiuseppe, Solicitor Michael Magee, and Clerk Linda Semus.**

**Mayor Puglia** called the meeting to order followed by the following opening statement.

Public notice of this meeting pursuant to the Open Public Meetings Act NJSA 10:4-6 to 10:4-21 has been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Committee on January 9, 2012. Said Resolution was transmitted to the Burlington County Times and the 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 prepaid any charge fixed for such service. All of the mailing, posting, and filing having been accomplished as of January 9, 2012.

A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to go into executive session by adoption of the following Resolution. Motion carried.

**RESOLUTION 2012-2-8**

**RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION**

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 213, P.L. 1975 [NJSA 10:4-12(B)] permits the exclusion of the public from a meeting in certain circumstances; and,

**WHEREAS**, this public body is of the opinion that such circumstances presently exists;

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

1. The public shall be excluded from discussion of, action on and reviewing the Minutes of the hereinafter specified matters.
2. The general nature of the subject matter to be discussed is as follows: pending litigation, contract negotiations, and personnel. Issues.
3. It is anticipated at this time that the above subject matter will be made public when the matters have been resolved and approved for release by the Township Solicitor.

Regular Meeting  
7:30PM

The regular meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Arthur Puglia, Deputy Mayor Robert Higgins, Committeeman Sean Gable, Committeeman Fred Clark, Committeewoman Janice DiGiuseppe, CFO Joseph Monzo, Engineer Len Faiola, Attorney Michael Magee, Clerk Linda Semus and Administrative Assistant Anne Shivers.**

A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to come out of executive session. Motion carried.

**Attorney Magee** explained that matters discussed in executive session were personnel, contract negotiations and litigation.

The meeting was called to order by **Mayor Puglia** followed by the flag salute and a moment of silence.

**ENGINEERS REPORT:**

**Engineer Faiola** advises the Committee that we should have all documents signed, possibly next week, which will allow us to move forward with the plant design and land acquisition for the Reed Property.

**EMS Generator project:** Generator is connected, Gas Train is installed. Gas Train testing procedure with manufacturer is scheduled for Monday, February 27, 2012. We need to fine tune a time in the morning. Would like to make this a start up test and punch list with contractor, manufacturer, Dick Archer, if he is available. This will be the final

punch list to be able to closeout that project depending on what the punch list reveals. Gas work has been completed.

**New Municipal Complex: Engineer Faiola** asks Committee's authorization to go out to bid for renovation. **CFO MONZO** believed there was approximately \$1.2 Million. Mr. Monzo will send an e-mail with the balance of funds to Committee and Engineer Faiola.

The access to Hedding Road will be addressed after the bids are received from the renovations to the building to see where the funds are.

Motion was made by **Committeeman Gable**, Second by **Deputy Mayor Higgins** to authorize the Engineers to go out to bid for renovations to the new Municipal Complex in the approximate sum of \$1.2 Million. Motion carried by Roll Call Vote.

**Engineer Faiola** reported about a grant for transportation enhancement and would like to submit the application by March 20<sup>th</sup>. The cost to submit the grant could cost up to \$2,500 for Engineering Services. We will know late spring if the Township is approved for the grant. Township may have up to 2 years to use the grant.

A motion was made by **Committeewoman DiGiuseppe** and second by **Deputy Mayor Higgins** to spend up to \$2,500 to move forward with the grant. Motion carried by Roll Call Vote.

**Mayor Puglia** asked for any questions. Hearing none, a motion was made to accept Engineers report by **Committeewoman DiGiuseppe**, second by **Committeeman Clark**. Motion carried by Roll Call Vote.

## **FINANCE REPORT**

**CFO Monzo** stated that due to the change in the Township Committee meeting for the first meeting in March, he is unable to attend. We have to introduce the budget in the beginning of March, therefore he is respectfully requesting that the Committee do a special meeting to introduce. He stated that he had tried to get permission from the State to introduce at the second meeting in March, but he was unable to obtain authorization. It was agreed to hold a special meeting on March 14<sup>th</sup> at 5:00 pm. Clerk Semus will advertise the special meeting.

**Mayor Puglia** called for a motion to schedule a special meeting to introduce the 2012 Budget.

Motion was made by **Deputy Mayor Higgins** and second by **Committeewoman DiGiuseppe**. Motion Carried on Roll Call Vote.

## **ORDINANCES**

### **ORDINANCE 2012-2**

#### **AN ORDINANCE AMENDING CHAPTER A70 ENTITLED "LANDUSE FEES" OF THE TOWNSHIP OF MANSFIELD, AND ESTABLISHING AN INCREASE TO THE ZONING PERMIT APPLICATION FEE**

**BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

**WHEREAS**, the Township Committee has determined that it is in the best interests of the Township, given the circumstances surrounding the ordinance, to increase the zoning application fee; and

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Township Committee for the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

**Chapter A70-1- U. is hereby amended increasing the zoning permit application fee from \$25.00 to \$35.00.**

#### **REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

**A. Repealer.** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

**B. Severability.** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

**C. Effective Date.** This Ordinance shall take effect upon proper passage in accordance with the law.

**Mayor Puglia** opened public hearing. With no comments or questions, the Public Hearing was closed.

A motion was offered by **Committeeman DiGiuseppe** and second by **Committeeman Clark** to adopt Ordinance 2012-2. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: DIGIUSEPPE, CLARK ,GABLE, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

#### **ORDINANCE 2012-3**

#### **AN ORDINANCE TO RE-ESTABLISH BUFFER AND CONSERVATION AREA REGULATIONS AS AN OVERLAY OR AS A DEVELOPMENT RESTRICTION ON LANDS ADJACENT TO STREAMS, LAKES, OR OTHER SURFACE WATER BODIES WITHIN THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY**

**BE IT ORDAINED AND ENACTED** by the Township Committee for the Township of Mansfield, County of Burlington and State of New Jersey that:

#### **I. INTENT AND PURPOSE**

The governing body of the Township of Mansfield finds that lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. It is necessary to protect and maintain the beneficial character of areas by implementing specifications for the establishment, protection, and maintenance of vegetation along the Surface water bodies within the jurisdiction of Township of Mansfield, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of this Ordinance is to designate Assicunk Creek Buffer /Conservation Zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of Township of Mansfield; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within Township of Mansfield; to protect the riparian and aquatic ecosystems of Township of Mansfield; to provide for the environmentally sound use of the land resources of Township of Mansfield, and to complement existing state, regional, county, and municipal stream corridor protection and management regulations and initiatives. The specific purposes and intent of this Ordinance are to:

