

MARCH 15, 2010

The regularly scheduled meeting of the Mansfield Township Land Use 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.

Present: Barton, Myers, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Mills, Hight.

Absent: Vaezi, McGuinness, Spender, Smith.

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

MOTION was made by **HAZEN** to approve the minutes of the February 15, 2010 meeting, as written.

SECONDED: MANNON.

Those in favor: Myers, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Mills, Hight, Barton.

Opposed: None.

Abstained: None.

After determining the revised plans reflected the necessary changes, **MOTION** was made by **CREEDON** to approve the resolution for Case #10-02, Donald Demuth, which is subject to the approval of the deed.

SECONDED: BARTON.

Those in favor: Mayor Tomaszewski, Hazen, Creedon, Mills, Myers, Barton.

Opposed: None.

Abstained: None.

Regarding the resolution for Case #08-03, Igor Perunsky, a brief discussion was held regarding the hypothetical/existing driveway and the sight distance. DiSessa indicated if the second driveway was needed, the applicant would have to apply for the driveway opening permit, thus triggering a review of the sight distance safety issue. DiSessa stated the applicant would have to return to the board if the sight distance couldn't be met with the second driveway.

March 15, 2010 minutes

Page 2.

Edleston suggested the resolution be amended to include the applicant must return to the board should the need for a second driveway become real.

MOTION was made by **MYERS** to approve the resolution for Case #08-03, Igor Perunsky with the above suggested amendment.

SECONDED: WATTERS.

Those in favor: Watters, Mannon, Creedon, Mills, Myers, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

Case #Z07-02, Dick Appleby Extension Request

Present for the applicant: Dick Appleby

Mannon recused himself from the application.

Appleby explained he wanted to know when his approvals expire. Appleby explained the issues he was having with the United States Post Office tenant. Appleby explained he would be attempting to get a commitment from the USPS, but he wanted to know how long he had to work on it.

Edleston indicated the applicant would be entitled to two (2) one-year extensions, with the possibility of additional time through the Permit Extension Act.

Appleby stated he would return to the board when he had additional information.

Mannon returned to the board.

Wal-Mart Real Estate Business Trust

Present for the applicant: Steve Mariella, Esquire

Edleston explained the applicant wanted advice from the board regarding two issues: the requested maintenance plan, and will storage trailer placement require an amended site plan.

Mariella explained that Wal-Mart proposed planting 99 holly bushes along the boundary of the parking lot in order to act as a trash collection screen. The trash would then be picked up and disposed of by an employee of Wal-Mart. Mariella explained that Mace had seen the plan, and he thought it was actually previously approved.

Edleston explained that Mace and former Mayor Jewell both looked at the plan, and found it to be acceptable.

March 15, 2010 minutes

Page 3.

MOTION was made by **MANNON** that, based on the review and acceptance by the former Township Engineer Douglas Mace and former Mayor Jewell of the maintenance plan proposed by Wal-Mart, condition #18 of the approval resolution for Wal-Mart Real Estate Trust has been met.

SECONDED: HAZEN.

Those in favor: Hazen, Creedon, Mills, Hight, Myers, Mayor Tomaszewski, Watters, Mannon, Barton.

Opposed: None.

Abstained: None.

The second issue to be addressed for Wal-Mart, explained Edleston, was the placement of temporary storage trailers on the site.

DiSessa explained there was a discussion at the pre-construction meeting regarding the installation of several 10' X 40' temporary storage trailers on the Wal-Mart site. The trailers would be used to house tools and merchandise.

Mariella explained the trailers would be part of the traffic control plan, and would be temporary interim trailers used only during the construction period. DiSessa stated the time frame mentioned by the applicant was eleven (11) months.

Edleston stated the placement of the trailers could be subject to the approval of the Township Engineer, but suggested removal to be no later than thirty (30) days after completion of construction.

DiSessa indicated the proposed trailers are isolated from interaction with customer traffic.

Mannon asked if the applicant was willing to work with the Township Engineer, and should they become a disturbance in the flow of customer traffic, remedy the situation if the Township Engineer deems it warranted. Mariella replied they would work with the Township Engineer to make the situation as unobtrusive as possible.

MOTION was made by **CREEDON** to direct the Township Engineer to work with Wal-Mart on the placement of temporary trailers at the site, and that no formal amended site plan application would be necessary, and that the trailers would remain on the site for no longer than a one-year period, and would be removed prior to the issuance of a Certificate of Occupancy, and further the number of temporary trailers was not to exceed thirteen (13) on site at any one time, and the above wouldn't impact any prior approval or conditions.

SECONDED: MANNON.

March 15, 2010 minutes

Page 4.

Those in favor: Creedon, Mills, Hight, Myers, Mayor Tomaszewski, Watters, Mannon, Hazen, Barton.

Opposed: None.

Abstained: None.

NYK Logistics (America's), Inc.

There was no one present for the applicant

Edleston explained the applicant was seeking one final extension of time in order to file their subdivision deeds. Edleston indicated this would be their third and final extension.

MOTION was made by **BARTON** to approve the extension request for NYK Logistics (America's), Inc. to expire on April 30, 2010.

SECONDED: MANNON.

Those in favor: Mills, Hight, Myers, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Barton.

Opposed: None.

Abstained: None.

A discussion was held regarding the professional contracts, and how the professionals should be paid. Edleston explained the only issue appeared to be whether or not to pay meeting time for the professionals out of applicant's escrow, or charge meeting time to the Township. Edleston explained, in the past, the professional charges for meeting time has been charged as a flat fee to the Township. If changes are to be made, and the meeting time now charged to the applicant escrow accounts, the fee schedule might have to be changed and additional fees collected.

Further discussion took place regarding the above issue.

MOTION was made by **BARTON** to approve the contracts for William Edleston, Esquire and Drew DiSessa, P.E.

SECONDED: MAYOR TOMASZEWSKI.

Those in favor: Hight, Myers, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Mills, Barton.

Opposed: None.

Abstained: None.

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

SECONDED: CREEDON.

March 15, 2010 minutes

Page 5.

Those in favor: Myers, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Mills, Hight, Barton.

Opposed: None.

Abstained: None.

Myers asked what happened with the Open Space Money requested by the Recreation Committee, and discussed last month. The Mayor indicated the allocation of the money was approved at the Township Committee regardless of the Planning Board's opinion against the allocation.

The Mayor stated he had received a verbal resignation from Bob Smith, but indicated the board would lose a valuable member. Hight stated she would discuss the matter with Smith.

A brief discussion was held regarding the attendance, or lack thereof, of Board Alternate Cynthia McGuinness. Zotti indicated she had not been attended any meetings for 2009, or 2010, and had never been sworn in as a board member.

MOTION was made by **MAYOR TOMASZEWSKI** to recommend to the Township Committee removal of McGuinness as a Board Alternate.

SECONDED: BARTON.

Those in favor: Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Mills, Hight, Myers, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to adjourn the meeting at 9:05 PM.

SECONDED: MYERS.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary

As Written