

JUNE 18, 2012

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 (arrived at 7:40 PM), Smith, Hazen, Creedon, Vaezi, Mills, Spender, Farino.

Absent: Myers, Hight.

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

Also present for the Township Committee: Kocher, Smith, Clancy.

Also present for the Township Committee: Michael B. Lavery, Esquire, Dena Hrebenak, Clerk.

The Pledge of Allegiance was recited.

Edleston advised the board should adjourn for a short executive session to discuss pending litigation. The meeting was adjourned to executive session at 7:35 PM.

MOTION was made by **MAYOR TOMASZEWSKI** to come out of executive session at 7:38 PM.

SECONDED: CREEDON.

Those in favor: Smith, Hazen, Creedon, Vaezi, Mills, Spender, Farino, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

Public Hearing on the Adoption of a Housing Element and Fair Share Plan of the Master Plan.

Layton related the history behind the proposed Housing Element and Fair Share Plan, and its tie with the Spending Plan. Jay explained without the plans in place, the affordable housing fees collected so far might be taken by the State. Jay explained Robert's Bill which was adopted on July 17, 2008, which mandated the affordable housing fees be committed by July 17, 2012.

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Layton explained the interaction with the apartment complexes, and their interest in low/moderate income housing designation. Jay briefly explained the Housing Element and Fair Share Plan document, and indicated the board must decide on Third Round options to be designated. Jay explained the options as outlined on page forty-six of the document. Jay and Layton explained several possibilities including the purchase of the Anderson Hotel, retrofit it for eight units, and then flip it. Layton also explained possible options for the Allen Road farm and the Minac farm.

Jay explained how the Township could protect the dollars that have accumulated in the affordable housing fund.

Creedon stated he didn't want to consider re-zoning rental units, and expressed concern over adding children to an already burdened school system. Jay stated the implementation schedule could be changed to allow for the family (rental) units to be included in the final phase.

Mills asked if special needs units are mandatory, and Jay replied they are not.

Layton indicated the COAH fees could be raised from one-half percent to 1 ½ %, the donation of Township lands can be used, but there would be no more credit given for rehabilitation units.

Further discussion was held regarding the potential for losing the accrued affordable fees.

Layton indicated if nothing is adopted, the funds could be lost, and the Township could be open to a builder's remedy law suit. Vaezi asked what could happen if the deadlines and requirements aren't met. Layton replied the outcome is not known at this point, and in reality the required numbers could be entirely different. Jay further explained the COAH and UHAC rules.

The hearing was opened to the public for comments and questions. There were no comments or questions from the public. The Chairman closed the public portion of the meeting.

Layton and Jay explained the Spending Plan. Jay stated the board has to choose between the two options as presented and assured Creedon the implementation plan could be adjusted in the future. Layton explained the plan was submitted to COAH in 2006, but it was never approved and the rules have changed twice since then. Jay also indicated that \$200,000 has been spent on rehabilitation, but the Township wouldn't get the credit. Creedon stated the Township should get the credit for those units.

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Layton stated the numbers would have been met in the second round, but not the third round because there isn't a rehabilitation component. Creedon stated the Township should seek credit for the rehabilitation units, especially since the money was spent on them.

Layton outlined a third option for the board to consider: remove the Anderson Hotel suggestion and scatter those units elsewhere (duplex units, etc.) The consensus of the board agreed to the third option as mentioned by Layton.

Creedon stated it isn't up to the Land Use Board, but suggested the Township Committee increase the COAH fees.

MOTION was made by **CREEDON** to approve Option C as the mechanism to satisfy the Third Round COAH obligation.

SECONDED: SMITH.

Those in favor: Hazen, Creedon, Vaezi, Mills, Spender, Mayor Tomaszewski, Watters, Smith, Barton.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to approve the resolution adopting the Housing Element and Fair Share Plan of the Master Plan.

SECONDED: VAEZI.

Those in favor: Creedon, Vaezi, Mills, Spender, Mayor Tomaszewski, Watters, Smith, Hazen, Barton.

Opposed: None.

Abstained: None.

Representing the Township Committee, Attorney Michael Lavery stated the Township needs to either use the funds, or they will be lost. Lavery suggested the petition for substantive certification should be made.

MOTION was made **WATTERS** to submit to the Department of Community Affairs the petition for substantive certification of the adopted Housing Element and Fair Share Plan, and further requests COAH to review and approve the Township's affordable housing trust fund spending plan.

SECONDED: KOCHER.

Those in favor: Kocher, Smith, Clancy, Watters, Mayor Tomaszewski.

Opposed: None.

Abstained: None.

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MOTION was made by **WATTERS** to approve the spending plan.

SECONDED: SMITH.

Those in favor: Clancy, Smith, Watters, Kocher, Mayor Tomaszewski.

Opposed: None.

Abstained: None.