- A. Restore and maintain the chemical, physical, and biological integrity of the water resources of Township of Mansfield;
- B. Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration, deposition, absorption, adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed sheet flow prior to reaching receiving waters;
- C. Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna
- D. Provide for the availability of natural organic matter (fallen leaves and twigs) and large woody debris (fallen trees and limbs) that provide food and habitat for small bottom dwelling organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;
- E. Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing stream bank erosion and sedimentation and protecting habitat for aquatic organisms;
- F. Maintain base flows in streams and moisture in wetlands;
- G. Control downstream flooding; and
- H. Conserve the natural features important to land and water resources, e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

#### **II. STATUTORY AUTHORITY**

The Township of Mansfield is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use in order to protect public health, safety and welfare by protecting and maintaining native vegetation in headwaters areas, groundwater recharge zones, floodways, springs, streams, wetlands, woodlands, and prime wildlife habitats. Township of Mansfield is also empowered to adopt and implement this Ordinance under provisions provided by the following legislative authorities of the State of New Jersey:

- A. Water Pollution Control Act, N.J.S.A. 58:10A et seq.
- B. Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.
- C. Spill Compensation and Control Act, N.J.S.A. 58:10-23 et seq.
- D. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
- E. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

#### **III. DEFINITIONS**

**Administrative Authority** means the Planning Board or Board of Adjustment or Construction Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

**Applicant** means a person applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated Riparian Buffer Conservation Zone.

**Category One (C1) Waters** shall have the meaning ascribed to this term by the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15, which have been identified for protection from degradation in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

**Category Two Waters** means those waters not designated as Outstanding Natural Resource Waters or Category One in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15 for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d).

**Floodway** shall have the meaning ascribed to this term by the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.) and regulations promulgated there under published at N.J.A.C. 7.13 et seq., and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

**Intermittent Stream** means surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Streams shown as a dashed line on either the USGS topographic quadrangle maps or the USDA County Soil Survey Maps of the most recent edition that includes hydrography are included as intermittent streams.

**Lake, pond, or reservoir** means any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water, excluding sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

**Perennial stream** means a stream that flows continuously throughout the year in most years. These streams usually appear as a blue line on USGS topographic quadrangle maps or on USDA County Soil Survey Maps.

**Water Resource Buffer Conservation Zone (WRBCZ)** means an area of land or water within or adjacent to a Surface Water Body within the municipality and designated on the Water Resource Buffer Conservation Zone Map promulgated by Township of Mansfield in accordance with Section IV of this Ordinance.

**Water Resource Buffer Conservation Zone Management Plan** means a plan adopted by the Township Committee of the Township of Mansfield by resolution after a public hearing establishing Water Resource Management Plan for the Township of Mansfield. The plan shall be prepared by a landscape architect, professional engineer or other qualified professional, and shall evaluate the effects of any proposed activity/uses on any WRBCZ. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected WRBCZ.

**Surface Water Body** means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any state open waters identified in a letter of interpretation issued by the New Jersey Department of Environmental Protection Land Use Regulation Program shall also be considered surface water bodies.

#### **IV. ESTABLISHMENT OF WATER RESOURCE BUFFER/ CONSERVATION ZONES**

A. Water Resource Buffer/Conservation Zones (WRBCZs) shall be delineated as follows:

1. In the case of Category One (C1) waters, the WRBCZ shall equal the Special Water Resource Protection Area, and shall be measured as defined at N.J.A.C. 7:8-5.5(h). Special Water Resource Protection Areas are established along all waters designated as C1 at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage.

2. For areas adjacent to surface water bodies designated Category Two Waters for Trout Production (FW2-TP) the WRBCZ shall be measured from the defined edge of the intermittent or perennial stream, or centerline if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level, and shall extend 150 feet horizontally outward from the perpendicular. Where steep slopes (in excess of 10 percent) are located within the designated widths, the WRBCZ shall be extended to include the entire distance of this sloped area. For areas adjacent to other surface water bodies, the WRBCZ shall be measured from the top of bank of an intermittent or perennial stream, or centerline if bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level, and shall extend 75 feet horizontally outward from the perpendicular. Where steep slopes (in excess of 15 percent) are located within the designated widths, the WRBCZ shall be extended to include the entire distance of this sloped area to a maximum of 300 feet.<sup>1</sup>

3. For areas adjacent to surface water bodies for which the Floodway has been delineated, the WRBCZ shall cover the entire Floodway area, or the area described in Section IV.A.1. or IV.A.2., whichever area has the greatest extent. Floodway delineations shall be based upon the State's adopted floodway delineations. However, requests for alterations to the adopted delineations can be provided to the New Jersey Department of Environmental Protection for consideration if site specific information is available.

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<sup>1</sup> NOTE: Municipalities have the ability to include a series of options, as long as the minimum requirements of the Stormwater Management Rules are met. If an existing municipal ordinance includes more stringent buffer requirements, or if the municipality wished to propose more stringent requirements, then the more stringent requirements should be applied.

B. Overlay zoning districts. The WRBCZ is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the WRBCZ differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting from or related to any activity or use requiring application for any of the following permits or approvals:

1. Building permit
2. Zoning variance
3. Conditional use
4. Subdivision
5. All other permits or approvals required to be obtained for land development.

C. A map of the WRBCZs of the entire municipality of Township of Mansfield, including all land and water areas within its boundaries, which designates Surface Water Bodies, is included as part of this Ordinance, and is appended as Appendix A. Maps of year after the adoption of this Ordinance, to propose modifications to the map delineating Water Resource Buffer Conservation Zones required by any naturally occurring or permitted change in the location of a defining feature of a surface water body occurring after the initial adoption of the WRBCZ map, to record all modifications to the WRBCZ map required by decisions or appeals under Section XI, and by changes made by the New Jersey Department of Environmental Protection in surface water classifications or Floodway delineations. Floodway delineations shall be based upon the State's adopted floodway delineations. However requests for alterations to the adopted delineations can be provided to the Department for consideration if site-specific information is available. All changes to the WRBCZ maps shall be adopted by the Township Committee by resolution after a public hearing.

E. The applicant or designated representative shall be responsible for the initial determination of the presence of an WRBCZ on a site, and for identifying the area on any plan submitted to the Township of Mansfield in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.

F. The municipal Master Plan provides the legal basis for zoning and land use regulation at the local level. The technical foundation for local WRBCZs in this municipality should be incorporated into the Master Plan. A technical report on the need for Water Resource Buffer/Conservation Zones in Township of Mansfield may be adopted as part of the Master Plan (N.J.S.A 40:55D-28b(11)). The technical report should include the following information: a statement setting forth the rationale and need to protect WRBCZs; reference to the methods used to designate and delineate WRBCZs.

