

## **OCTOBER 1, 2007**

The regularly scheduled meeting of the Mansfield Township Zoning Board of Adjustment was called to order by Chairwoman Rosemarie Hight 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.

Present: Hight, Jewell, Harris, Creedon, Rosenblum, Smith, Mills, Spender.

Absent: McGuinness.

Also present: Douglas Mace, P.E.; Lyn Paul Aaroe, Esquire.

The Pledge of Allegiance was recited.

**MOTION** was made by **CREEDON** to approve the minutes of the August 6, 2007 meeting, as written.

**SECONDED: HIGHT.**

Those in favor: Jewell, Creedon, Rosenblum, Smith, Mills, Spender, Hight.

Opposed: None.

Abstained: Harris.

### **Case #Z07-01, Natural Stone Traditions, Inc. John Malyshko & Jean Bonnet**

Present for the applicant: Stuart Ours, Esquire; John Malyshko; Steve Parker, P.E.; Harley Brown, former owner; Patrick Schmitt

Aaroe stated there were still unresolved engineering issues, especially the truck turning radius. The access appeared to be sufficient from the easterly direction, but vehicular access from the westerly direction was questionable.

Brown indicated he owned the property since 1980 and over the years had tractor trailer deliveries, and they managed access to the property.

Mace indicated the applicant's engineer would have to solve the issue to the Board's satisfaction. Mace stated the board couldn't approve a project where trucks can only access the property properly from one direction, nor turn around on someone else's property. Malyshko said the adjacent owner would allow the trucks to turn around on his property. Mace and Aaroe stated a dedicated easement from the adjacent owner would be necessary in order to allow something like that to be acceptable.

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Further discussion took place regarding truck access feasibility.

Mace explained that the Ordinance is specific about the procedure for requesting a waiver of the EIS. Mace gave a brief synopsis of the EIS, and explained that a limited EIS could be submitted with a waiver request and explanation for the items not included.

Schmitt explained that he has operated stone yards for a number of years, and explained why the current configuration was being requested. Schmitt stated the applicant is attempting to retain some of the natural landscape features for display purposes.

Malyshko explained there would be attractive, extensive gardens displaying the stone in natural settings. Malyshko stated there are gardens planted by the former owner that would work well with his vision. Malyshko stated the business is a low impact business that would cater to the upscale client.

Aaroe suggested the board act on the requested buffer variance application.

**MOTION** was made by **CREEDON** to grant the C1 buffer variance request for Case #Z07-01, Natural Stone Traditions, Inc.

**SECONDED: HARRIS.**

Those in favor: Harris, Creedon, Rosenblum, Mills, Jewell, Hight.

Opposed: None.

Abstained: None.

Aaroe announced the matter would be carried without further notice to the November 5, 2007 meeting.

**Case #Z02-09, Abram Simoff/Hal Simoff**

Hight suggested the application be dismissed without prejudice since there have been a number of meetings where the applicant has failed to appear. Hight suggested that once the applicant obtains the necessary HMUA approval they could refile.

Mace explained there is a possibility of an extension of the sewer service area, but there is a breakdown between HMUA and the Township. Mace stated this application has become the catalyst in possibly resolving the issue. Mace suggested that the application should remain on the agenda for at least another month.

Hight stated they would need DEP approval anyway, and that could take years. Mace stated that is a third party agency approval.

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Aaroe agreed the application should remain on the agenda for one more month, but the applicant should be informed that they should either appear at the next meeting, withdraw the application, or it will be dismissed without prejudice.

After continued discussion of the matter, the consensus of the board was for Aaroe to write the applicant's attorney a letter stating the above.

Jewell stated he is recused from the matter.

**MOTION** was made by **HARRIS** to authorize Aaroe to write the applicant and his attorney that they must renote and appear with representation at the next regular meeting, or withdraw their application. In the alternative, stated Harris, the application will be dismissed without prejudice.

**SECONDED: SMITH.**

Those in favor: Creedon, Rosenblum, Smith, Mills, Spender, Harris.

Opposed: Hight.

Abstained: None.

**Case #Z07-02, Dick Appleby**

Aaroe announced the application was carried to the next regular meeting of November 5, 2007 without further notice.

Zotti mentioned there was interest being shown regarding the combining of the board into a land use board. Mace and Aaroe gave reasons for the process to remain the same. Further discussion took place regarding the pros and cons of combined boards.

Zotti mentioned there will be an educational training session for board members in Hackettstown on November 3, 2007. The training session was being offered in order to fulfill the mandatory requirement for all board members.

**MOTION** was made by **SMITH** to adjourn the meeting at 8:55 PM.

**SECONDED: HIGHT.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary  
As Written