

FEBRUARY 18, 2013

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Attorney William Edleston at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

The new and reappointed members of the 2013 Land Use Board were sworn in by Edleston.

Present: Barton, Hazen, Mayor Tomaszewski, Watters, Vaezi, Mills, Spender, Farino, Drazek, Hight, Tate.

Absent: Creedon.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

MOTION was made by **HAZEN** to nominate **John Barton** as **CHAIRMAN** of the 2013 Land Use Board.

SECONDED: SPENDER.

MOTION was made by **MILLS** to nominate **Ali Vaezi** as **CHAIRMAN** of the 2013 Land Use Board.

SECONDED: WATTERS.

Those in favor of Barton as Chairman: Mayor Tomaszewski, Watters, Vaezi, Mills, Spender, Farino, Drazek, Hazen.

Opposed: None.

Abstained: Barton.

Since the vote for Barton as Chairman was unanimous, he was declared Chairman.

MOTION was made by **MILLS** to nominate **Ali Vaezi** as **VICE CHAIRMAN** of the 2013 Land Use Board.

SECONDED: BARTON.

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Those in favor: Watters, Vaezi, Mills, Spender, Farino, Drazek, Hazen, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **HAZEN** to appoint Patti Zotti as **SECRETARY/CLERK** of the 2013 Land Use Board.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Vaezi, Mills, Spender, Farino, Drazek, Hazen, Mayor Tomaszewski, Watters, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **HAZEN** to nominate **William Edleston, Esquire** as **BOARD ATTORNEY** for 2013.

SECONDED: BARTON.

MOTION was made by **MAYOR TOMASZEWSKI** to close the nominations.

SECONDED: WATTERS.

Those in favor: Mills, Spender, Farino, Drazek, Hazen, Mayor Tomaszewski, Watters, Vaezi, Barton.

Opposed: None.

Abstained: None.

Those in favor of Edleston as Board Attorney: Spender, Farino, Drazek, Hazen, Mayor Tomaszewski, Watters, Vaezi, Mills, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to nominate **Drew DiSessa, P.E.** as **BOARD ATTORNEY** for 2013.

SECONDED: HAZEN.

MOTION was made by **HAZEN** to close the nominations.

SECONDED: BARTON.

Those in favor: Farino, Drazek, Hazen, Mayor Tomaszewski, Watters, Vaezi, Mills, Spender, Barton.

Opposed: None.

Abstained: None.

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Those in favor of DiSessa as Board Engineer: Drazek, Hazen, Mayor Tomaszewski, Watters, Vaezi, Mills, Spender, Farino, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **WATTERS** to nominate **Shirley Bishop, P.P.** as **PLANNER** for 2013. Watters explained the Township Committee appointed Bishop as Township Planner citing Bishop's experience with COAH matters as being the deciding factor.

SECONDED: MAYOR TOMASZEWSKI.

MOTION was made by **HAZEN** to close the nominations.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Hazen, Mayor Tomaszewski, Watters, Vaezi, Mills, Spender, Farino, Drazek, Barton.

Opposed: None.

Abstained: None.

Those in favor of Bishop as Planner: Mayor Tomaszewski, Watters, Vaezi, Mills, Spender, Farino, Drazek, Hazen, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to adopt the schedule of meeting dates as the third Monday of each month.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Watters, Vaezi, Mills, Spender, Farino, Drazek, Hazen, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

After a brief discussion regarding the benefit of using a daily newspaper vs. the weekly newspaper for legal notices, **MOTION** was made by **MAYOR TOMASZEWSKI** to designate **The Express Times** as the **legal newspaper** with The Star Gazette as the secondary newspaper.

SECONDED: VAEZI.

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Those in favor: Vaezi, Mills, Spender, Farino, Drazek, Hazen, Mayor Tomaszewski, Watters, Barton.

Opposed: None.

Abstained: None.

The Chairman appointed Hazen and Vaezi as the Financial Oversight Committee for 2013.

Regarding the minutes of the December 17, 2012 meeting, DiSessa amended the word *if* in the first sentence of the next to last paragraph on page two to read **is**.

MOTION was made by **HAZEN** to approve the minutes of the December 17, 2012 meeting, as amended.

SECONDED: FARINO.

Those in favor: Mills, Spender, Farino, Hazen, Mayor Tomaszewski, Watters, Vaezi, Barton.

Opposed: None.

Abstained: Drazek.

MOTION was made by **MAYOR TOMASZEWSKI** to approve the resolution for Case #12-08, Catherine M. Lake.

SECONDED: BARTON.

Those in favor: Spender, Farino, Hazen, Mayor Tomaszewski, Watters, Vaezi, Mills, Barton.

Opposed: None.

Abstained: None.

Case #13-01, OREH, LLC

Present for the applicant: Mark Blount, Esquire

Edleston stated there were two reports distributed by DiSessa. Edleston explained this would be a bifurcated application with the use variance application first, and the site plan application if the use variance is approved.