#### **V. USES PERMITTED IN WATER RESOURCE BUFFER/CONSERVATION ZONES**

A. For Category One (C1) WRBCZs, permitted uses are governed by N.J.A.C. 7:8-5.5(h), unless otherwise exempt. If exempt from NJAC 7:8-5.5(h), the uses shall be governed by this ordinance as if the WRBCZ was not a Category One (C1) WRBCZ.

B. Any other WRBCZ area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this ordinance may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no OK altering of watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the municipality in WRBCZs. No new construction, development, use, activity, encroachment, or structure shall take place in an WRBCZ, except as specifically authorized in this Section. The following uses shall be permitted within an WRBCZ:

1. Open space uses that are primarily passive in character shall be permitted by right to extend into an WRBCZ, provided near stream vegetation is preserved. These uses do not require approval by the Zoning Enforcement Officer or compliance with an approved WRBCZ Management Plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves, fishing areas, game farms, fish hatcheries and fishing reserves, operated for the protection and propagation of wildlife, but excluding structures. Such uses also include passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trail have been stabilized with pervious materials.

2. Fences, for which a permit has been issued by the Construction Code Office, to the extent required by applicable law, rule or regulation.

3. Crossings by farm vehicles and livestock, recreational trails, roads, railroads, storm water lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Zoning Enforcement Officer, provided that any applicable State permits are acquired, and provided that any disturbance is offset by buffer improvements in compliance with an approved WRBCZ Management Plan and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.

4. Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved WRBCZ Management Plan, or wetlands mitigation projects that have been approved by the Department of Environmental Protection, subject to approval by the Zoning Enforcement Officer and subject to compliance with an approved WRBCZ Management Plan.

#### **VI. PERFORMANCE STANDARDS FOR RIPARIAN BUFFER CONSERVATION ZONES**

A. All encroachments proposed into Category One (C1) WRBCZs shall comply with the Requirements at N.J.A.C. 7:8-5.5(h) and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt. If exempt, the encroachment shall be subject to the provisions of VI.B below.

B. For all other WRBCZs, the following conditions shall apply:

1. All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the WRBCZ to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.

2. Portions of lots within the WRBCZ must be permanently restricted by deed or conservation easement held by Township of Mansfield, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the WRBCZ. A complete copy of the recorded conservation restriction that clearly identifies the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county must be submitted to the municipality. The applicant shall not commence with the project or activity prior to making this submittal and receiving actual approval of the plan modification and receipt of any applicable permits from the Department of Environmental Protection. The recorded conservation restriction shall be in the form approved by the municipality and shall run with the land and be binding upon the property owner and the successors in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make the minimum changes to accommodate necessary regulatory approvals upon the written consent of the municipality, provided such changes are otherwise consistent with this chapter. The recorded conservation restriction shall, at a minimum, include:

a. A written narrative of the authorized regulated activity, date of issuance, and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);

b. Survey plans for the property as a whole and, where applicable, for any additional properties subject to the conservation restrictions. Such survey plans shall be submitted on the surveyor's letterhead, signed and sealed by the surveyor, and shall include metes and bounds descriptions of the property, the site, and the areas subject to the conservation restriction in New Jersey State Plane Coordinates, North American Datum 1983, and shall depict the boundaries of the site and all areas subject to the conservation restriction as marked with flags or stakes onsite. All such survey plans shall be submitted on paper and in digital CAD or GIS file on a media and format defined by the municipality. The flags or stakes shall be numbered and identified on the survey plan; and

c. A copy or copies of deeds for the property as a whole that indicate the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county.

3. Any lands proposed for development which include all or a portion of an WRBCZ shall as a condition of any major subdivision or major site plan approval, provide for the vegetation or re-vegetation of any portions of the WRBCZ which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native and non-invasive tree and plant species to the maximum extent practicable in accordance with an approved Riparian Buffer Conservation Zone Management Plan, described in Section X.

4. For building lots which exist as of the date of adoption of this ordinance, but for which a building permit or a preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the WRBCZ, provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the WRBCZ.

5. All stormwater shall be discharged outside of, but may flow through an WRBCZ and shall comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey", established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (See N.J.A.C. 2:90-1.3.)

6. If stormwater discharged outside of and flowing through an WRBCZ cannot comply with the Standard For Off-Site Stability cited in Section VI.5, then the stabilization measures in accordance with the requirements of the above standards may be placed within the WRBCZ, provided that:

a. Stabilization measures shall not be placed closer than 50 feet from the top of the bank at bank-full flow or level of affected surface water bodies.

b. The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall conditions of the RBCZ will be maintained to the maximum extent practicable;

c. A conceptual project design meeting shall be held with the appropriate municipal staff and Soil Conservation District staff to identify necessary stabilization measures; and

d. All encroachments proposed under this section shall be subject to review and approval by the Administrative Authority.

## **VII. NONCONFORMING STRUCTURES AND USES IN WATER RESOURCE BUFFER CONSERVATION ZONES**

Nonconforming structures and uses of land within the WRBCZ are subject to the following standards:

A. All legally existing but nonconforming structures or uses may be continued.

B. Any proposed enlargement or expansion of the building footprint within a Category One (C1) RBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).

C. For all other WRBCZs:

1. Encroachment within the WRBCZ shall only be allowed where previous development or disturbance has occurred.

2. Existing impervious cover shall not be increased within the WRBCZ as a result of encroachments where previous development or disturbances have occurred.

3. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the WRBCZ, as measured against the intent and purpose under Section I, than the existing or former nonconforming use. This one-year time frame shall not apply to agricultural uses that are following prescribed Best Management Practices for crop rotation.

However, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this ordinance.

#### **VIII. USES PROHIBITED IN WATER RESOURCE BUFFER CONSERVATION ZONES**

A. Any use within a Category One (C1) WRBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).

B. For other WRBCZs, any use or activity not specifically authorized in Section V or Section VII shall be prohibited within the WBCZ. By way of example, the following activities and facilities are prohibited:

1. Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.
2. Storage of any hazardous or noxious materials.
3. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
4. Roads or driveways, except where permitted in compliance with Section V.
5. Motor or wheeled vehicle traffic in any area, except as permitted by this Ordinance.
6. Parking lots.
7. Any type of permanent structure, except structures needed for a use permitted by Section V.
8. New subsurface sewage disposal areas. The expansion and replacement of existing subsurface sewage disposal areas for existing uses is permitted.
9. Residential grounds or lawns, except as otherwise permitted pursuant to this Ordinance.

