

## October 17, 2011

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 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, Watters, Mannon, Hazen, Creedon, Vaezi, Mills, Hight, Spender, Smith.  
Absent: Mayor Tomaszewski.

Also present: Drew DiSessa, PE; William Edleston, Esquire; Joseph Layton, PP

The Pledge of Allegiance was recited.

### **Case #11-09, Mansfield Commons II, LLC**

Present for the applicant: Michael Cresitello, Esquire.

Barton indicated the other agenda items would be lengthy, and it was unlikely this application would be reached. Edleston stated the board could at least act on completeness for this application.

DiSessa stated additional information had been received, and he recommended the application be deemed complete.

**MOTION** was made by **CREEDON** to deem the application for Case #11-09, Mansfield Commons II, LLC complete.

**SECONDED: MANNON.**

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

Opposed: None.

Abstained: None.

Edleston indicated the notice would carry to the next regular meeting.

Regarding the minutes of the September 19, 2011 meeting, DiSessa amended the fifth line in paragraph five on Page 2. to reflect **1'** height, and not **3'** height. On page 3., DiSessa amended the first sentence of paragraph two to read "DiSessa asked that a **15'** maximum grade be retained." In the third line of paragraph six on the same page, DiSessa replaced the word **life** with **like**.

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**MOTION** was made by **HIGHT** to approve the minutes of the September 19, 2011 meeting, as amended.

**SECONDED: HAZEN.**

Those in favor: Mannon, Hazen, Vaezi, Mills, Hight, Barton.

Opposed: None.

Abstained: Watters, Creedon, Myers.

**MOTION** was made by **VAEZI** to approve the resolution for Case #11-08, Julia Sudylo, as written.

**SECONDED: MANNON.**

Those in favor: Mannon, Hazen, Vaezi, Mills, Hight, Smith, Barton.

Opposed: None.

Abstained: None.

**Case #11-06, Meadows at Mansfield, LLC**

Present for the applicant: Peter Wolfson, Esquire; Ray Rice; Hal Simoff, PE; George Ritter, PP

**MOTION** was made by **BARTON** to deem the application for Case #11-06, Meadows at Mansfield, LLC complete.

**SECONDED: MYERS.**

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

Opposed: Watters, Mannon.

Abstained: Creedon.

Wolfson stated the applicant has agreed to reserve half of the affordable housing units as age-restricted units.

Simoff briefly went over his revised traffic report dated 9/20/11. Simoff concluded the levels of service for the project were within the acceptable levels. Simoff explained further the calculations used to formulate the report.

Creedon stated that buses should be included in the calculations, because, if the conversion happened, children would be housed in the complex. Creedon asked if the taxes and escrow were current, and Wolfson replied they are current. Creedon asked further questions regarding what was previously approved, and what type of approval was now being sought.

Edleston indicated the applicant had received several additional extensions of their approvals, and they remain under the most recent extension.

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Edleston asked questions regarding the left turn movements out of the complex given the speed limit on the highway. Simoff explained further, but Wolfson indicated the NJDOT would retain jurisdiction on the ingress/egress to the project.

DiSessa asked questions regarding the sight distance given the slope of the highway in that area.

Entered as Exhibit A-3 – plotting of sight distance to the West

Entered as Exhibit A-4 – plotting of sight distance to the East

Smith also indicated sun glare is problematic in that area during standard time.

Simoff explained further the traffic design for the project. Wolfson stated the traffic study was voluntary, and not mandatory under the conversion statute. Wolfson stated the applicant has NJDOT approval, and any amendments would go through them.

Creedon asked questions regarding the actual wording of the conversion statute. Wolfson explained the conversion statute. In his opinion, stated Creedon, the State is taking over further control. Wolfson stated the State, by Statute, has given the applicant the right to pursue the conversion. Wolfson stated the reason for the conversion opportunity is the age-restricted market was over-approved, and many units were not built. DiSessa explained further what the applicant was requesting.

Vaezi asked what statute was being violated if the board should vote to deny the conversion. Edleston explained further the applicable statute, and indicated the critical issue would be the seven criteria to be met by the applicant. Edleston stated the applicant would also have to address there being no substantial detriment to the zoning plan. Rice stated the project was a conforming use in the zone at the time of the prior approval, and all outside agency approvals and permits remain valid. Rice indicated a homeowner's association will still be put in place, and all the conditions and restrictions of the original approval will remain. Rice indicated the only change would be the units are now not age-restricted.

Ritter indicated the center island access will be maintained by the homeowner's association, but the interior roads will be dedicated to the Township.

Hazen asked if the sewer plant would be independently owned and operated, and Ritter replied that it would.

Smith asked if there would be street lighting within the development, and Ritter replied there would be street lighting installed.

Creedon indicated the Township should review the conversion statute, and inform the board of the legalities. Edleston explained the State has enacted legislation, and the jurisdiction to act on it is at the Land Use Board level.

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Entered as Exhibit A-5 – colorized version of the revised plan showing recreation

Ritter explained the recreation facilities the project would offer. Ritter also explained the methodology in determining the number of children expected to be generated by the project.

Layton agreed with the methodology used by Ritter. Layton stated the study was done using all types of housing and explained further the theory behind the calculated numbers. Layton stated the number of children expected from affordable housing is actually greater than market rate housing such as this. Layton indicated half the affordable housing units would be age-restricted, thus generating no children. Ritter explained the actual numbers don't tend to be as high as quantified, because the demographic information and formulas used tend to calculate high. Layton agreed with Ritter's assessment. Mills stated the 0 to 4 year age group cannot be discounted since some handicap education begins as early as 3 years old. Mills also asked if the playground equipment would contain handicap facilities, and Ritter replied the manufacture indicates some equipment would be handicap accessible.

Ritter explained the sewage plant actually is the determining factor in the number of proposed units. Ritter described the changes made to the project since the original approval. Ritter stated there would be less development, less coverage, more green space, less impact, etc. Ritter stated it is his opinion the project is consistent with the intent of the Master Plan.

Ritter explained there would be garages and on-street parking. Ritter explained the regional school system bus would stop on Route 57, where there would be a shelter. Ritter stated the grade school bus would enter the project itself.

The Chairman called for a brief recess at 9:45 PM.

Upon reconvening at 9:55 PM, the Chairman asked if there would be time to reach the application for Garden Solar, LLC. Attorney Walter Wilson, representing Garden Solar, LLC, asked that a date be established for a special meeting. It was determined that the professionals and board members would attempt to establish a special meeting date, and would inform the applicant of that date. Wilson stated he would carry the application to the next regular meeting, but if the special meeting date was established, he would provide notice to the surrounding property owners.

Upon returning to the Meadows at Mansfield, LLC application, Layton indicated his memorandums requested additional recreation facilities. Layton also instructed the board to consider the application like a use variance application, but the State has already decided the use is an acceptable, or permitted, use where the positive outweighs the negative.

Watters indicated the Township doesn't offer age-restricted housing anywhere in the Township.

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Wolfson indicated the applicant would comply with the recreation suggestions made by Layton, and further school bus details would be addressed at the time of site plan. Layton indicated NJDOT reconsideration would be needed since the project is no longer age-restricted. Simoff stated they would return to the NJDOT, but didn't anticipate changes.

Mills indicated single family zoning in the Master Plan is 3 acres. Layton stated that was correct, but this is a unique project, and also a conversion application.

Creedon asked why not increase the lot sizes, and have less open space. Wolfson explained the State's intent in the legislation is to keep, or retain, the previously approved layout as much as possible. Wolfson stated the conversion application is really meant to reflect an administrative change.

The hearing was opened to the public for comments and questions.

Bonnie Read of 95 Harts Lane stated it was her opinion the land should revert back to I zoning.

Brenda Sams of 100 Harts Lane expressed concern over the impact to the schools.

Kathy Todd of 509 Jackson Valley Road, and a representative of the Recreation Commission, indicated they would like passive recreation. Todd also stated the commission hoped for the donation of a community center and soccer fields. Todd stated the Environmental Commission could use some help from the applicant toward a recycling center.

Terry Sams of 100 Harts Lane expressed concern over the impact to the schools.

The public portion of the meeting was closed.

Wolfson thanked the board, the board professionals, and the public for their comments. Wolfson stated the frustration expressed by the board and the public is understood by the applicant. Whether the board agrees with the legislation, or not, stated Wolfson, the current project is unbuildable and unmarketable. Wolfson stated the economy is dictating at this point, and this project would present less development and more open space. Wolfson stated the detriments the board appear to be most concerned with is the traffic and the impact on the schools. Wolfson explained the State took that information into consideration when they drafted the applicable legislation. There will be an increase in traffic, stated Wolfson, but the levels are still within the acceptable limits.

Creedon stated he needed to listen to the tape from the August meeting, and he would like to see a copy of the Statute. Mills stated she would like to see a copy of the Statute, and also case law. Edleston indicated he could provide an instructive memorandum to the board members regarding the issues.

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**MOTION** was made by **MANNON** to delay the decision for Case #11-06, Meadows at Mansfield, LLC to the next regular meeting in order to allow Creedon and Myers to listen to the tape from the August meeting.

**SECONDED: HAZEN.**

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

Opposed: None.

Abstained: None.

Wolfson agreed to carry the matter to the next regular meeting without further notice.

Regarding the request from Garden Solar, LLC for a special meeting, the board professionals indicated they would provide several dates to the Clerk. The board members would then be polled by email to determine the specific date.

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

**SECONDED: CREEDON.**

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

Opposed: None.

Abstained: None.

**MOTION** was made by **BARTON** to adjourn the meeting at 10:53 PM.

**SECONDED: VAEZI.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk

(as written)