

**TOWNSHIP OF MANSFIELD
PLANNING BOARD
REGULAR MEETING
Monday, September 25, 2017**

The Regular Meeting of the Mansfield Township, Planning Board was held on the above shown date with the following in attendance: Vice Chairman Douglas Borgstrom, Robert Semptimphelter, John Kampo, Randy Allen, and Delpat Patel. Attorney Thomas Coleman, Engineer Robert Stout, Planner Barbara Fegley, Traffic Engineer Alexander Litwornia and Secretary Ashley Jolly. Chairman Scott Preidel, Arthur Puglia, and Gary Lippicott were absent.

The meeting was called to order by Vice Chairman Borgstrom 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 23, 2017. 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, 2017.

APPLICATION PB2017-5MSP: NFI Real Estate, Vanco Site Redevelopment Block 45.01, Lots 2.01, 3.01, & 3.02.

Attorney Coleman stated that this application would be carried to the October 23rd meeting and notified the public that there would be no further notice.

A motion was offered by **Mr. Semptimphelter** and seconded by **Mr. Kampo**. Motion carried on a roll call vote recorded as follows:

AYE: SEMPTIMPHELTER, KAMPO, ALLEN, PATEL, BORGSTROM
NAY: NONE ABSTAIN: NONE ABSENT:PREIDEL,PUGLIA, LIPPICOTT

APPLICATION PB2017-3MSD: William and Ellen Spain, Block 42, Lots 13.02 & 14 191 Petticoat Bridge Road

Attorney Coleman stated that this application would be carried to the November 27th meeting.

A motion was offered by **Mr. Semptimphelter** and was seconded by **Mr. Kampo**. Motion carried on a roll call vote recorded as follows:

AYE: SEMPTIMPHELTER, KAMPO, ALLEN, PATEL, BORGSTROM
NAY: NONE ABSTAIN: NONE ABSENT:PREIDEL,PUGLIA, LIPPICOTT

PRELIMINARY INVESTIGATION: The Determination of an Area in Need of Condemnation Redevelopment Block 30, Lots 9.02, 10, 11, 12, 13.02

Planner Barbara Fegley was sworn in by **Attorney Coleman**. **Planner Fegley** stated that the Preliminary Investigation has been on file with the Township and is date July 26, 2017. She stated that the study area is where Route 206 meets Mansfield Road East to Mansfield Road West. The study includes Block 30, Lot 9.02, 10, 11, 12, and 13.02. The study is being conducted as a result of resolution 2017-6-7 from the Mansfield Township Committee, which asks the Planning Board to determine whether or not all or portions of the parcels are in need of condemnation redevelopment.

Planner Fegley stated that the local redevelopment and housing law N.J.S.A. 40A-12a-1 et seq, which provides municipalities the opportunity to address conditions of deterioration and lack of proper land use for lands and builds which are abandoned, decayed, undeveloped, underdeveloped or are non productive in order to provide productive assets for the community.

Planner Fegley explained that tonight the board is only to determine if this area (all or a portion) are in need of redevelopment. The area of investigation is in the C-2 Highway Commercial Zoning District. This has a minimum lots size of 2 acres and minimum frontage of 100ft to 200ft depending upon the use. Lot depth is from 100ft – 200ft as well. She explained what the permitted uses are in this zone; mainly commercial uses. Conditional uses include gasoline service stations and car washes. She stated that in this particular area a warehouse distribution or trucking establishment would not be a permitted use.

Planner Fegley stated that in September of 2016 the Planning Board adopted the Master Plan Re-Examination, The Land Use Element, and the Farmland Preservation Element. There were no changes in use for this particular area, therefore this would be consistent with the C-2. She explained the A-H criteria to determine an area in need of redevelopment. It needs to be determined if the properties satisfy one or more of the criteria. Properties that do not specifically meet criteria may be included if they are required in order to effectively redevelop the area (referred to as section 3 properties).