DiSessa recommended the use variance application be deemed complete, and to schedule the public hearing for the March meeting. DiSessa also suggested the application should be forwarded to the planner for review.

Blount stated they would re-notice for the March 18, 2013 meeting.

Farino stated he is in favor of keeping local businesses in the Township, but he isn't in favor of the additional residential component of the application. Hazen agreed with Farino.

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MOTION was made by **SPENDER** to deem the use variance application for Case #13-01, OREH, LLC complete, and to schedule the public hearing for the March 18, 2013 meeting.

SECONDED: MILLS.

Those in favor: Hazen, Vaezi, Mills, Spender, Farino, Drazek, Barton.

Opposed: None.

Abstained: Mayor Tomaszewski, Watters.

Under old business, Edleston indicated it is up to the board when they want the Yusen matter on the agenda.

DiSessa stated he met with representatives of Yusen, and gave a status report.

Terry Sams, from the audience, stated he also met with them. Sams stated they are doing things at the property in the hopes the matter will go away. Sams explained the property owner has swept the dirt, but now has increased the width of the road with stone. Sams stated the trucks now navigate the road, and the actual pavement portion is deteriorating. Sams indicated the situation is getting worse.

Brenda Sams, from the audience, said they informed McNemer that no one is against the truck drivers, but the facility isn't sufficient to properly function. Sams indicated McNemer doesn't have additional parking. Sams indicated there are now many trucks parked in the grass, and movement of those trucks causes a mud and dirt on the roadway.

DiSessa added it is a bad time of the year to approach the issue. DiSessa stated additional pavement would present problems with stormwater management.

Watters, Farino, and Barton expressed the opinion that enforcement is needed. They have been coming back and forth before the board for a long time. Barton stated the Yusen folks need to come in with a definite plan for remediation. Barton stated they should be told to return before the board in March.

Edleston indicated he would contact the attorney for the applicant.

Robert Messick Discussion

Messick explained he has been a resident of Mansfield Township for twenty-three years, and been involved with Township activities. Messick explained his eighty year old father was displaced from his shore home by Hurricane Irene. Messick stated he father is a 100% disabled veteran, and cannot live on his own anymore. Messick stated he was ready to finish and market his father's home at the shore, but it was further damaged by Hurricane Sandy.

Messick explained he took an early retirement to care for his father. Messick explained his father now lives in a trailer parked on his property, and taps into the existing water and electric. Messick stated he doesn't have the funds necessary to make an ECHO housing application before the board. Messick stated the trailer would be returned once it is no longer needed by his father.

DiSessa related the history behind Messick being invited to the meeting. DiSessa stated the trailer was identified as being used without approval, and violation notices were issued. DiSessa stated the application fee for an ECHO application is \$700 and the escrow fee would be \$1,300. DiSessa indicated there appears to be an obvious hardship, but the matter would have to be addressed by the board. DiSessa stated a front yard variance would also be needed.

Edleston stated the issue of waiver of fees would have to be addressed by the Township Committee.

Different scenarios were discussed to try and help Messick.

Edleston suggested the applicant should file the application, provide proper notice, and supply a fee of \$400. DiSessa indicated the \$400 fee would equate to \$200 for each of two unspecified applications.

Messick thanked the board, and stated he would process the application as quickly as he could.

Regarding The Meadows at Mansfield, LLC matter, Edleston stated the Judge received a letter from boss stating she is taking too long to decide the matter. Edleston stated he would keep the board informed if action is taken.

DiSessa distributed a draft fee schedule for the board's consideration. DiSessa suggested the members review the draft, and be prepared with questions at the next meeting. DiSessa indicated he would probably distribute an updated draft at the next meeting.

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Watters asked if there was language in the fee schedule Ordinance stating that matters aren't finalized until escrow accounts are made current. DiSessa stated there is language covering payment of escrow fees, but it takes communication and diligence. DiSessa stated he has been working with the Treasurer on the escrow accounts.

Edleston stated age restricted housing should be eliminated from the Ordinance once the planner gets on board.

Vaezi mentioned there were planning courses coming up, and he intended to take the class.

Vaezi mentioned a letter in the packet from Cliffside Park Associates, Inc. regarding water system improvements. A brief discussion was held regarding the water issue at the Cliffside Park property.

MOTION was made by **VAEZI** to authorize the Township Committee to pay the invoices submitted by the professionals.

SECONDED: HAZEN.

Those in favor: Mayor Tomaszewski, Watters, Vaezi, Mills, Spender, Farino, Drazek, Hazen, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **MAYOR TOMASZEWSKI** to authorize the Chairman to sign the contracts presented by the professionals for the year 2013.

SECONDED: BARTON.

Those in favor: Watters, Vaezi, Mills, Spender, Farino, Drazek, Hazen, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to adjourn the meeting at 9:12 PM.

SECONDED: BARTON.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary
(As Amended)