#### **IX. ACTIVITIES PERMITTED IN STREAM BUFFER CONSERVATION ZONES IN THE CASE OF NO REASONABLE OR PRUDENT ALTERNATIVE OR EXTREME HARDSHIP**

A. For Category One (C1) WRBCZs, requests for exemptions that fall under the purview of the Stormwater Management Rules must be authorized by the New Jersey Department of Environmental Protection, as per N.J.A.C 7:8-5.5(h)1.ii.

B. For other WRBCZs, hardship variances may be granted by the Zoning Board of Adjustment in cases of a preexisting lot (existing at the time of adoption of this ordinance) when there is insufficient room outside the WRBCZ for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the WRBCZ, including obtaining variances from setback or other requirements that would allow conformance with the WRBCZ requirements, and provided the following demonstrations are made:

1. An applicant shall be deemed to have established the existence of an extreme economic hardship, if the subject property is not capable of yielding a reasonable economic return if its present use is continued or if it is developed in accordance with provisions of this ordinance and that this inability to yield a reasonable economic return results from unique circumstances peculiar to the subject property which:

- a. Do not apply to or affect other property in the immediate vicinity;
- b. Relate to or arise out of the characteristics of the subject property because of the particular physical surroundings, shape or topographical conditions of the property involved, rather than the personal situations of the applicant; and are not the result of any action or inaction by the applicant or the owner or his predecessors in title.
- c. The necessity of acquiring additional land to locate development outside the WRBCZ shall not be considered an economic hardship unless the applicant can demonstrate that there is no adjacent land that is reasonably available or could be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity.

2. An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts that one of the following applies:

- a. The proposed project will serve an essential public health or safety need;
- b. The proposed use is required to serve an existing public health or safety need; or
- c. There is no alternative available to meet the established public health or safety need.

3. A variance can only be granted if it is shown that the activity is in conformance with all applicable local, state, and federal regulations, and that the exception granted is the minimum relief necessary to relieve the hardship.

C. If the above demonstrations are made, then the encroachment of impervious surfaces (structures or pavement) otherwise permitted by the underlying zoning is permitted to the extent of 750 square feet total. Said encroachment is not permitted closer than 100 feet from the top of the bank at bank-full flow or level of Category Two Waters for Trout Production (FW2-TP), or closer than 50 feet from the top of the bank at bank-full flow or level of other surface water bodies.

D. If such an exception is granted, the applicant shall rehabilitate an environmentally degraded WRBCZ area within or adjacent to the same site, and at least equivalent in size to the WRBCZ reduction permitted, or, if not possible, rehabilitate or expand an RBCZ area at least equivalent in size within a nearby site and, if available, within the same watershed. Rehabilitation shall include reforestation, stream

bank stabilization and removal of debris, in accordance with an WRBCZ Management Plan, as described in Section X below.<sup>2</sup>

#### **X. RIPARIAN BUFFER CONSERVATION ZONE MANAGEMENT PLAN**

A. Within any WRBCZ, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a Water Resource Buffer/Conservation Zone Management Plan.

B. The landowner, applicant, or developer shall submit to Township Planning Board, or its appointed representative, a Water Resource Buffer Conservation Zone Management Plan prepared by an environmental professional, professional engineer or other qualified professional, which fully evaluates the effects of any proposed uses on the WRBCZ. The Water Resource Buffer Conservation Zone Management Plan shall identify the existing conditions including:

1. Existing vegetation;

Field delineated surface water bodies;

Field delineated wetlands;

The 100-year floodplain;

Flood Hazard Areas, including Floodway and Flood Fringe areas, as delineated by the New Jersey Department of Environmental Protection;

Soil classifications as found on Soil Surveys;

Existing subdrainage areas of site with HUC-14 (Hydrologic Unit Code) designations;

lopes in each subdrainage area segmented into sections of slopes less than or equal to fifteen (15) percent; above fifteen percent but less twenty (20) percent; and greater than twenty (20) percent.

The proposed plan shall describe all proposed uses/activities, and fully evaluate the effects of all proposed uses/activities in an WRBCZ, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the WRBCZ. A discussion of activities proposed as well as management techniques proposed to offset disturbances and/or enhance the site to improve the WRBCZ's ability to function effectively as an WRBCZ shall also be included with the WRBCZ Management Plan submittal to Township of Mansfield.

C. The Plan shall be reviewed and must be approved by the Engineer of Township of Mansfield, in consultation with the Environmental Commission, as part of the subdivision and land development process.

D. The Water Resource Buffer Conservation Zone Management Plan must include management provisions in narrative and/or graphic form specifying:

1. The manner in which the area within the WRBCZ will be owned and by whom it will be managed and maintained.

2. The conservation and/or land management techniques and practices that will be used to conserve and protect the WRBCZ, as applicable.

3. The professional and personnel resources that are expected to be necessary, in order to maintain and manage the WRBCZ.

4. A re-vegetation plan, if applicable, that includes: three (3) layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that when fully mature, will form an overhead canopy. Vegetation selected must be native, non-invasive species, and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified environmental professional, landscape architect, or professional engineer, and shall be subject to the approval of the Municipal Engineer, in consultation with the Environmental Commission. Dominant vegetation in the Riparian Buffer Conservation Zone Management Plan shall consist of plant species that are suited to the stream buffer environment. The Engineer of Township of Mansfield may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, US Fish and Wildlife Service and/or State or Federal forest agencies.

E. A Water Resource Buffer/Conservation Zone Management Plan is not required where the WRBCZ is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the WRBCZ.

F. Performance of the Water Resource Buffer /Conservation Zone Management Plan shall be guaranteed for a period of two (2) years through a guarantee such as a bond, cash or letter of credit, which shall be provided to the Township of Mansfield prior to the Township of Mansfield issuing any permits or approving any uses relating to the applicable use or activity.

#### **XI. BOUNDARY INTERPRETATION, APPEALS PROCEDURES, INSPECTIONS, CONFLICTS, SEVERABILITY**

A. When a landowner or applicant disputes the boundaries of an WRBCZ, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to the Land Use Coordinator that describes the WRBCZ, presents the landowner or applicant's proposed WRBCZ delineation, and presents all justification for the proposed boundary change. For Category One (C1) WRBCZs, the landowner or applicant must first obtain approval from the New Jersey Department of Environmental Protection. A decision from the Department must be included with the evidence submitted for municipal review.

B. Within 45 days of a complete submission of Section XI.A above, the Engineer of Township of Mansfield, or appointed representative, shall evaluate all material submitted and shall make a written determination, a copy of which shall be submitted to the Land Use Coordinator and the landowner

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<sup>2</sup> NOTE: The municipality may require financial contribution be made to an Open Space or Municipal Stormwater Management Plan mitigation plan fund in exchange for this requirement if authorized by the Department. The use of this option is still under consideration by the Department.



or applicant. Failure to act within the 45-day period shall not be interpreted to be an approval of the proposed boundary change.

