

JUNE 21, 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, Hazen, Mills, Hight, Spender.

Absent: Watters, Mannon, Creedon, Vaezi.

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

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

SECONDED: HIGHT.

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

Opposed: None.

Abstained: None.

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

SECONDED: MILLS.

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

Opposed: None.

Abstained: None.

MOTION was made by **MYERS** to approve the resolution for Case #07-03, NYK Logistics (America's), Inc.

SECONDED: HIGHT.

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

Opposed: None.

Abstained: None.

Case #10-03, Benjamin Fitz

Present for the applicant: Charles Gary Signor, AIA; Benjamin Fitz; Tari Signor

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Mayor Tomaszewski recused himself from the case.

Fitz indicated he wanted to construct an addition to his home, but needed a bulk variance for the front yard setback. Fitz stated there is an already existing home, and no other way to add on to the house. Fitz stated the size and shape of the lot prohibits any other potential plan for construction of the addition. Fitz stated the current front yard setback would be maintained, and no further encroachment into the setback was planned. Fitz stated the plan was to construct a one-story addition with a basement, and enlarge the deck.

DiSessa agreed the existing structure is an existing non-conforming structure, with almost the entire structure existing within the front yard setback. DiSessa suggested a grading plan be submitted since the lot slopes down to the road. DiSessa stated there is also a brook to the rear of the property, and it should be indicated on the plan.

Myers asked if the fuel tank would be removed. Signor stated the tank would be removed and relocated in the basement, or they might change to propane gas.

Barton asked if the applicant had obtained the Highlands Council or DEP approvals for the proposed construction. Signor explained he had spoken with the Executive Director of the Highlands Council, and the property qualifies for an exemption. Signor further explained the property would continue as a single-family use, and the property existing prior to the enactment of the Highlands regulations.

Entered as Exhibit A-1 – letter from the Executive Director of the Highlands Council
Entered as Exhibit A-2 – printout from DEP Guidance for the Highlands Water
Protection & Planning Act – Highland Myths and Facts

Edleston explained the board typically conditions any approval on the Highland Council approval, and not vice versa. Edleston stated the board usually wants the sign-off letter from the council prior to action by the board.

DiSessa stated the applicant should obtain the letter of exemption from the Council and DEP. Signor indicated the Highlands Council stated they wouldn't issue a letter for this type of application.

Signor and DiSessa discussed the riparian buffer. DiSessa and Edleston stated it appeared the applicant met the waiver request for the riparian buffer.

Barton stated the plan should indicate the measurements to the brook from the addition, the dimension of the brook, the grading, etc. Barton stated any approval granted by the board would be based on the plans, and they should be complete and sealed.

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DiSessa stated the construction official would have to be assured that construction was feasible, and the plans should be adequate.

Signor asked if the plans have to be drawn by someone licensed in New Jersey, and DiSessa replied that was correct.

The case was opened to the public, and there were no comments or questions.

MOTION was made by **HIGHT** to carry Case #10-03, Benjamin Fitz to the next regular meeting, without further notice.

SECONDED: BARTON.

Those in favor: Mills, Hight, Spender, Myers, Hazen, Barton.

Opposed: None.

Abstained: None.

Edleston stated if the applicant couldn't provide the additional information in time for the July meeting, contact Zotti, and if there was no other business the matter would be carried to the August meeting.

Mayor Tomaszewski returned to the board.

Case #10-04, Port Properties, LLC Conceptual

Present for the applicant: William Gold, Esquire; Jeff Caputo

Gold explained there are two residential properties on one lot, and wanted advice from the board on how to proceed. Gold explained there is an existing dwelling plus a structure in a stated of disrepair. Gold explained the applicant wanted to repair the structure to use as a weekend residence. Gold stated it was understood the more traditional approach to the application would be a minor subdivision to separate the lots, but wanted the advice of the board prior to going to the expense of total engineering of the property.

Issues such as the septic system, the well, and driveway access were discussed.

Gold offered his interpretation of the law with reference to this issue.

Myers stated the common driveway would be an issue, and related his memory of the prior subdivision application. Myers stated the board couldn't approve a subdivision without the indication that an alternative driveway would be possible. Myers stated the board has always made that a condition of other subdivisions, and couldn't deviate from that condition.

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Caputo explained the house in disrepair is a beautiful house, and he would like to fix it up and bring his children there on the weekends.

Gold argued his position further regarding the issue of abandonment and pre-existing, non-conforming uses.

Case #04-16, Brinkerhoff Enterprises, Inc. Extension Request

There was no one present for the application

Edleston explained the applicant is entitled to an extension of their approvals through the Permit Extension Act. The approvals should be extended to June 30, 2013.

MOTION was made by **MYERS** to grant the requested extension request for Case #04-16, Brinkerhoff Enterprises, Inc. to June 30, 2013 by way of the Permit Extension Act.

SECONDED: HAZEN.

Those in favor: Hight, Spender, Myers, Mayor Tomaszewski, Hazen, Barton.

Opposed: None.

Abstained: Mills.

The Chairman recognized the zoning report issued by DiSessa.

DiSessa stated he is working with Wal Mart regarding the parking, striping, and signage necessary during their renovation period.

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

SECONDED: HIGHT.

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

Opposed: None.

Abstained: None.

Zotti mentioned action should be taken on contracts submitted by Planner Joseph Layton. Action on Layton's contracts was tabled to the next regular meeting.

From the audience, Dick Appleby indicated the United States Post Office has said there is no money left for his project. Appleby explained further the information he has obtained regarding the situation. Appleby stated he might have to do something else with his property, and wanted to know what that would mean with his approvals for the post office/deli plan.

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Edleston stated he should take advantage of the Permit Extension Act until a decision could be made on the post office matter. Edleston stated his approvals would be good until June 30, 2013, which would allow Appleby time to weigh his options. Edleston suggested that Appleby write a letter requesting the extension, and to the board to be put on the agenda.

MOTION was made by **BARTON** to adjourn the meeting at 9:30 PM.
SECONDED: HIGHT.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary
As Written