Planner Fegley referenced Table 1 of the report where she references the block, lot, property class/use, qualifications, land, improvement, value with total assessment, and whether it is vacant or occupied. She explained improvement to land ratio item which shows all the properties in this study less than a 1-1 ratio. This suggests that the land is not currently supporting a reasonable value of improvements. She mentioned that one of the properties Lot 9.02 is Farmland and Lots 10, 11, 12, 13.02 are all residential. Lot 10 and Lot 13.02 are occupied and Lots 11 and 12 are vacant.

Planner Fegley referenced Table 2 of the report contains the block and lot current use, year built, liens, tax arrears, and violations. There is a lien on Lot 12 and there were tax arrears for 2016 & 2017 on lot 13.02. Lot 9.02 is a 28.8 acre site that currently is cultivating soy beans. The lot was never developed. All the other lots are significantly less than what is required for the C-2 zoning district, in fact being less than one acre.

Planner Fegley stated that the existing Mansfield Road East and West intersection with Route 206 is dangerous and in need of realignment. In order to achieve the alignment where Mansfield Road East would go straight through, the properties in questions would be needed in order to provide those improvements. The traffic problem was pointed out in the October 2004 Master Plan. It was suggested that the roads realign to meet at a signalized intersection.

Planner Fegley explained that Lot 10 has approximately 95ft of frontage on Route 206 and 165ft in depth. The acreage is 0.41 acres which is significantly undersized for the C-2 district. The property contains a single family two stories home and garage. The driveway contains uneven area in which water ponds. The interior was not inspected. The property qualifies as a redevelopment area for the section 3 properties.

Planner Fegley discussed Lot 11 as a single family two stories home constructed in 1788. The property is vacant and overgrown with vegetation. The structure has not been maintained. The property meets the A, D, & E Criteria for redevelopment and meets the section 3 properties.

Planner Fegley then discussed Lot 12 which is a single family two story residential structures constructed in 1930. This property is vacant and is deteriorating. One of the traffic lights on Route 206 is about 1 or 2 feet from the front porch. This property also has a municipal lien.

Planner Fegley continued with Lot 13.02 which contains a single family two story home with a garage and small animal enclosure. The home was constructed in 1827. The driveway contains potholes and irregularities. The property has tax arrears from 2016 & 2017. The property may meet the D, E, and section 3 criteria.

Planner Fegley explained that all parcels are under private ownership. Lot 9.02 currently entirely vacant and in agricultural use. The current use is likely an underutilization of the development potential for all the properties. The lack of highway commercial development in the study area has resulted in a stagnant and unproductive condition of land. It is her opinion that all the properties meet one or more of the statutory criteria, including the generality of the area to be determined that they are in need of redevelopment.

PUBLIC COMMENT:

Laura Archer, 2350 Old York Road – She asked about the cemeteries behind the properties. **Planner Fegley** explained that the Township Committee determines the study area and the board can only consider that area. The cemetery is on 13.01 and it appears to be limited to a certain area. **Mr. Allen** questioned if this lot was part of the study. **Planner Fegley** stated that it was not. **Ms. Archer** asked about a traffic study. **Attorney Coleman** stated that there was no traffic study completed because that is not the purpose of this hearing. The purpose is to determine whether or not the lots are in need of redevelopment. A site plan from a developer would include such a study, however no such plan is being presented to the board at this time. **Ms. Archer** asked about another property along Route 206 and whether or not it received approval for warehousing. She believes that if that received approval then something else similar to that development should not go onto the properties included in the study. **Attorney Coleman** stated that they are in the commercial zone right now, however at the moment the only purpose of this hearing is to determine a need for redevelopment. **Mr. Semptimphelter** stated that although Ms. Archer had good questions, they are not applicable to this hearing. He further stated that the properties in the study area have gone into disrepair and the intersection is unsafe and he would like the intersection fixed. This plan will help to accomplish that down the road. Tonight the board is to listen to Planner Fegley's report and to vote on the properties **Ms. Archer** asked about the cost to the tax payer and if the Township is looking to purchase these properties. **Attorney Coleman** stated that he is not

