

## **AUGUST 20, 2012**

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Acting Chairman Ali Vaezi 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: Mayor Tomaszewski, Watters, Smith, Hazen, Vaezi, Mills, Hight, Spender, Farino.

Absent: Barton, Myers, Creedon.

Also present: Drew DiSessa, PE; William Edleston, Esquire.

**MOTION** was made by **HAZEN** to approve the minutes of the June 18, 2012 meeting, as written.

**SECONDED: SMITH.**

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

Opposed: None.

Abstained: Watters, Hight.

**MOTION** was made by **HAZEN** to approve the executive session minutes of the June 18, 2012 meeting, as written.

**SECONDED: VAEZI.**

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

Opposed: None.

Abstained: Watters, Hight.

DiSessa and Edleston related several amendments to be made to the resolution for Case #12-02, Yusen Logistics (Americas), Inc.

**MOTION** was made by **HAZEN** to approve the resolution for Case #12-02, Yusen Logistics (Americas), Inc., as amended.

**SECONDED: MAYOR TOMASZEWSKI.**

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

Opposed: None.

Abstained: None.

**August 20, 2012 minutes**

**Page 2.**

**Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange**

Present for the applicant: Craig & Carolyn Nicholas

Edleston stated the applicant's notice indicated the application is to remove a condition of a previous approval, but the application is really a use variance application. Edleston explained that, in the case of a use variance application, five affirmative votes are necessary to approve, and the Mayor and Committeeman Watters are unable to vote. Edleston stated, according to DiSessa's review letter, there are quite a few details yet to be submitted.

Craig Nicholas was sworn in by Edleston. Nicholas summarized the matter he was presenting to the board. Nicholas stated the property was previously used for the Paintball business and the Magnum Truck Sales operation. Nicholas mentioned that truck vs. car sales are **not** differentiated by the State of New Jersey, and didn't know why Magnum limited themselves to a ten truck maximum. Nicholas stated he is a Mansfield resident, and wants to do business in Mansfield. Nicholas explained there would be no cars worked on, but there would be detailing of cars.

Nicholas explained the building would be used for an office for he and his wife, and the remainder would be used for the detailing process. Nicholas stated his children sometimes would work for him as well as his nephew, and he has no intention of hiring additional employees.

Nicholas stated he would like to offer approximately 25 cars for sale, and in his opinion, there is room for 50 on the property. Nicholas stated he has cleared some brush from the property, and added some recycled concrete to the rear of the property.

Edleston stated he didn't know why the previous tenant was limited to 10 vehicles, but asked about other details of the proposed operation. Nicholas indicated he would operate six days per week, the lighting would be the same, he would offer cars, trucks, SUV's, etc. Nicholas stated he wouldn't offer large trucks for sale.

Hight and Smith indicated the Board of Adjustment limited the number of vehicles for sale to ten for the previous tenant. Smith asked where customers would park their vehicles. Nicholas stated he would provide two customer parking spaces. Smith asked how many vehicles had been sold to date, and Nicholas replied he had sold four vehicles so far.

Vaezi asked when the applicant started his lease, and if the property owner informed him of the conditions of the previous tenant. Nicholas replied he began his lease on July 1, 2012, and the property owner told him of the previous conditions.

**August 20, 2012 minutes**

**Page 3.**

Edleston asked if all the vehicles on the property were operational, and Nicholas replied they are. Nicholas stated he doesn't have a tow truck, and doesn't work on the cars. Edleston asked if there would be security on the property, and Nicholas replied there would not. Eventually, Nicholas stated, motion detector lights and cameras would be installed.

Vaezi asked Smith and Hight if they remembered why only ten cars were permitted for the previous tenant. Hight replied the Board of Adjustment felt ten cars on display for sale in that location was sufficient. Hight stated the use isn't really appropriate for that area, and there are residential properties across the river, etc.

Smith asked if there would be a sign change. Nicholas stated the size would remain, but the message would be changed to reflect the new ownership.

Entered as Exhibit A-1 – 15 photographs reflective of the current site conditions

DiSessa indicated a striping plan for the vehicle layout would be necessary, and the vehicular maneuverability can be determined. Regarding access to the rear of the property, DiSessa stated the driveway cannot go across the septic system as depicted. Nicholas indicated the septic system isn't really located where it is depicted on the plan. Edleston also stated there can be no parking in the depicted drainage easement. Nicholas stated he would not park vehicles in the drainage easement.

