

**MAY 18, 2009**

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Vice Chairman Richard Myers 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: Myers, Mayor Jewell, Watters, Hazen, Creedon, Mills, Spender, Smith.

Absent: Barton, Mannon, Vaezi, Hight, McGuinness.

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

The Pledge of Allegiance was recited.

**MOTION** was made by **HAZEN** to approve the minutes of the April 20, 2009 meeting, as written.

**SECONDED: CREEDON.**

Those in favor: Myers, Mayor Jewell, Watters, Hazen, Creedon, Mills, Spender, Smith.

Opposed: None.

Abstained: None.

**MOTION** was made by **HAZEN** to approve the resolution for Case #08-03, Igor Perunsky, as written.

**SECONDED: CREEDON.**

Those in favor: Watters, Hazen, Creedon, Mills, Mayor Jewell, Myers.

Opposed: None.

Abstained: None.

**Case #09-01, Wal Mart Real Estate Business Trust**

Present for the applicant: Steve Mairella, Esquire; Michael Moonan, P.E.; Perry Petrillo, AIA; Charles Olivo, P.E., P.T.O.E.; Christine Cofone, P.P.

Mayor Jewell recused himself from the hearing the application since his wife is employed by the Wal Mart Organization.

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Mairella explained the applicant is looking forward to upgrading the store as a part of the national upgrade program. Mairella explained there were variances necessary for parking spaces, screening height, signage, and other pre-existing conditions.

Entered as Exhibit A-1 – Curriculum vitae Michael S. Moonan, P.E.

Entered as Exhibit A-2 – Aerial photograph site and surrounding area

Moonan explained the site and detailed the surrounding properties, and gave other details such as signalization, circulation, etc.

Entered as Exhibit A-3 – Aerial photograph existing Wal Mart lease area

Moonan explained the exhibit which portrays the actual Wal Mart portion of the site, the parking area, the localized circulation, etc. Moonan explained the proposed loading area for tractor trailers, the bale and pallet area, the garden center, and the proposed vestibule area. Moonan stated there are grade changes proposed for the site, but they would remain within the existing previously approved parking variance.

Creedon suggested signage directing truck traffic to the southern Airport Road entrance, and mentioned tractor trailers being parked in the parking lot fronting Route 57.

Entered as Exhibit A-4 – colorized version of the site plan dated 5/18/09

Entered as Exhibit A-5 – 3 graphics of the building dated 5/18/09

Moonan indicated there would be a minimal net decrease in square footage for the building.

Mace asked if there was an area for shopping carts by the garden center. Moonan explained the location of the cart stacking. Mace indicated the outdoor sales area should be delineated and a 10' pedestrian pathway maintained.

Mace also suggested the drainage basin should be reviewed and possibly remediate since there have been issues with it. A discussion took place regarding the stormwater management plan, and its effective and expirations dates. Ultimately, the determination was made for the engineers to confer on the drainage matter.

Moonan explained the changes to be made to the parking lot/parking spaces. Smith asked questions regarding the loss of the area used for drop off and pick up, which was also sometimes used for the discharge of handicapped citizens. Moonan stated the employees are well versed in assisting customers across the drive isle to their vehicles. Moonan explained changes to be made to the lighting plan, and mentioned they are investigating other lighting options.

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Entered as Exhibit A9A and A9B – photographs of existing conditions

Entered as Exhibit A8B – drawing showing cart storage areas

Entered as Exhibit A-7 – package showing perspective and outward appearance

Petrillo explained the changes to be made to the vestibules and cart locations. A discussion was held regarding the location of the cart storage areas, and the lack of cart availability in the area of the garden center. Petrillo further explained the façade changes by the installation of lighting, canopies, awnings, benches, receptacles, etc. Petrillo answered questions asked by Mace regarding the proposed signage. Petrillo explained the store will have an expanded grocery area, the McDonald's store will be eliminated, but the store will not be a super Wal Mart. Petrillo further explained the signage package.

Entered as Exhibit A-10 – signage calculations

Entered as Exhibit A-11 – Curriculum vitae Charles D. Olivo, P.E.,PTOE

Entered as Exhibit A-12 – Atlantic Traffic & Design Engineers, Inc. Parking Accumulation Study

Olivo explained the calculations used for the parking space counts and further explained the utilization of the parking lot. A brief discussion was held regarding the number and available location of the handicapped parking spaces.

A brief recess was called at 9:10 PM.