aware if an economic analysis has been undertaken as to the value of the properties. He suspects that the Township or developer would first try to acquire the properties from the individual land owners. If they were unsuccessful, this study gives them the option of condemning if necessary at fair market value. **Ms. Archer** mentioned the 28 acre parcel and asked how vacant land could be blighted. **Planner Fegley** stated that if the site meets the criteria then it meets the definition of blight. That piece of property is needed for the redevelopment of the rest of the area. **Ms. Archer** asked how many accidents took place at the intersection of Mansfield Road West and Route 206. **Mr. Semptimphelter** stated that there only needs to be one.

Tim Trought, 3199 Route 206- He stated that the description of his home is insulting. He is current on all his taxes and his home is not in disrepair. He doesn't believe his home needs to be condemned. Earlier in the year he was approached by someone who was interested in buying the property for construction. He hasn't heard from the gentlemen in the last six months. He stated that now someone wants to take the property from him. Things do not seem right to him. **Mr. Semptimphelter** asked what property this was. **Planner Fegley** stated that it was Lot 10 which meets criteria D, areas with buildings or improvements which by reason of dilapidation obsolescence, faulty arrangement or design, lack of ventilation, lack of sanitary facilities, excessive land use, deleterious land use or obsolete layout, or any kind combination is detrimental to the health safety, morals, or welfare of the community. As well as criteria E this is a lack of property utilization of area caused by condition of title, diverse ownership, which contributes to stagnant unproductive and discouraging the undertaking of improvements.

Victor Gilardi, 501 Mansfield Road East- He has lived here 52 years and doesn't understand why the Township wants to move the road now. He has heard that the Township wants to move Mansfield Road West to connect to Mansfield Road East at the light. He asked if someone is interested in building on the commercial property and if the Township was doing the road for safety reasons. He stated that there are no accidents on that road. He wanted to clarify that the Township wants these properties because the road needs to be moved in order to make it safer for the area. **Mr. Semptimphelter** stated that there were a number of issues with the properties including disrepair, abandonment and being blight on the community. **Mr. Gilardi** stated that he sees the Township condemning these properties and then moving Mansfield Road East to connect to Mansfield Road West without a traffic study. **Mr. Semptimphelter** stated that the board is deciding whether this study area is going to be a redevelopment area. Developers would need to come in and present site plans and traffic studies.

Mark Clark, 3193 Route 206- He stated that the two houses in between his and Tim's are falling down. He explained that his driveway is a crushed concrete and asphalt. The same gentleman that contacted Tim contacted him as well. That gentleman was interested in buying his property and asked if Mr. Clark would be interested in selling. He stated that would depend on the situation because he would have to relocate his family. **Mr. Clark** further stated that this gentleman said he was having a closed door meeting with the Township Committee on a Wednesday to determine if this was a good idea. Next thing he knows he's getting a letter in the mail about condemnation. **Mr.**

Semptimpfelter stated that he is on the Township Committee and there is nothing closed door that is done by the committee. Everything done by the committee is for the future of this community. There is no closed door anything. They are trying to get ratable into the Township to lower the taxes, to build a better community, and make it safer.

Todd Wirth, 3187 Route 206- He stated that his property is adjacent to the properties that are being condemned. He asked if the state has been approached regarding realignment of the roads and how long will that take. If the properties are condemned how long of a process is that? He asked if a copy of the plan and the study can be made available. He asked about realignment plans. **Mr. Borgstrom** stated that at this point he is not aware of any plans. The purpose of the meeting is to listen to the Planners presentation and determine if it does or does not meet the criteria for redevelopment. He explained that the road is a safety issue and there are accidents at that intersection. **Mr. Wirth** stated that he understands but the Planning Boards decision is impacting people's lives, if you are condemning houses they need some kind of idea as to when this is going to take place. Also, regarding the graves, the old Quaker meeting house does have graves and one of the adjacent houses has graves behind it. **Mr. Semptimpfelter** stated that he was grateful for all the comments.