C. Any party aggrieved by any such determination or other decision or determination under Section XI.B. may appeal to the Township Planning Board under the provisions of this ordinance. The party contesting the location of the WRBCZ boundary shall have the burden of proof in case of any such appeal.

D. Any party aggrieved by any determination or decision of the Township Planning Board under this Ordinance may appeal to the Township Committee of Township of Mansfield. The Township Committee shall conduct a ‘de novo’ review of the matter on the record produced by the Township Planning Board. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

E. Inspections:

1. Lands within or adjacent to an identified WRBCZ shall be inspected by the Township Engineer when:

- a. A subdivision or land development plan is submitted; A building permit is requested;
- b. A change or resumption of a nonconforming use is proposed;
- c. discontinued nonconforming use is resumed more than a year later, as described in Section VII.

2. The WRBCZ may also be inspected periodically by representatives from Township of Mansfield if excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality. All inspections should be in accordance with local, state and federal requirements for property owner notification and permission. The Township is not engage in conduct monitoring. Rather, is being given the ability by this Ordinance to react to changes in water quality that are brought to light by either the Department or another reputable data collector.

F. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.

G. Severability:

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

## **XII. ENFORCEMENT**

A prompt investigation shall be made by the appropriate personnel of Township of Mansfield, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of Township of Mansfield, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

## **XIII. EFFECTIVE DATE**

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

**Mayor Puglia opened the Public Hearing. With no comments or questions, the public hearing was closed.**

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Clark** to adopt Ordinance 2012-3. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: DIGIUSEPPE, CLARK, GABLE, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

**ORDINANCE 2012-4**

**AN ORDINANCE TO AMEND THE CODE OF  
THE TOWNSHIP OF MANSFIELD BY DELETING AND REPEALING CHAPTER A70 THEREOF,  
“LAND USE FEES” THEREOF AND REPLACING IT WITH A NEW CHAPTER A70, TO BE ENTITLED  
“LAND USE FEES”**

**BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

**WHEREAS**, the Township Committee has determined that it is in the best interests of the Township, given the circumstances surrounding the ordinance, to increase the zoning application fees, and

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Township Committee for the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

**The Code of the Township of Mansfield is hereby amended by deleting and repealing Chapter A70, Land Use Fees**

**The Code of the Township of Mansfield is hereby amended by adding thereto a new chapter, to replace Chapter A70 hereinabove repealed, to be Chapter A70, Land Use Fees, to read as follows:**

**Chapter A70-1. “Schedule of fees for land use and development applications.**

Fees for land use and development applications shall be charged in accordance with the following schedule:

**A. Informal review of concept plan.**

<u>SERVICE</u>	<u>FEE</u>
Application Fee	\$ 200.00

Escrow for professional services

**Residential**

*5 acres or less	\$ 1,000.00
*6 acres to 50 acres	\$ 50.00
*Over 50 acres	\$ 40.00

**Commercial/Industrial**

*5 acres or less	\$ 2,000.00
*6 acres to 20 acres	50.00
* 21 to 50 acres	60.00
*Over 50 acres	40.00

**B. Minor Site Plan/Subdivision review.**

Application fee	\$ 200.00
Escrow for Professional services	\$ 1,500.00

0Inspection escrow, if required (the greater of \$500.00 or 5% of the cost of improvements.

**C. Site Plan Waiver.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00
Escrow for Professional services	\$ 1,000.00

**D. Major Site Plan review.**

(1) Preliminary approval.

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 300.00
Escrow for Professional Services	
*1 acre or less	\$ 2,000.00
*Over 1 acre	\$5,000.00, plus \$100.00 per acre

**Commercial.**

* 1 to 10,000 square feet/gross floor area	\$ 1,000.00
*Over 10,000 square feet/gross floor area	\$1,000.00, plus \$0.05 per Building sq. ft of gross floor Area above 10,000 sq. feet
* Inspection Escrow	The greater of \$500 or 5% of the cost of improvements.

(2) **Final Approval.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00
Escrow For Professional Services	
*1 acre or less	\$ 1,500.00
*Over 1 acre	\$2,500.00, plus \$100.00 an acre
*Inspection escrow	The greater of \$500.00 or 5% of the cost of the improvement

**E. Major Residential Subdivision Review**

(1) **Preliminary approval.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 300.00
Escrow For Professional Services	\$4,000.00, plus \$150.00 per lot

(2) **Final Approval.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00

* Escrow for Professional Services	\$2,000.00, plus \$100.00 per lot
*Inspection escrow	The greater of \$500.00 or 5% of the cost of improvements.

**F. Industrial subdivision review.**

(1) Preliminary approval.

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 300.00
Escrow For Professional Services	\$3,000.00, plus \$150.00 per acre
Inspection escrow must be provided prior To construction, whenever construction Takes place	Amount to be estimated by Planning Board Engineer

(2) **Final approval.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00
*Escrow for Professional Services	\$2,500.00, plus \$100.00 per acre

\*Inspection escrow The greater of \$500.00 or 5% of the Cost of improvements.

**G. Conditional Use Permit.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00
Escrow for Professional Services	\$ 1,500.00

**H. Multifamily housing project site plans.**

(1) **Preliminary approval.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 300.00
Escrow for Professional Services	\$5,000.00, plus \$50.00 per unit

(2) **Final approval.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00
Escrow for Professional Services	\$3,000.00, plus \$50.00 per unit
Inspection escrow	The greater of \$500.00 or 5% of the Cost of the improvements.

**I. Mixed use development review**

(1) **Preliminary approval.**

- Fees shall be as set forth in Subsections A through H herein based upon the various uses or categories of development included in the mixed use development plan submitted for review.
- A mixed use plan shall be broken down into acres, lots, or units in accordance with the fee schedule for each use and shall be subject to payment of fees for each of the various uses or categories of development included in the mixed use development plan submitted for review.

(2) **Final approval:** as set forth for preliminary approval.

**J. General development plan review.**

- Fees shall be as set forth in Subsections A through H herein based upon the various uses or categories of development included in the general development plan submitted for review.
- A general development plan shall be broken down into acres, lots or units in accordance with the fee schedule for each use and shall be subject to payment of fees for each of the various uses or categories of development included in the general development plan submitted for review.

**K. Review of application rezoning.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 500.00
Escrow for Professional Services	
*Residential	\$1,000.00, plus \$200 per acre
*Commercial/Industrial	\$1,000.00, plus \$200 per acre

**L. Variances.**

(1) Bulk and Area variance review.

