

NOVEMBER 16, 2009

The regularly scheduled meeting of the Mansfield Township Planning Board was called to order by Chairman John Barton 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 Chairman announced the beginning portion of the meeting would be a joint meeting with the Township Committee to discuss the Draft Highlands Master Plan.

Present: Barton, Myers, Mayor Jewell, Watters (arrived at 7:50 PM), Mannon, Hazen, Creedon, Vaezi, Hight, Smith.

Absent: Mills, McGuinness, Spender.

Township Committee Members: Nerbak, Baldwin, Tomaszewski.

Also Present: Douglas Mace, P.E.; William Edleston, Esquire; Joseph Layton, P.P.

Discussion on the Draft Highlands Council Regional Master Plan Element of the Mansfield Township Master Plan

Layton briefly described the purpose of the joint meeting, and further explained the timeline for compliance. Layton explained the deadline for opting in, and submitting the Highlands Council petition, is December 8, 2009. Layton explained the COAH obligation is currently 121 units, but if the Township opts into the Highlands regulations the COAH obligation would be 89 units. Layton stated the Township has until June 8, 2010 to complete the Housing Element and Fair Share Plan of the Master Plan. Layton explained which modules of the Highlands Regulations have been completed. Layton presented several mapping exhibits.

Creedon stated the Highlands Council has deemed much of the Township preserved and unbuildable land, and asked where the COAH units are to come from. Creedon stated it was his opinion the Township will not be able to meet their COAH obligation.

Barton asked if there was a map depicting the remaining developable land in the Township. Layton stated there is developable land, but the lots would have to be larger.

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Layton stated Mansfield Township has the most land in the preserved area in all of Warren County. Layton explained the legislature has passed law mandating the municipalities must petition for plan conformance by December 8, 2009. If not, they have the right to impose regulations on the Township's preservation area.

David Shope, owner of Mansfield Self Storage, related information as he knows it to be regarding the Highlands legislation. Shope cited information regarding his observations of the action taken by Washington Township, Morris County and Independence Township, Warren County.

Barton asked if there was negotiation possible with the Highlands Council. Edleston indicated there has been no willingness by the Highlands Council to negotiate their restrictions. Barton asked if there was a legal way to delay the process, and see what the next State administration would do. Barton stated this municipality has done everything possible to comply and be pro-active regarding preservation. Mace agreed with Barton, and stated the municipality has been the poster child for controlled growth, and not uncontrolled sprawl.

Further discussion took place regarding the Highlands issue.

Shope indicated he is one of the nine litigants suing the state to overturn the Highlands Act. Shope stated it has been the theory they wouldn't get anywhere with the state courts, but has to go through the process in order to get to the federal level.

Watters indicated he wasn't in favor of opting in on either the preservation or planning levels. Watters related information he learned at a meeting regarding water management plans for animals.

After a poll of those attending the joint meeting, **MOTION** was made by **CREEDON** to opt out of the Planning and Preservation Areas of the Highlands Regional Master Plan, and to recommend the Township Committee take the Planning Board's comments under advisement.

SECONDED: MANNON.

Those in favor: Myers, Watters, Mannon, Hazen, Creedon, Vaezi, Hight, Smith, Barton.
Opposed: Mayor Jewell.
Abstained: None.

Layton stated the Housing Plan will be more difficult.

The Chairman adjourned the joint session of the Planning Board and Township Committee meeting at 8:40 PM.

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MOTION was made by **HAZEN** to approve the minutes of the October 19, 2009 meeting, as written.

SECONDED: MANNON.

Those in favor: ALL IN FAVOR.

MOTION was made by **MYERS** to approve the resolution for Case #09-03, Jersey Central Power & Light Company, A First Energy Company and Nextel of New York, Inc., as written.

SECONDED: VAEZI.

Those in favor: Mannon, Hazen, Creedon, Vaezi, Myers, Barton.

Opposed: None.

Abstained: None.

Case #09-04, Anna Tomczak

Present for the applicant: R. Alexander Stiles, Esquire; Anna Tomczak; Sylvia Andrews (translator for the applicant)

Stiles explained the applicant received prior variance approval to construct a garage, and without approval constructed a deck. Stiles explained the deck violates the front and rear yard setbacks.

Mace indicated the deck is actually a replacement deck that demolished in order to construct the garage.

Andrews indicated the garage took to long to construct because of the economy.

Discussion took place regarding the placement of the deck, the location of the septic system, and the need to return with further information. Mayor Jewell indicated the deck didn't encroach any further than the garage.

MOTION was made by **MAYOR JEWELL** to grant the setback variance relief sought by the applicant for Case #09-04, Anna Tomczak.

SECONDED: BARTON.

Those in favor: Vaezi, Hight, Smith, Myers, Mayor Jewell, Watters, Barton.

Opposed: Mannon, Hazen.

Abstained: Creedon.

MOTION was made by **MYERS** to authorize payment by the Township Committee invoices submitted by the professionals.

SECONDED: CREEDON.

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Those in favor: Creedon, Vaezi, Hight, Smith, Myers, Mayor Jewell, Watters, Mannon, Hazen, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **HIGHT** to adjourn the meeting at 9:15 PM.
SECONDED: CREEDON.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary
As Written