Colleen Herbert, 2 Millennium Drive- She stated that when hearing about buildings that are in disrepair she thinks of the Village of Columbus. There are many vacant properties there and she believes the Township should finish what they started and clean up the Village. She understands the Township needs ratable. She would like the Township to finish the tasks they started because these are people's homes. Whether or not it meets the criteria, people live there and they deserve the respect of transparency and timing. **Mr. Semptimpfelter** referenced downtown and believes that it needs to be done. They are looking at it and talking, however it takes time to get approvals from the State and the County. The Township is working on it. **Ms. Herbert** stated that she believes the Township should take care of that area first before taking people's homes. She understands that the properties are abandoned, however there would be a cost to the Township to demolish those homes. She's looking at cost vs. benefit.

Kim Clark, 3193 Route 206- She asked about a timeline. Would the properties be condemned per Townships recommendation before a developer comes in? She asked if there has been talk about what has been approved for that plot of land. She asked what the steps were that needed to take place in order to make the intersection safer and where is all of this in the timeline? **Attorney Coleman** stated that this board has not authorized condemnation of any property in the town because it does not have the authority to do that. He explained that her questions needed to go to the Township Committee. This board is not aware of any plans for the area because it was not brought to them in the form of an application. He is not sure what the Township Committee has discussed regarding developers for the site. Therefore, it would be inappropriate for this board to theorize what the Township Committee collectively may ultimately do in terms of scheduling. This is the preliminary steps that would allow the developer to first go to the individual homeowners and attempt to acquire the properties. If the developer could not acquire the properties through good faith negotiations, the Township, after it has a plan

developed, after it's reviewed traffic studies, the Township potentially could look at condemning the properties in furtherance of a developed plan. **Ms. Clark** stated that this is the first step to start the process in order to be able to redevelop the area. **Attorney Coleman** said yes.

Irene Hudson, 652 Mansfield Road West- She asked if lot 9.02 is preserved farmland. Secondly, she stated that if the redevelopment is approved and the comments of for example detracting for the use of neighboring properties, character of the neighborhood, affecting the safety flow of highway traffic; looking at the lot across the street and it's a motel, doesn't that affect property values? She thinks of this area as farm country and she realizes the Township wants ratable, however the laundry list is off putting. **Planner Fegley** stated that the "laundry list" Ms. Hudson is referring to is the C-2 zoning ordinance currently. What Ms. Hudson read were conditional uses, for a gas station or car wash and they need to meet those 10 conditions in order build. Any of the A-HH are permitted uses without any conditions. **Mr. Borgstrom** stated that the C-2 ordinance already exists without any changes. **Planner Fegley** stated that the board had a public hearing during the Master Plan Re-examination, no changes were made and no mentions from the public to the list of uses. **Mr. Semptimphelter** stated that just because it's an approved use does not mean it's going to go there. The Committee needs to balance living in a rural community and taxes.

Daniel Perez, 14 Fairmont- stated that with the exception of the one house that is right across from the traffic light, he does not believe the rest of the properties should be condemned. The homes that are being lived in are not blight to the community. He believes there are other properties that are abandoned in the township that need to be looked at.

No further comments. Public comment section closed.

Attorney Coleman stated that the board has heard Planner Fegley's testimony and have considered the public comments. The board's charge is to determine whether or not all or a portion of the properties satisfy the criteria set forth in the redevelopment law.

Mr. Semptimphelter stated that according to Planner Fegley's report all the properties meet the criteria for a redevelopment area. However, there are people residing in these homes. The board needs to decide whether or not these properties should be included as an area in need of redevelopment and since they meet the criteria he has not issue with it. Therefore, **Mr. Semptimphelter** made a motion to approve the area has an area in need of redevelopment with condemnation.

