

DECEMBER 20, 2004

The regularly scheduled meeting of the Mansfield Township Planning Board was called to order by Chairman William Mannon 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: Mannon, Barton (arrived at 7:35 PM), Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi.

Absent: None.

Also present: Douglas Mace, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

The minutes of November 15, 2004 were amended by adding Mannon to those voting in favor of the second motion on page five.

MOTION was made by **BALDWIN** to approve the minutes of the November 15, 2004 meeting, as amended.

SECONDED: HAZEN.

Those in favor: Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi, Mannon.

Opposed: None.

Abstained: None.

MOTION was made by **BALDWIN** to approve the resolution for Case #02-18, County of Warren.

SECONDED: WATTERS.

Those in favor: Lunghi, Hazen, Myers, Vaezi, Barton, Baldwin, Mannon.

Opposed: None.

Abstained: None.

It was determined that Watters was not present at the hearing, thus unable to act on the application.

Baldwin and Watters rescinded their motion and second.

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MOTION was made by **BALDWIN** to approve the resolution for Case #02-18, County of Warren.

SECONDED: MYERS.

Those in favor: Hazen, Myers, Vaezi, Barton, Baldwin, Lunghi, Mannon.

Opposed: None.

Abstained: None.

Case #04-12, Eduardo & Edith Chua

Present for the applicant: Christopher Quinn, Esquire

Baldwin, Myers, Hazen, and Lunghi recused themselves from the application.

Edleston explained that the property was sold for taxes, and that the Township has now been made whole. Edleston stated that the Tax Collector wouldn't sign off on the issue since the taxes were paid by a third party, which doesn't rise to the level of payment by the owner.

Further discussion took place regarding any liability to the board.

Quinn indicated that he had copies of the municipal tax lien search, and receipts for payments.

Mace went over the completeness review letter issued by his office. Mace indicated that the waiver requests could be granted for purposes of completeness, but the information would have to be submitted prior to the end of the public hearing, and in time for review.

MOTION was made by **VAEZI** to deem the application for Case #04-12, Eduardo & Edith Chua complete with the granting of the requested waivers, but the material must be submitted prior to the end of the public hearings, and in adequate time for review by Mace's office.

SECONDED: BARTON.

Those in favor: Marchioni, Vaezi, Barton, Watters, Mannon.

Opposed: None.

Abstained: None.

Baldwin, Lunghi, Hazen, and Myers returned to the board.

Case #04-01, Eden Mansfield, LLC

Present for the applicant: Michael B. Lavery, Esquire; Walter Lublinecki, P.E., Traffic Engineer; Dennis Cieri, Eden Mansfield, LLC; Tom Tourso, Eden Mansfield, LLC.

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Lunghi recused himself from the case.

Lavery stated that the applicant was further reducing the proposed signage to 200 square feet. Lavery once again gave a brief summary of the case.

Mannon asked if there were any questions or comments from the audience, and there being none closed the public portion of the hearing.

MOTION was made by **BALDWIN** to close the public hearing for Case #04-01, Eden Mansfield, LLC.

SECONDED: HAZEN.

Those in favor: Myers, Vaezi, Barton, Baldwin, Watters, Hazen, Marchioni.

Opposed: None.

Abstained: None.

It was noted for the record that Barton, Watters, and Marchioni listened to the tapes of the meetings that they had missed.

Further discussion took place regarding the free-standing sign, and the proposed wall signage. The applicant agreed to remove from the sign plan the word *photo*.

Vaezi expressed concern over the sight distance issue, as well as the approach to the bridge on Newburgh Road.

Mace stated that there is a porch structure in the sight distance right-of-way, which is a pre-existing condition. Vaezi suggested a small island to direct traffic in the proper direction. Lublinecki stated that that thermo plastic striping would be used.

MOTION was made by **MANNON** to grant the lot width variance for Case #04-01, Eden Mansfield, LLC.

SECONDED: HAZEN.

Those in favor: Vaezi, Barton, Baldwin, Watters, Hazen, Marchioni, Myers, Mannon.

Opposed: None.

Abstained: None.

MOTION was made by **MANNON** to grant the wall sign variance for 184 square feet for Case #04-01, Eden Mansfield, LLC.

SECONDED: WATTERS.

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Those in favor: Barton, Baldwin, Watters, Hazen, Marchioni, Myers, Vaezi, Mannon.

Opposed: None.

Abstained: None.

MOTION was made by **BALDWIN** to approve the variance for the free-standing sign with the changeable message for Case #04-01, Eden Mansfield, LLC provided that the changeable message cycle is no shorter than a complete traffic light cycle.

SECONDED: MYERS.