Upon reconvening at 9:15 PM, the roll call was taken.

Present: Myers, Mayor Jewell, Watters, Hazen, Creedon, Mills, Spender, Smith.

Absent: Barton, Mannon, Vaezi, Hight, McGuinness.

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

Cofone was sworn in and accepted as an expert witness in the area of planning. Cofone stated that many of the variances being requested are pre-existing, with the only major variances being for the parking spaces and wall/screening for the pallet and bale area. Cofone explained the proposed pallet and bale area is an improvement over the current system, which is an open area. Cofone and Petrillo further explained the proposed signage package. Cofone stated that both the positive and negative criteria have been met.

Mace asked further questions regarding the relocation of existing vegetation given the installation of the pallet and bale area wall. The visibility of the wall was discussed. Mace stated the applicant makes every effort to keep the area organized, and agreed the pallet and bale area should be shielded given its proximity to the drive area.

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Creedon asked questions about the operation of the forklifts in the pallet and bale area, and the operation of the garden center. Moonan and Petrillo explained the operation of the two departments.

Further questions were asked regarding the vegetation replacement, alternative pavement and crosswalk details, signage for the crosswalk, etc.

The hearing was opened to the public.

Jason Friedman, representing Carpenter's Union Local 620, stated their organization looked favorably on the project, and it would provide jobs for local tradesmen.

Robert Jewell, from the audience, stated the site has a real problem with litter getting caught in the boxwoods. Jewell also reminded the applicant about the sewer easement in the area of the proposed wall.

**MOTION** was made by **CREEDON** to approve the requested variances for Case #09-01, Wal Mart Real Estate Business Trust.

**SECONDED: HAZEN.**

Those in favor: Hazen, Creedon, Mills, Spender, Smith, Watters, Myers.

Opposed: None.

Abstained: None.

**MOTION** was made by **CREEDON** to approve the amended preliminary and final site plan application for Case #09-01, Wal Mart Real Estate Business Trust, subject to the elimination of the trailer in the southern parking lot, revision of the detention basin, spot lights removed, crosswalk pavement alteration, outdoor sidewalk 10' minimum, parking lot litter being better policed, no carts being located on the outside of the garden or state area, and other conditions as discussed.

**SECONDED: SMITH.**

Those in favor: Creedon, Mills, Spender, Smith, Watters, Hazen, Myers.

Opposed: None.

Abstained: None.

Mace thanked the applicant for their cooperation over the years since the site was approved and constructed.

Mayor Jewell returned to the board.

**Case #09-02, Linda A Burk**

Present for the applicant: Linda A. Burk

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Edleston asked questions regarding the tax exempt status of the application, and the lack of a formal site plan.

Burk indicated a site plan was submitted, and all other appropriate Ordinance requirements were met. Burk indicated she was requesting a waiver of several requirements.

Mace indicated the scale and scope of the site plan submitted is not sufficient to provide a proper technical review.

Edleston stated he understood the effort to reduce application costs, but recommended the applicant seek professional help in order to move the application forward in an expeditious manner. Burk insisted that she supplied the appropriate material.

Mace stated the Township requires all churches to provide proper site plans when they appear before the board.

Edleston suggested the applicant meet with Mr. Zorn of Mace's office, and possibly a determination can be made as to what design details could, if any, be waived.

Mace asked why the applicant, since it appeared the church has operated for a number of years, was seeking approval at this time. Burk stated she just wanted it to be an established, legalized, spiritualistic church in accordance with the National Association of Spiritualistic Churches.

Edleston stated it was unclear from the submission if the application qualifies for a conditional use application, or a use variance application.

**MOTION** was made by **SMITH** to deem the application for Case #09-02, Linda A. Burk incomplete for lack of information necessary to complete a proper review.  
**SECONDED: HAZEN.**

Those in favor: Mills, Spender, Smith, Hazen, Creedon, Myers.  
Opposed: None.  
Abstained: Mayor Jewell, Watters.

**MOTION** was made by **MYERS** to recommend to payment by the Township Committee invoices submitted by the professionals.  
**SECONDED: SMITH.**

Those in favor: Spender, Smith, Mayor Jewell, Watters, Hazen, Creedon, Mills, Myers.  
Opposed: None.  
Abstained: None.

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**MOTION** was made by **SMITH** to adjourn the meeting at 10:30 PM.  
**SECONDED: CREEDON.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary  
As Written