Mr. Kampo seconded that motion. **Attorney Coleman** asked if there would be any further discussion on the motion from the board. **Mr. Borgstrom** asked if all the properties had to be included or could they take some out. **Attorney Coleman** stated that it could be all or a portion of the properties. **Mr. Borgstrom** stated that he would be more comfortable with a portion. Keeping in the two vacant houses and the 28 acre parcel and removing the occupied homes. It can always be revisited if there is developer interest.

Mr. Semptimphelter asked Planner Fegley if they could revisit the occupied properties at a later date. **Planner Fegley** stated that yes, the board can decided to add all, none, or some of the properties into the redevelopment area. This is a recommendation to Committee, so the Committee can do what they like with that recommendation. **Attorney Coleman** state that this is just a determination as to whether those properties satisfy the criteria. Ultimately he believes discussions could be had at the Township level. Such as, whether Mr. Trought's and/or Mr. Clark's properties are included or excluded in the plan. **Mr. Borgstrom** stated that he would be more comfortable leaving out lot 10 and 13.02 at this point. Lots 9.02, 11, & 12 would be included. The Committee can discuss and make changes they see fit.

PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD

RESOLUTION NO. 2017-09-13

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
UNDERTAKING A PRELIMINARY INVESTIGATION OF CERTAIN PARCELS LOCATED IN
THE TOWNSHIP AND DETERMINING WHETHER SUCH PARCELS SATISFY THE
CRITERIA AS "AN AREA IN NEED OF CONDEMNATION REDEVELOPMENT" AS SET
FORTH IN THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A
(Resolution Attached)**

Mr. Semptimphelter agreed with Mr. Borgstrom and therefore amends his motion to exclude Blocks 30 Lots 10 & 13.02. **Mr. Kambo** seconded the amended motion. Motion carried on a roll call vote recorded as follows:

**AYE: SEMPTIMPHELTER, KAMPO, ALLEN, BORGSTROM
NAY: NONE ABSTAIN: PATEL ABSENT:PREIDEL,PUGLIA,
LIPPICOTT**

PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD

RESOLUTION NO. 2017-08-11

**RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD
CONCERNING THE APPLICATION OF
MANSFIELD REALTY NORTH, LLC
FOR VARIANCE AND
PRELIMINARY SITE PLAN APPROVALS (Resolution Attached)**

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

**AYE: SEMPTIMPHELTER, PATEL, BORGSTROM
NAY: NONE NOTVOTING:ALLEN,KAMPO ABSENT:PREIDEL,PUGLIA,
LIPPICOTT**

**PLANNING BOARD OF THE TOWNSHIP OF MANSFIELD
RESOLUTION NO. 2017-08-12
RESOLUTION OF THE TOWNSHIP OF MANSFIELD PLANNING BOARD,
CONCERNING THE APPLICATION OF
THOMAS AND MICHELLE SAHOL
VARIANCE AND MINOR SUBDIVISION APPROVAL (Resolution Attached)**

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

**AYE: SEMPTIMPFELTER, KAMPO, PATEL, BORGSTROM
NAY: NONE NOT VOTING: ALLEN ABSENT:PREIDEL,PUGLIA,
LIPPICOTT**

APPROVAL OF MINUTES:

A motion to approve the minutes from **August 28, 2017** was offered by **Mr. Semptimpfelter** and was seconded by **Mr. Patel**. Motion carried on a roll call vote recorded as follows:

**AYE: SEMPTIMPFELTER, KAMPO, PATEL, BORGSTROM
NAY: NONE NOT VOTING: ALLEN ABSENT:PREIDEL,PUGLIA,
LIPPICOTT**

ADJOURNMENT:

A motion to adjourn was offered by **Mr. Semptimpfelter** and was seconded by **Mr. Allen**. All ayes. Motion carried.

Respectfully Submitted by:

Ashley Jolly, Land Use Coordinator

Date Approved