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00
Escrow for Professional Services	\$ 2,500.00

(2) **Use Variance review.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00
Escrow for Professional Services	\$ 3,500.00

(3) **Variances for sidewalks and patios.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 75.00
Escrow for Professional Services	\$ 400.00

**M. Application involving any aspect of common ownership.**

Additional legal review fee escrow \$ 500.00

**N. Application for amendments to previously approved applications for development will require an escrow deposit in an amount equal to 65% of the original deposits applicable to said application.**

**O. Appeal of the Board's decision to Governing Body.**

<u>SERVICE</u>	<u>FEE</u>
* Filing fee	\$ 100.00
*Stenographic transcript	\$ 150.00 deposit or estimate, whichever is less

**P. Requests for extensions of approvals.**

- Requests for extensions of preliminary approval: an application fee of \$300.00
- Requests for extensions of final approval: an application fee of \$300.00

**Q. Request for special meetings: \$250.00. Any applicant requesting a special meeting of the governing body, Planning Board or Zoning Board of Adjustment shall pay professional fees incurred by such special meeting to whatever extent the same are not included in and Paid by escrow fees already charged.**

**R. Appeal of administrative officer's decision under §27-31.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 100.00
Escrow for Professional Services	\$ 300.00

**S. Any matter brought before the Planning Board, Zoning Board of Adjustment or the Township Committee for which no other application fee or escrow deposit is specifically established.**

<u>SERVICE</u>	<u>FEE</u>
Application fee	\$ 200.00
Escrow for Professional Services	\$ 300.00

**T Professional review fees.**

- If the salary, staff support and overhead for a professional are provided by the municipality, the charge shall not exceed 200% of the sum of the products resulting from multiplying the hourly base salary of each of the professionals by the number of hours spent by the respective professional on review of the application for development or developer's improvements, as the case may be.
- Fees for attorney, consulting engineers and other independent contractors shall be at the same rate as these professionals bill the municipality, in accordance with each profession's rate schedule for the current year.
- Rate schedules for all professionals, including any employed full-time by the municipality, shall be kept on file in the office of the Municipal Clerk and will be made available to any application upon request.
- Nothing herein shall in any way affect the escrow requirement set forth in this chapter, but professional fees charged against said escrows for reviews, inspections and other relevant professional services rendered pursuant to an in accordance with the Municipal Land Use Law

**U. Zoning permit application fee. A fee of \$35.00 is hereby established for zoning permit applications.**

**V. Tax Map maintenance. Whenever the Official Tax Map of the Township of Mansfield is required to be altered amended or updated as a result of an application for development, the applicant shall, in addition to any other fees due under this chapter, pay a fee of \$400.00 per new lot for such alteration, amendment or updating.**

**REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt Ordinance 2012-4. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: GABLE, CLARK, DIGIUSEPPE, HIGGINS, PUGLIA**  
**NAY: NONE ABSENT: NONE ABSTAIN: NONE**

**ORDINANCE 2012-5**

**AN ORDINANCE TO AMEND CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY FOR ZONING AMENDMENTS TO IMPLEMENT THE MASTER PLAN BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

**WHEREAS**, the Township Committee has determined that it is in the best interests of the Township, to amend Chapter 65 of the Land Use Regulations for zoning amendments and implementation to the Master Plan; and

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Township Committee for the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

**Section 1.** Section 65-9, Permitted Uses in the R-1 District, shall be amended by deleting subsection H. and adding a new subsection H. to read as follows:

**H.** Township- or County-owned and –operated parks and recreation, including active, both indoor and outdoor facilities and passive recreation. Subject to an approved site plan, facilities may be lighted.

**Section 2.** Article XVIII B entitled “Planned Village Development District shall be deleted in its entirety.

**Section 3.** Section 65-46, Permitted Uses in the LI – Light Industrial – District shall be amended by deleting subsection I. and adding a new subsection I. to read as follows:

**I.** Shopping centers only in accordance with all of the provisions of Section 65-39, except shopping centers are limited to two stories in height.

**Section 4.** Section 65-56, Permitted Uses in the HI District, shall be amended by deleting subsection A. and adding a new subsection A. to read as follows:

**A.** All of the uses permitted in the LI – Light Industrial – District as listed in Section 65-46.

**Section 5.** Chapter 65, Zoning, shall be amended by adding a new Article VII to read as follows:

Article VII

R-1 (FLP) Farmland Preservation

**65-20 Purpose**

The Farmland Preservation District is an overlay district on R-1 District properties. Only farmland properties acquired through the Burlington County Farmland Preservation Program are eligible for inclusion in the R-1 (FLP) District. The purpose of the District is the preservation of farmland, the protection and encouragement of agricultural activities and the preservation of open space.

**65-21 Permitted Uses**

- A.** Agricultural uses in accordance with Article XXIII, Farm Regulations, and Chapter 19A, Right to Farm.
- B.** Other principal and accessory uses as permitted by the deed of restriction filed by the Burlington County Farmland Preservation Program for each of the preserved farms.

**65-22 Area and Bulk Regulations**

Area and bulk regulations shall be in accordance with the specifications outlined in the Schedule of Area and Bulk Requirements for farms in the R-1 District.

**Section 6.** The Zoning Map prepared by Remington, Vernick and Arango Engineers with a revision date of November 15, 2011, including the following revisions, shall be adopted:

- A.** Rezone the following lots from PVD – Planned Village Development – to R-1 - Residence:
  - Block 57.01, Lot 5.01
  - Block 57.02, Lot 5
  - Block 70, Lots 3, 4.01 and 5.01
- B.** The following lots currently zoned for both LI – Light Industrial – and HI – Heavy Industry – shall be rezoned to include all of the affected lots in the HI – Heavy Industry – District:
  - Block 67, Lots 1 and 4
  - Block 69, Lot 3
- C.** Rezone the following lots from R-1 – Residential – to HI – Heavy Industry:
  - Block 66, Lots 8 and 9
- D.** Rezone the following lots from ODL – Office, Distribution, Laboratory – to R-1 (FLP) - R-1 Farmland Preservation:
  - Block 47.02, Lots 2, 3.01 and 4
  - Block 55, Lots 1 and 2
- E.** Rezone the following lots from ODL – Office, Distribution, Laboratory – to R-1 – Residence:
  - Block 41, Lots 1 and 8

- F. Rezone the following lots from ODL – Office, Distribution, Laboratory – to R-1 – Residence – and a 22.96-acre portion adjacent to Route 206 to C-2 – Highway Commercial.
- G.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Gable** to introduce Ordinance 2012-5. Motion carried on Roll Call Vote, recorded as follows.