Watters stated the previous tenant's resolution says the tenant proposed ten vehicles for sale. Watters indicated it is not reflective in the resolution that the board limited the previous tenant to ten vehicles. Hight replied that she understood what the resolution says, but it was the board that limited the number to ten and not the tenant.

Vaezi asked if access to the cell tower would be maintained. Nicholas stated a parking space and access would be maintained for the cell tower workers.

Edleston asked questions regarding the last condition in the previous tenant's resolution. Edleston asked why the use was limited to only that tenant, as it is the usual practice to allow the variance to run with the land. Smith stated the tenant didn't own the property. Hight stated the board was only allowing the use for that one tenant, and they didn't want it to become a used car lot. Smith also stated it was only to be the sale of trucks so as to not compete with car sales at Bathgate's.

Edleston asked if the applicant applied to the DEP, and Nicholas replied he wasn't sure he had to apply to them. DiSessa explained the applicant would have to apply to the DEP because of the land disturbance. DiSessa stated the property is within the riparian buffer of the river, and the applicant would have to seek a determination from the DEP. Nicholas stated he would contact the DEP.

**August 20, 2012 minutes**

**Page 4.**

DiSessa stated he couldn't find a reason for the drainage easement at the rear of the property. Nicholas stated he didn't want to fence the entire area, but could install some privacy fencing.

DiSessa stated the plan should show the number and location for vehicular display, storage, and detailing, as well as the maximum number of cars to be expected on the lot. Nicholas stated he could park the vehicles where he would like to display them, and he would contact DiSessa to view them.

Vaezi stated that going from ten vehicles to fifty vehicles would be too much. Vaezi stated the applicant should come back to the board with a correctly drawn plan showing the number of vehicles, the location of the septic system, etc.

Farino stated a privacy fence should shield the cars located at the rear of the property.

Smith expressed concern over customer access to the property, and the potential for customers to park across the street. Nicholas stated he would provide customer parking, and he wanted to make the site attractive. Smith asked if the applicant was currently operating under a valid used car sale license, and Nicholas replied he was.

Nicholas indicated he would return to the board with an updated drawing offered by the property owner. He would indicate on the plan the number of vehicles for display, detailing, and storage, customer parking, cell tower parking and access, the location of the septic system, fencing, and a letter from the DEP. DiSessa stated the drawing had to be to scale.

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

Betty Fedor of Brantwood Terrace said she had lived in the area for twelve years. She has seen the property occupied by a paintball operation, a kitchen renovation operation, and a used truck sale lot. Fedor stated the subject site is not a large piece of property, and the number of vehicles should be limited. Fedor stated it is not a commercial district, and she expressed concern over expansion of commercial uses in the residential areas.

The public portion of the meeting was closed.

**MOTION** was made by **HIGHT** to continue the application for Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange to the next regular meeting of September 17, 2012, without further notice.

**SECONDED: HAZEN.**

**August 20, 2012 minutes**  
**Page 5.**

Those in favor: Hazen, Vaezi, Mills, Hight, Spender, Farino, Smith.  
Opposed: None.  
Abstained: None.

Vaezi asked the results of the COAH situation. Mayor Tomaszewski indicated the action might have been too late.

Watters asked if the barn being constructed on Jackson Valley Road needed Highlands Council approval. DiSessa replied a zoning permit was issued for the construction of the barn, but it was based on the applicant obtaining outside agency approvals as needed.

Watters asked why Wilover Lake was drained. DiSessa indicated he didn't know the answer to that question.

DiSessa stated Garden Solar submitted plans to be reviewed for resolution compliance.

Edleston stated there is a push to get solar installations on roofs and farm land.

DiSessa mentioned a non-permitted use (mobile home) located at 250 Valley Road. DiSessa explained the homeowner uses it for his disabled veteran father. The mobile home is hooked up to the septic and water systems. DiSessa stated the ECHO Housing provision allows for these types of situations, but there are typically conditions. DiSessa stated he can either tell them to come in for approval, or issue a summons. Watters indicated they should at least get approval like everyone else.

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

Those in favor: Vaezi, Mills, Hight, Spender, Farino, Mayor Tomaszewski, Watters, Smith, Hazen.  
Opposed: None.  
Abstained: None.

**MOTION** was made by **SMITH** to adjourn the meeting at 9:00 PM.  
**SECONDED: WATTERS.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk  
(As Amended)

