

MARCH 21, 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, Myers, Watters (arrived at 7:45 PM), Mannon, Hazen, Creedon, Vaezi, Mills, Hight, Spender, Smith.

Absent: Mayor Tomaszewski.

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

The Pledge of Allegiance was recited.

MOTION was made by **HAZEN** to approve the minutes of the February 21, 2011 meeting, as written.

SECONDED: CREEDON.

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

Opposed: None.

Abstained: Barton.

MOTION was made by **CREEDON** to approve the resolution for Case #11-01, Auke Hannema/Ileana Gomez Hannema.

SECONDED: HAZEN.

Those in favor: Mannon, Hazen, Creedon, Vaezi, Mills, Hight, Spender, Smith, Myers.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to approve the resolution for Case #11-02, Jay & Joyce Rupell.

SECONDED: MILLS.

Those in favor: Hazen, Creedon, Vaezi, Mills, Spender, Smith, Myers.

Opposed: None.

Abstained: None.

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MOTION was made by **MYERS** to approve the resolution for Case #10-05, Dennis & Carol McKeVitt.

SECONDED: HAZEN.

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

Opposed: None.

Abstained: None.

Case #11-03, P & S Flowers

Present for the applicant: Stuart Ours, Esquire; Paul & Sheila Koehler; Kevin Smith, P.E., P.P.

Ours indicated the applicant would be downsizing the proposed tent from 30' X 60' to 20' X 60', and reduce the outside storage area as well. Ours stated the proposed changes would reduce the number of parking spaces needed to operate the use.

The Koehlers were sworn in by Edleston.

S. Koehler explained they operated four tents last year: three in Pennsylvania and one in Phillipsburg, New Jersey. Koehler stated they hoped to operate eight tents this year. Koehler explained they typically erected the tents two weeks prior to Easter, and left them operational until after Memorial Day. Koehler stated that all the tents would be removed by the end of June. Koehler stated they have signed a lease with the shopping center which is contingent upon approval by the board. The hours of operation would be 9:00 AM to 7:00 PM, seven days per week, with the busiest days being Saturday and Sunday. Koehler indicated they would be allowed water access through the mall maintenance office, and explained how that would operate. Koehler stated there would be one full time tent manager, and at least one or two part time people depending on the volume of business. Koehler stated they would offer potted flowering plants, hanging plants, and bedding plants. There would be no electric power source to the tent.

Edleston asked how many parking spaces would be utilized by the proposed use. Koehler stated the operation would utilize 21 parking spaces during operating hours and only 11 parking spaces during non-operating hours. Edleston asked how long each customer was expected to be on site, and Koehler responded ten to fifteen minutes. Edleston asked if cut flowers or garden decorations would be offered, and Koehler responded they would not. Edleston asked when the operation would receive deliveries. Koehler replied the deliveries would be made by 26' box truck on Tuesday, Wednesday, and Thursday in the morning.

Entered as Exhibit A-1 – photograph of flower tent in operation in Forks Township, Pennsylvania

Entered as Exhibit A-2 – photographic views of the parking area in Mansfield Plaza

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Entered as Exhibit A-3 – photographic views indicating the water supply and Saturday afternoon use showing empty spaces

Entered as Exhibit A-4 – photograph showing empty parking spaces at night

Entered as Exhibit A-5 – Certificated of Flame resistance for tent

Entered as Exhibit A-6 – letter from Mansfield Plaza regarding permission to use the water

Edleston asked questions regarding issues with storm control and damage. Koehler explained they are provided up-to-date information in order to deal with storms.

Smith asked questions regarding liability. Koehler replied they have a \$1,000,000 liability policy, and indicated there was no issue with adding Mansfield Township to the policy.

Mills asked what they could do to help the Boy Scouts, who sell flowers for Mother's Day. Koehler indicated they could donate flowers to the Boy Scout organization. Koehler indicated any flowers left over at the end of the season are always donated to the local shelters, municipal offices, etc.

DiSessa asked how the customers transported the flowers to their cars. Koehler indicated where the customers could park, and stated no carts or wagons were used.

Smith, from Finelli Engineers, showed the overall view of the site, and explained the applicant proposed the sale and storage of live plants. Smith showed the extent of the outside limits of the disturbance, etc. Smith indicated the location was particularly well suited for the proposed use, because there isn't much traffic in that location. Smith stated the Ordinance specifies 60 days allowed for outside storage, but the applicant was seeking additional days. Smith explained the previous parking variance received by the mall. Smith stated the tent would not block the sight distance, the free-standing signage, or the movie marquee. Smith stated the center pole height of the tent would be 14'.