**AYE: DIGIUSEPPE, GABLE, HIGGINS, PUGLIA**  
**NAY: NONE            ABSENT: NONE            ABSTAIN: CLARK**

**RESOLUTION 2012-2-9**  
**RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES**

**WHEREAS**, it is the policy of Mansfield Township (the Township) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act), (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters), the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Township has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

**NOW, THEREBY BE IT RESOLVED**, by the Township that the Personnel Policies and Procedures annual, on file in the Municipal Clerk’s Office, is hereby adopted and is made effective as of 3-1-2012; and

**BE IT FURTHER RESOLVED**, that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other case, these policies and procedures shall prevail; and

**BE IT FURTHER RESOLVED**, that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mansfield Township Committee;

**BE IT FURTHER RESOLVED**, that the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine know as “employment at will”;

**BE IT FURTHER RESOLVED**, that the Township Committee and all managerial/supervisory personnel are responsible for these employment practices. The Township Clerk and the (Employment Attorney) shall assist the Township Committee in the implementation of the policies and procedures.

**RESOLUTION 2012-2-9 Personnel Policies**, **CFO Joe Monzo** asked the Committee if it was their intent to adopt this tonight. **Mayor Puglia** stated it was, **CFO Monzo** has concerns. He reviewed the policy for the first time today and asks that they hold off with this adoption until he has had more time to complete the review. **CFO Monzo** stated that he saw a few items that he was unsure if we could legally put into the policy and also that he needed to determine if the area where we speak of percentages is in fact an accurate number. **CFO Monzo** stated that he understands that JIF is looking for us to adopt by the end of February, but he was sure they would want an accurate document. **Attorney Magee** was quite concerned as the gentleman hired to write the policy had conferred with legal counsel. **CFO Monzo** feels that the policy is not representing what he believes the Committee truly wants. **Mayor Puglia** asked that **CFO Monzo** complete his review and get back to the Committee, The Clerk and Attorney Magee next week. The Resolution was held.

**RESOLUTION 2012-2-10**

**REFUND OF DUPLICATE PAYMENT**

**WHEREAS**, the property listed below was sold and the owner is a 100% disabled veteran is therefore tax exempt as of 9/16/11; and

**WHEREAS**, a payment was made by Homestead at Mansfield for 2011 taxes and they are entitled to 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 regular meeting held on February 22, 2012, hereby authorizes the refund of \$475.74: to **Homestead at Mansfield**.

Block	Lot	Property Owner	Address	Amount
42.01	47	Michael Wilson	72 Country Lane	\$475.74

A motion was offered by **Committeeman Clark** and second by **Committeeman Gable** to adopt Resolution 2012-2-10. Motion carried on a Roll Call Vote, recorded as follows:

**AYES: CLARK, GABLE, HIGGINS, DIGIUSEPPE, PUGLIA**  
**NAYES: NONE            ABSENT: NONE            ABSTAINED: NONE**

**RESOLUTION 2012-2-11  
APPLYING OVERPAYMENT OF TAXES**

**WHEREAS, taxes were billed for the year 2011 and those taxes were paid, and**

**WHEREAS**, those payments resulted in overpayments for the year 2011.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, county of Burlington, State of New Jersey that the Tax Collector shall apply the overpayment of taxes to **2012** taxes:

<b>Block</b>	<b>Lot</b>	<b>Name</b>	<b>Amount</b>
10.11	16	Janet Lloyd	\$84.91

A motion was offered by **Committeeman Gable** and second by **Committeeman Clark** to adopt Resolution 2012-2-11. Motion carried on a Roll Call Vote, recorded as follows.

**AYES: GABLE, CLARK, HIGGINS, DIGIUSEPPE, PUGLIA**  
**NAYS: NONE ABSENT: NONE ABSTAIN: NONE**

**RESOLUTION 2012-2-12  
APPLYING OVERPAYMENT OF TAXES**

**WHEREAS, taxes were paid on Block 42.01, Lot 47 by Homestead at Mansfield, and**

**WHEREAS**, the property listed below was sold; and

**WHEREAS**, Homestead at Mansfield has authorized that the payment be applied on another Block & Lot that they own, instead of asking for a refund.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Tax Collector shall apply the overpayment of taxes to the following:

<b>FROM</b>		<b>TO</b>	
Block 42.01, Lot 47	\$409.55	Block 42.20, Lot 1	\$409.55
Michael Wilson		Homestead at Mansfield	
72 Country Lane		29 Settlers Lane	

A motion was offer by **Committeeman Gable** and second by **Committeeman Clark**, to adopt Resolution 2012-2-12. Motion carried on a Roll Call Vote, recorded as follows:

**AYES: GABLE, CLARK, HIGGINS, DIGIUSEPPE, PUGLIA**  
**NAYS: NONE ABSENT: NONE ABSTAIN: NONE**

**BILL LIST:**

**Mayor Puglia** asked if there were any questions before paying the bills, **Committeewoman DiGiuseppe** had a question with regard to the petty cash for **CFO Monzo**. She asked if this was in correlation to the Resolution that we passed. **Clerk Semus** explained that they are Petty Cash accounts for the year. **CFO Monzo** stated that annually Resolutions are needed to be done creating the funds through the Finance Office. Mr. Jones did not have an account established, until the Resolution was adopted. **Clerk Semus** stated that the \$200.00 was to establish his petty cash and the other check was to reimburse him for out of pocket expenses already done.

**Deputy Mayor Higgins**, questioned Innovative Data Solution (Police Dept.) as to what this was. It was explained that it is the annual maintenance for the Police Department's contract for Power DMS, Software.

**Mayor Puglia** asked for a motion to pay the bills. A Motion was offered by **Deputy Mayor Higgins** and second by **Committeeman Clark** to pay the bills. Motion carried by Roll Call Vote.

**AYES: HIGGINS, CLARK, GABLE, DIGIUSEPPE, PUGLIA**  
**NAYS: NONE ABSENT: NONE ABSTAIN: NONE**

**MINUTES: February 8, 2012**

A motion was offered by **Committeeman Gable** and second by **Deputy Mayor Higgins** to approve the minutes of February 8, 2012. Motion carried, Committeewoman DiGiuseppe abstained

**AYES: GABLE, HIGGINS, CLARK, PUGLIA**  
**NAYS: NONE ABSENT: NONE ABSTAIN: DIGIUSEPPE**

## **REPORTS:**

**Clerk, Court, EMS, Construction, Police, COAH, Tax, Annual Tax, Finance, Zoning, Fire, Finance**

**Clerk Semus** informed the Committee that the fire report is here and was unable to make the copy prior to the meeting, but they have submitted their report.

A motion was offered by **Committeewoman DiGiuseppe** and second by **Committeeman Gable** to accept the reports as submitted. Motion carried.