Those in favor: Baldwin, Watters, Hazen, Marchioni, Myers, Vaezi, Barton, Mannon.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to approve the variance from the side yard setback in the parking lot for Case #04-01, Eden Mansfield, LLC.

SECONDED: MYERS.

Those in favor: Watters, Hazen, Myers, Vaezi, Barton, Baldwin.

Opposed: Marchioni, Mannon.

Abstained: None.

A discussion was held regarding the design waiver being requested for the parking against the building being proposed by the applicant.

MOTION was made by **BALDWIN** to deny the design waiver for the parking against the building being requested by the applicant for Case #04-01, Eden Mansfield, LLC.

SECONDED: MARCHIONI.

Lavery stated that the applicant has attempted to comply in every aspect, and has reduced the severity of the variances.

Mannon asked if it was the experience of the applicant that based on the square footage of the building, would all of the parking spaces be necessary. Cieri answered that the parking spaces being requested meets the Township requirements, and would be necessary to service the client. Cieri stated that the site is totally dependent on car traffic, and has to provide adequate parking.

Discussion continued regarding possible remedies for the parking issue. Cieri stated that even if the building size were to be reduced, the parking against the building cannot be eliminated. Mace indicated that the Township actually requires more spaces than is probably needed.

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Those in favor: Hazen, Marchioni, Myers, Vaezi, Baldwin, Mannon.

Opposed: None.

Abstained: Barton, Watters.

Edleston stated that an abstention equaled a vote with the majority.

Mannon asked if the applicant would be willing to reduce the number of parking spaces along the building in order to allow space for a fire truck.

MOTION was made by **BALDWIN** to deny the site plan application for Case #04-01, Eden Mansfield, LLC without prejudice.

SECONDED: BARTON.

The motion was tabled until after a brief recess was taken.

The Chairman called for a brief recess at 9:35 PM.

Upon reconvening at 9:45 PM, roll call was taken.

Present: Mannon, Barton, Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi.

Absent: None.

Lunghi remained recused from the application.

Lavery suggested that the applicant provide a revised drawing showing the elimination of two parking spaces on each corner of the building allowing sufficient space for a fire truck. The area would be designated and cross hatched to support a fire access.

Barton withdrew his second to Baldwin's previous motion denying the site plan application.

Marchioni seconded Baldwin's motion.

Those in favor: Marchioni, Baldwin.

Opposed: Myers, Vaezi, Barton, Watters, Hazen, Mannon.

Abstained: None.

Edleston announced that, in light of the fact that other variances were granted, and the motion to deny without prejudice failed to pass, gives the applicant the opportunity to return with a revised plan showing an alternate parking proposal.

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MOTION was made by **WATTERS** to accept the request for extension to the January 17, 2004 meeting, as made by Lavery.

SECONDED: BARTON.

Those in favor: Myers, Vaezi, Barton, Baldwin, Watters, Hazen, Marchioni, Mannon.

Opposed: None.

Abstained: None.

Lunghi returned to the board.

Case #04-16, Abram Simoff/MBAK Assoc. LP

Mace explained that this application was the result of a settlement case before the Board of Adjustment, but in order to proceed, the application needs to be fully compliant.

Case #99-05, AZR1

Present for the applicant: Arthur Robinson; Christopher Quinn, Esquire.

Edleston stated that the applicant's last extension expired in December of 2004.

Mace stated that no real changes have been made to the Ordinance, and the applicant should reapply, be granted another approval, and the time would begin to run again.

Robinson explained the factors that have prevented him from going forth with his project.

MOTION was made by **BALDWIN** to approve the denial resolution for Case #04-15, John Occhipinti.

SECONDED: WATTERS.

Those in favor: Baldwin, Hazen, Myers, Vaezi, Mannon.

Opposed: None.

Abstained: None.

MOTION was made by **BALDWIN** to approve the resolution for Case #04-13 and 04-14, Mark Pillion.

SECONDED: HAZEN.

Those in favor: Lunghi, Hazen, Myers, Vaezi, Baldwin, Mannon.

Opposed: None.

Abstained: None.

Edleston indicated that he hadn't received any escrow printouts recently. Edleston stated that he was unaware that there was insufficient escrow to pay invoices.

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Further discussion took place regarding the billing practices of the Township.

Zotti mentioned that Mr. Lee had requested information regarding the number of meetings, and the number of cases, for 2004.

Lunghi asked questions regarding the Simoff case. Mace indicated that the case had to be in compliance with the court order.

Vaezi asked questions regarding the water supplied to the Ruby Tuesday site.

MOTION was made by **BALDWIN** to adjourn the meeting at 10:55 PM.

SECONDED: HAZEN.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary