

## **AUGUST 15, 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 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, Mayor Tomaszewski, Watters, Mannon, Hazen, Vaezi, Mills, Hight, Smith.

Absent: Myers, Creedon, Spender.

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

The Pledge of Allegiance was recited.

Regarding the minutes of the July 18, 2011 meeting, Mayor Tomaszewski amended the roll call on page one to read "Also present: Drew DiSessa, **P.E.**"

**MOTION** was made by **MAYOR TOMASZEWSKI** to approve the minutes of the July 18, 2011 meeting, as amended.

**SECONDED: HIGHT.**

Those in favor: Mayor Tomaszewski, Watters, Mannon, Mills, Hight, Smith.

Opposed: None.

Abstained: Hazen, Vaezi, Barton.

**MOTION** was made by **HIGHT** to approve the resolution for Case #10-03, Benjamin Fitz, as written.

**SECONDED: MANNON.**

Those in favor: Watters, Mannon, Mills, Hight, Smith.

Opposed: None.

Abstained: None.

### **Case #11-07, Garden Solar, LLC (completeness only)**

Present for the applicant: Walter Wilson, Esquire; Timothy D. Ferguson, Principal; James J. Chmielak, P.E., P.P.

Watters and Mannon recused themselves from the hearing.

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DiSessa indicated the applicant was seeking waivers of three items on the preliminary and final checklist submissions: the plans and profiles of adjoining streets, the architectural rendering, and the garbage disposal plan. DiSessa was of the opinion that the waiver requests were reasonable since the project is an unmanned facility.

DiSessa explained the proposed facility would be located in two zones, one of which is silent on solar facilities. DiSessa stated a front yard setback variance would be required for the existing residential structure.

**MOTION** was made by **BARTON** to grant the requested waivers for the items on the preliminary site plan, as cited, and deem the preliminary site plan application complete for Case #11-07, Garden Solar, LLC.

**SECONDED: MAYOR TOMASZEWSKI.**

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

Opposed: None.

Abstained: None.

Edleston indicated the Mayor would have to be recused from this application due to the use variance component, and it would be best not to take any action regarding the application.

**MOTION** was made by **BARTON** to grant the requested waivers for the items on the preliminary site plan, as cited, and deem the preliminary site plan application complete for Case #11-07, Garden Solar, LLC.

**SECONDED: SMITH.**

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

Opposed: None.

Abstained: None.

**MOTION** was made by **SMITH** to grant the requested waivers for the items on the final site plan, as cited, and deem the final site plan application complete for Case #11-07, Garden Solar, LLC.

**SECONDED: BARTON.**

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

Opposed: None.

Abstained: None.

The application was scheduled for public hearing for the September 19, 2011 meeting date.

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Edleston mentioned the applicant would have to replenish the escrow account on an as need be basis. Wilson agreed to replenish the escrow account if needed.

Watters and Mannon returned to the board.

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

Present for the applicant: Peter Wolfson, Esquire; Ray Rice, Principal; George Ritter, P.E.; Hal Simoff, P.E., P.P.

Edleston briefly explained the intent behind the conversion application submitted by the applicant, which is based on a law passed by Governor Corzine. Edleston read the eligibility requirements from the statute. Edleston confirmed any action taken would be by simple majority, and not requiring five affirmative votes. Wolfson stated that was correct.

Edleston indicated the applicant is requesting a waiver of the community impact statement. Edleston was of the opinion the report would be important in showing the fiscal impact for school age children. Edleston also thought the traffic impact statement would be important, since the board engineer believes there will be an 80% increase in traffic.

George Ritter, P.E. was sworn in, and accepted as an expert witness.

Entered as Exhibit A-1 – colorized version of previously approved age restricted development

Ritter gave an overview of the previously approved project. Ritter stated the curb cuts were constructed according to the DOT access permit, and the storm water discharge was installed.

Entered as Exhibit A-2 – colorized version of the proposed conversion plan

Ritter gave an overview of the proposed project. Ritter stated the sewage treatment plant would actually be the controlling factor for the size of the project. Ritter stated the project would be reduced from 226 units to 159 dwelling units with a 20% affordable housing component. Greater open space would be provided, there would be a reduction in impervious coverage, and the impact to the entire site has been substantially reduced. Passive recreation would be offered in the form of walking trails, picnic areas, tot lots, etc.

Ritter stated there would be additional children given the nature of the project. Ritter explained the methodology used to calculate the number of children for such a project indicated an additional 75 children added to the school system.

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Wolfson stated the statute doesn't anticipate a denial based on the number of school children being added to the system. Wolfson stated the statute indicates the conversion shall be approved provided the specified conditions are met. Wolfson indicated it is the opinion of the applicant they have met the seven specific items cited for submission of a conversion application. Wolfson stated a fiscal impact is not one of the specific items for submission. Edleston cited East Windsor as a denial case, but Wolfson stated the denial wasn't because of the number of school children.

Ritter also stated that 50% of the affordable housing units could be reserved for Mansfield Township residents. Edleston asked how many actual bedrooms would be offered in the project, and Ritter replied the bedroom calculations indicate there would be a total of 444 bedrooms.

Ray Rice was sworn in by Edleston. Edleston asked why the applicant was reluctant to submit a fiscal impact statement when one was submitted in the Washington Borough case. Rice explained the projects were very different, and he explained the history behind the Washington Borough case.

In answer to board questions, Ritter related information regarding possible bus stop locations, maintenance of the open space, etc. DiSessa asked if the affordable housing units could be retained as age restricted units. Ritter stated the applicant wasn't inclined to do that, but would also have to examine the Township's Housing Plan. Rice indicated he would consider retaining a portion of the affordable housing units as age restricted units.

Watters indicated the Township is an aging township, and 75 children would certainly present an impact on the system.

Mayor Tomaszewski stated he liked the new plan because of the reduction in the number of homes, but would like to see the project remain an age restricted project.

Rice related the number of school age children in Long Valley and Washington Borough are down. Rice further stated there is a glut of age restricted communities in the state.

Mills asked if anyone had contacted the school system regarding their capacity. Barton also suggested the schools should be contacted regarding their capacity. Barton stated the new home opportunity in the area is slim, but the traffic and community impact statements are more relevant than ever given the economy.

Smith asked if there was any available data on area foreclosures. Mills also mentioned the relevancy of local rate of re-sales of homes.

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Wolfson reiterated the applicant's belief that they have a complete application, and have addressed the seven criteria items. Wolfson asked that the application be deemed complete, and they would supply the community impact statement. Wolfson further stated the applicant would present verbal testimony regarding the traffic impact.

Edleston indicated the board should receive a traffic report, a fiscal impact statement, reports from the local and regional school systems, and the school children methodology report should be reviewed by the board's planner.

Hal Simoff, P.E., P.P. was sworn in by Edleston, and was recognized as an expert witness in traffic engineering. Simoff explained his review of the DOT database numbers for the area. Simoff also explained his findings regarding the difference between the projected traffic numbers, and the trip numbers formulated from the previously approved project.

Barton asked about bus stops, and Wolfson stated that information would be related during site plan review. Wolfson stated the project was proposed according to RSIS standards.

Vaezi stated he would be interested in the new traffic interaction plan. Vaezi stated the previous plan was age restricted, but adding school age children to the mix would present an entirely new pattern. Vaezi stated site distance in that area is also a concern.

Wolfson stated they would submit a traffic report, but Route 57 is a State highway and they would govern. Watters stated the State is trying to make the Route 57 corridor as a Scenic Byway.

Wolfson stated they would supply economic and traffic reports, but they feel they have complied with the submission criteria.

Edleston stated the traffic report should be forwarded to the Walter Lublanecki, P.E., the traffic engineer used by the board in the past.

**MOTION** was made by **MANNON** to deem the application for Case #11-06, Meadows and Mansfield, LLC incomplete for lack of detailed traffic report, community impact/fiscal impact statement with school children being the focus, and information from the local elementary schools regarding capacity.

**SECONDED: HAZEN.**

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

Opposed: None.

Abstained: None.

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Edleston announced the applicant had provided notice, and no further notice would be given. Edleston announced the application would be scheduled for hearing at the September 19, 2011 meeting, and reminded the audience members to mark the date.

**MOTION** was made by **VAEZI** to authorize the Township Committee to pay the invoices submitted by the professionals.

**SECONDED: HIGHT.**

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

Opposed: None.

Abstained: None.

Barton asked for an update on the renewable energy Ordinance. DiSessa stated the first reading was held, and the second reading was scheduled.

Edleston related there could be more applications like the solar farm, but they aren't good ratables. DiSessa stated a lot of projects are being proposed currently, because the incentives run out at the end of the year.

**MOTION** was made by **BARTON** to adjourn the meeting at 9:45 PM.

**SECONDED: VAEZI.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk  
Adopted September 19, 2011, as written