## **DISCUSSION/ACTION:**

### **a. Draft Ordinance Re: Recycling and Solid Waste Disposal**

**Clerk Semus** explained that she and **Attorney Magee** have worked on this with some input from Mr. Jones. Mr. Jones is concerned on what list is being utilized for commercial zoning. If we went by just Assessors list we would be leaving out several businesses. Mr. Jones gave a Commercial Designation Use List, that the Fire Prevention compiled, which is more complete, than that of the Assessors' List. We may want to utilize the Fire Prevention list, since this is a more complete. **Mayor Puglia** explained to the audience that the Township will no longer be picking up the business/commercial trash; they will have to get a dumpster or remove their own trash. **Mayor Puglia** asked if there are any questions. **Attorney Magee** asked that anyone please get their comments and any concerns to Clerk Semus. **Mr. Magee** reiterated that it is the Committee's intention to no longer pick up business/commercial trash. **Clerk Semus** reminded Mr. Magee that we will also need to amend the ordinance to once a week as the ordinance still states twice a week and the number of bundles that are allowable for each pick up. **Mr. Magee** asked to have comments to Clerk Semus by Wednesday or Thursday of next week.

**b. Draft Ordinance - Re: Solar Zoning** **Mr. Magee** asks that any changes for the first reading for next week needs to be sent to Clerk Semus by Wednesday or Thursday of next week. **Clerk Semus** stated that LandUse Coordinator Gable had submitted suggestions by Mr. McVey, Planning Consultant, and has asked the Committee to review for a first reading at the meeting. **Attorney Magee** asked for comments next week. **Mayor Puglia** asked **Engineer Faiola** if there were a minimum requirement of land for a certain size. **Engineer Faiola** stated you need will six (6) acres per mega watt, big developers are looking at 1 to 2 mega watts, between 6 and 12 acres. Economics are not working right now, credits expired February 1, better next year if price of electric goes up. It is always good to be prepared. Engineer fees may need to be set up for large development. Engineer Faiola will get back to Mayor Puglia after he researches it. Engineer Faiolo will read and give his opinion to the Committee at the next meeting. **Committeewoman DiGiuseppe** also had a concern with the 50ft set back. **Clerk Semus** asked **Committeewoman DiGiuseppe** if she still had the concerns about the abandonment statement of 6 month verses 18 months. **Mayor Puglia** stated that our property maintenance personnel do a very good job. He is basing this on an incident in his daughter's development and it was taken care of. **Engineer Faiola** feels that it may have been set up for large development.

**c. Alliance Program - Clerk Semus** received a call looking to do a shared service municipal alliance which would include North Hanover, Chesterfield, Wrightstown, Springfield, and Mansfield. She asks the Committee to review and report back to her. **Committeewoman DiGiuseppe** has read the documents already and reported that it was a good idea. Please read and give your input back to **Clerk Semus** on this program.

**d. Holly Drive Resident Concern -** The clerk's office received a letter concerning the traffic coming through Holly Drive and the no left hand turn at Rt. 206 and White Pine. **Mayor Puglia** spoke with the Police Chief who had officer go out and speak with the resident. **Attorney Magee** also stated that there should be no litter signs out there. Committee Members have gone out there and agree that something should be done. The Police Chief reported to the Mayor that there have been 8 stops in a two hour period and they were all local residents. The Police have issued warnings and they explained to the

resident, who had submitted the letter of concern, that he should also speak with his neighbors as they were those who were stopped.

**PUBLIC COMMENT:**

**Joseph Lippincott, New York Avenue**, has concerns about the commercial trash with a business out of a home, such as a plumber, electrician, etc. He further asked if the businesses were going to be responsible to have their own trash removed? Is the Township no longer going to pick up trash? **Attorney Magee** stated that the Committee is looking into commercial/business trash and that the Township is looking at what the Fire Department has coded as business, since they have to do inspections in all business, rather than how the Tax Assessor has it listed in her records. **Mr. Magee** explained that Mr. Jones had brought to the Committee's attention that the list from the Fire Company is a more accurate list and that Mr. Jones himself has some concerns as well. **Mr. Magee** stated that if they are on this list, they are going to have to have their own trash picked up.

**Public Comment portion was closed.**

**COMMITTEE COMMENTS:**

**Committeewoman DiGiuseppe** wanted to thank everyone for coming out.

**Committeeman Higgins** stated that recreation was making great progress on the batting cage and has concerns about the old Civic Center next to new indoor training facility. He asked where we were regarding the demolition of the old civic center. Committeeman Gable was concerned with children being near the old building and getting hurt. . Mayor Puglia and Committeeman Clark were out there and talked about keeping a portion of it for a bathroom and a concession stand type area. Deputy Mayor Higgins is very concerned about kids going around that building as well. **Deputy Mayor Higgins** asked Committeeman Clark if he would please check on the donation of a dumpster for the debris.

**Clerk Semus** stated that she has had several calls from residents regarding the batting cages and the availability for the Township resident to utilize the building. **Clerk Semus** asked Committeeman Gable if Christine Alpin brought this topic up at the Recreation meeting since she had spoken to Ms. Alpin on this topic. , The questions posed by residents were, if they do not have children who do not participate on any recreation team, will they have use of this facility and if so, will there be a fee involved. **Committeeman Gable** stated that the Recreation Committee is working on a fee schedule, but nothing has been fully determined as yet. They did give consideration to maybe opening one day a month or so and charge a fee to anyone who wishes to use the facility but the biggest issue right now is the insurance. Also, what was discussed is who would man the building during the open day. **Committeeman Gable** further stated that the Recreation Committee has this scheduled again for their next meeting for things like, how it is going to be scheduled, fees, usage, etc. **Committeeman Gable** stated that there will be a fee schedule submitted to the Township Committee for review and approval after the next Recreation Meeting. Again the major concern is insurance. Is the township going to have coverage, so that all residents will be able to use the facility? **Clerk Semus** wanted to know how to advise the residents, the Mayor suggested that they attend a recreation meeting to express their desire and concerns.

**Committeeman Gable** thanked everyone for coming.

**Committeeman Clark** wished Engineer Faiola good luck on the \$2 million dollar grant. He also thanked all that came out for this evening's meeting.

**Mayor Puglia** thanks all for coming and wished all a goodnight.

**MOTION FOR ADJOURNMENT**

A motion was offered by Committeeman \_\_\_\_\_ and second by Committeewoman DiGiuseppe to adjourn. Motion carried.

**PREPARED BY;**

**RESPECTFULLY SUBMITTED BY;**

\_\_\_\_\_  
**Anne Shivers**

\_\_\_\_\_  
**Linda Semus, RMC  
Municipal Clerk**

Approved: March 13, 2012