MOTION was made by **CLANCY** to adjourn the Township Committee portion of the meeting at 9:30 PM.

SECONDED: WATTERS.

Voice vote: ALL IN FAVOR.

MOTION was made by **HAZEN** to approve the minutes of the May 21, 2012 meeting, as written.

SECONDED: VAEZI.

Those in favor: Vaezi, Mills, Spender, Mayor Tomaszewski, Watters, Smith, Hazen.

Opposed: None.

Abstained: Creedon, Barton.

Regarding the resolution for Case #12-01, Borealis Compounds, Inc., DiSessa amended the height of the tower on page five to read 60'.

MOTION was made by **MILLS** to approve the resolution for Case #12-01, Borealis Compounds, Inc., as amended.

SECONDED: HAZEN.

Those in favor: Mills, Spender, Farino, Mayor Tomaszewski, Watters, Smith, Hazen, Vaezi.

Opposed: None.

Abstained: None.

Case #12-02, Yusen Logistics (Americas), Inc.

Present for the applicant: Josh VandenHengel, Esquire; Kevin Smith, PE; Dennis McNemar, General Manager

VandenHengel stated the case was noticed in The Star Gazette, and the surrounding property owners were noticed as well.

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Edleston mentioned that Zotti noticed there was additional property owners noticed in the past, but the board can only go by the certified list supplied by the Tax Assessor. Any mistake, stated Edleston, would be the Tax Assessor's.

Edleston stated the applicant would also have to submit a letter withdrawing the previously approved approval, because the new plan would supercede that approval.

Smith described the existing site conditions, and indicated the proposed ramp would allow the truck and trailers to back into the loading area. Smith explained the proposed drainage measures, and traffic circulation. Smith explained the traffic circulation change was not to increase truck traffic, but to improve efficiency. Smith stated there would be a minimal impervious surface increase. Smith also explained the proposed lighting change.

Entered as Exhibit A-1 – Sheet 2 of 7, marked to reflect the existing landscape plants shielding the view from Route 57

DiSessa stated the applicant should address his comments, because some of the items have been addressed. DiSessa stated it appeared the limit of pavement would remain the same.

McNemar explained the previously approved project was never done. McNemar explained the history of the use on the lot, and indicated the proposed change for the trailer relocation. McNemar explained the lot is only used during certain hours, and has a manned, locked gate. McNemar stated the last portion of the building would be opened for storage of the HVAC units currently being stored in the gravel parking area. McNemar stated the economy plays a major role in what transpires at the site.

DiSessa mentioned there was a berm proposed as a condition of the last approval, but now a solar site is planned. DiSessa stated the solar site is minor in nature, and is a permitted, accessory use, but it should be addressed by the applicant.

Ronaldo Carvallo, from the audience, stated there are trucks and fork lifts operating all night, and lights from the parking lot are directed right at his home. Carvallo also indicated there are trucks that beep their horns as some sort of a signal.

Gloria Bullock, from the audience, indicated a concern over overnight truck traffic, and the fumes generated by the trucks.

Carmen Arana, from the audience, expresses concern over the overnight truck traffic and fumes. She stated she has vehicles going through her property to avoid the truck congestion.

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There being no further comments from the audience, the Chairman closed the public portion of the hearing.

Creedon stated he would like to see the application carried to the next meeting so the applicant can recalculate the impervious coverage. Also, maybe they can show how they will alleviate the concerns expressed by the neighbors.

Watters indicated he would rather see the items raised by Creedon addressed as conditions of approval.

MOTION was made by **CREEDON** to carry the application for Case #12-02, Yusen Logistics (Americas), Inc., subject to their recalculating the impervious surface, and further consideration of the concerns raised by the neighbors.

The motion died for lack of a second.

MOTION was made by **WATTERS** to approve the amended preliminary and final site plan application for Case #12-02, Yusen Logistics (Americas), Inc., subject to the conditions as discussed and further review by the engineer, revised plans to the engineer in time for review prior to the next meeting, a time frame being designated for the work, a buffer being added to block the car lights, and recalculation of the impervious coverage.
SECONDED: SMITH.

Those in favor: Spender, Mayor Tomaszewski, Watters, Smith, Hazen, Creedon, Vaezi, Mills, Barton.

Opposed: None.

Abstained: None.

Smith mentioned the great amount of cars and trucks now parked at the Magnum 57 site. DiSessa stated the site is being addressed.

MOTION was made by **VAEZI** to authorize payment by the Township Committee of professional invoices.
SECONDED: MILLS.

Those in favor: Mayor Tomaszewski, Watters, Smith, Hazen, Creedon, Vaezi, Mills, Spender, Barton.

Opposed: None.

Abstained: None.

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MOTION was made by **BARTON** to adjourn the meeting at 10:55 PM.
SECONDED: HAZEN.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(as written)