Smith explained the applicant was proposing six signs at 12 square feet each, or 72 square feet. An additional 16 square feet sandwich board sign was being requested.

Entered as Exhibit A-7 – Sheet 2 of the plans dated 3/21/11 reflecting the sight distance line hand drawn, and the location of the sandwich board sign

DiSessa indicated the drawback in crossing the main drive isle from Route 57 to access the tent. Koehler indicated the shrubs in the area would be a deterrent to using those parking spaces.

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Edleston indicated the applicant was seeking four variances and minor site plan approval. Barton stated this proposed use wasn't historically something the Township encouraged. Creedon stated the parking lot where this use is proposed is the most difficult parking lot in the Township. DiSessa indicated the Wal Mart and Home Depot locations each have outside designated storage areas.

Creedon asked questions regarding the loading area, display area, time line for use, etc.

R. Smith asked why the board was considering an income business that wouldn't contribute to the tax base. Koehler explained they were invited by the property owner to use this location for the proposed use. Koehler stated they would pay rent to the property owner like any other tenant, and they do pay state sales tax.

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

Lew Donaldson of Allen and Airport Roads stated he operates a flower operation in the Township, and contributes to the local tax base. Donaldson asked what would be proposed next, a flea market. Donaldson stated the proposed use is not aesthetically pleasing.

Barton expressed concern over setting a precedent for future proposals for all sorts of organizations.

John Lunghi of Heather Court agreed the property owner pays taxes, but this operation wouldn't pay taxes to the Township.

There were not further comments or questions, and the hearing was closed to the public.

Watters indicated the parking lot is to be used for parking, and not for retail sales.

Creedon stated this particular parking lot has reduced size parking stalls, which allows for even tighter parking arrangements. Creedon stated the parking lot has higher use during the holiday seasons because of Shop Rite and the Dollar Store.

Edleston indicated the use is a stand-alone use, and not an ancillary use to an existing use in the mall.

Vaezi expressed concern over setting a precedent by erecting a tent for a use that would take up parking spaces.

MOTION was made by **MANNON** to disallow the storage or sales of material in tents in the Township.

SECONDED: WATTERS.

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

Opposed: None.

Abstained: None.

Regency at Mansfield I, LLC Extension Request

Edleston explained he wrote a letter to the applicant after the last meeting, and has had no response. The decision was made to remove the matter from the agenda, until further notice.

Case #11-04, John Lunghi

Present for the applicant: John Lunghi (who was sworn in by Edleston)

Lunghi indicated he wanted to construct a porch addition to his home, but he would violate the setback.

Watters asked why the Zoning Application indicated the matter was approved. Lunghi indicated that was his fault, because after he received approval, he changed his proposal.

DiSessa indicated the applicant would have to provide an updated survey once the extent of the construction was complete. Lunghi agreed to provide an updated survey.

Lunghi indicated the required front yard setback is 50', but he wanted to construct a porch and stairs requiring ten feet into the setback.

There were no comments or questions from the public.

MOTION was made by **CREEDON** to approve a bulk variance application for Case #11-04, John Lunghi to allow a ten foot encroachment into the required 50' front yard setback, subject to the four items in DiSessa's review letter and the submission of an updated survey.

SECONDED: BARTON.

Lunghi mentioned the extension of the porch steps, and indicated he might need an additional two feet.

AMENDED MOTION was made by **CREEDON** to allow a twelve foot encroachment for Case #11-04, John Lunghi, subject to the above conditions.

SECONDED: BARTON.

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

Opposed: None.

Abstained: None.

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Under old/new business, Lunghi indicated the need for a daily backup paper. Lunghi explained the difficulty he had reaching anyone at The Star Gazette.

Edleston indicated it would be a good idea to designate a backup paper to The Star Gazette.

MOTION was made by **MYERS** to designate The Daily Record as the secondary paper for notice.

SECONDED: WATTERS.

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

Opposed: None.

Abstained: None.

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

SECONDED: CREEDON.

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

Opposed: None.

Abstained: None.

MOTION was made by **MANNON** to authorize the Chairman to sign the contracts submitted by Edleston and DiSessa.

SECONDED: MYERS.

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

Opposed: None.

Abstained: None.

Creedon explained the difference between positive vs. negative criteria, and the testimony the applicants should present.

DiSessa distributed a copy of a proposed outdoor furnace Ordinance, but would address the matter at a future meeting.

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

SECONDED: VAEZI.

Voice vote: ALL IN FAVOR.

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Respectfully submitted,

Patricia D. Zotti, Secretary
(as written)