

SEPTEMBER 17, 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, Hazen, Creedon, Vaezi, Hight, Farino (arrived at 7:45 PM).

Absent: Barton, Myers, Mills, Spender.

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

The Pledge of Allegiance was recited.

Regarding the minutes of the August 20, 2012 meeting, DiSessa amended the fourth sentence of the second paragraph on page two to read “. . . truck vs. car sales are **not** differentiated . . .”

MOTION was made by **HAZEN** to approve the minutes of the August 20, 2012 meeting, as amended.

SECONDED: HIGHT.

Those in favor: Mayor Tomaszewski, Watters, Hazen, Vaezi, Hight.

Opposed: None.

Abstained: Creedon.

There were insufficient board members to hear Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange. In light of that, Edleston recommended the board proceed with Case #12-04, Charles & Molly Petty.

Case #12-04, Charles & Molly Petty

Present for the applicant: Richard Keiling, Esquire; Charles & Molly Petty

Keiling explained the applicant was seeking a lot line adjustment. Keiling explained the applicant owns a two acre, pre-existing, grandfathered lot, and plans to acquire an additional two acres from the neighbor's 7 ½ acres. Keiling explained the acquisition would make the Petty lot more conforming in the five acre minimum requirement zone, and the neighboring lot would remain conforming.

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Keiling stated the applicant received the approval letter from the Warren County Board of Health for the septic design, and a copy would be supplied to the board.

DiSessa stated the board typically requires the septic location to be shown on the plan, as well as showing the feasibility of the driveway.

MOTION was made by **CREEDON** to deem the application for Case #12-04, Charles & Molly Petty complete, and to grant the requested waivers. The waivers being proposed are the driveway feasibility, wetlands, drainage features, special site features, septic feasibility, and flood hazard area.

SECONDED: HIGHT.

Those in favor: Watters, Hazen, Creedon, Vaezi, Hight, Mayor Tomaszewski.

Opposed: None.

Abstained: None.

The hearing was opened to the public for comment. There were no comments regarding this application.

MOTION was made by **WATTERS** to authorize Edleston to draft a resolution granting minor subdivision approval for Case #12-04, Charles & Molly Petty, subject to submission of a revised subdivision plat reflective of the comments in DiSessa's review letter.

SECONDED: CREEDON.

Those in favor: Hazen, Creedon, Vaezi, Hight, Mayor Tomaszewski, Watters.

Opposed: None.

Abstained: None.

The applicant is to submit five copies to DiSessa for review.

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

Present for the applicant: Craig & Carolyn Nicholas

Nicholas explained he submitted a plan with the automobile parking spaces shown. He stated he was quite liberal with the number, and location, of the parking spaces.

Creedon stated he missed the last meeting, but indicated he wasn't in favor of the number of parking spaces proposed by the applicant. Creedon explained the criteria necessary in order for the board to render an informed decision. Creedon stated the previous applicant was approved for ten parked cars, and he proved his case before the board.

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Edleston indicated that Creedon had no jurisdiction to act on this case until he listened to the tapes of the last meeting. Edleston stated that Barton, Mills, and Creedon should listen to the tape of the meetings they missed in order to be able to act on the case.

Nicholas indicated he didn't understand the process. He stated he has the approval he needs from New Jersey. Edleston replied he also needed approval from the Township, and explained the "D" variance levels of proof.

Entered as Exhibit A-2 – 1-6 photographs taken 9/17/12

Watters asked if the applicant had received the DEP determination for the riparian buffer. Nicholas stated the brush removal wasn't in the buffer area.

Edleston stated there could be no parking on the gravel road. DiSessa stated there couldn't be parking in the drainage easement either. Nicholas, once he determined where the drainage easement was, stated he would remove the cars from there as well. DiSessa stated it was hard to visualize the parking spaces since the spaces aren't striped. DiSessa stated the board would have to consider if a minor site plan was required, or waive the site plan.

Farino suggested a fence be installed to shield the cars from view at the rear of the property. Farino stated the applicant's proposal is to go from the approved ten cars to a proposal of sixty-one cars, and it is overwhelming. Nicholas stated he would comply with whatever the board wants. Nicholas stated he would install fencing which would add security for the site as well.

Nicholas indicated it might be best to adjourn from the meeting, and seek legal advice for the next meeting. Edleston indicated the public should be heard before adjourning.

Betty Fedor of Brantwood Terrace was sworn in by Edleston. Fedor related the history of the property she has witnessed in the twelve years she has lived in the area. Fedor related her observations of the current use of the property.

Entered as Exhibit O-1 – three photographs taken 8/23/12 and 9/4/12
Entered as Exhibit O-2 – sketch of the current automobile layout

Fedor asked questions regarding the car maintenance, and possible contamination of fluids. Mayor Tomaszewski stated it was an unfair assessment to assume the vehicles leak fluids.

Fedor mentioned the conditions of approval granted to Magnum Auto, but Edleston indicated he felt the approval being personal to the applicant was unlawful.

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Edleston indicated the applicant wanted to adjourn the matter to the next regular meeting in October. Edleston instructed the applicant to let the board secretary know if he was unable to comply with the resubmission date of at least ten days prior to the meeting.

DiSessa stated the applicant is not currently in compliance with the previous resolution in place. DiSessa asked for guidance regarding the number of vehicles allowed for sale. Edleston explained there needs to be an Ordinance amendment allowing for enforcement power for resolution condition violations.

MOTION was made by **HIGHT** to continue Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange to the regular meeting of October without further notice, and resubmission to be at least ten days prior to the meeting.

SECONDED: HAZEN.

Those in favor: Creedon, Vaezi, Hight, Farino, Hazen.

Opposed: None.

Abstained: None.

MOTION was made by **HIGHT** to authorize the Board Attorney to write a letter to the Township Committee to amend the Ordinance allowing for enforcement of site plan and subdivision approval conditions.

SECONDED: FARINO.

Those in favor: Vaezi, Hight, Farino, Mayor Tomaszewski, Watters, Hazen, Creedon.

Opposed: None.

Abstained: None.

Case #12-05, Walmart 2503

Edleston stated the applicant didn't notice for the meeting, and a variance application would need to be submitted to allow for temporary trailers to be staged on the site.

Creedon stated there is currently an issue with the cart storage exceeding its limitations.

Terry Sams of 100 Harts Lane related major issues plaguing the Yusen Logistics site. Sams cited tractor trailers being parked in the lane, trailers getting stuck off-road, trucks entering their property, and lack of sanitary facilities for the truck drivers. Sams stated he wanted to see the business flourish, but truck circulation on the property needs to be addressed.

Edleston indicated the applicant could be contacted to reappear before the board.

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Mrs. Sams indicated the driveway is full of pot holes, and there isn't any action taken by the site manager.

Kristin Marusic stated she also tried, unsuccessfully, to contact the site manager.

MOTION was made by **WATTERS** to authorize the Board Attorney to write a letter to Yusen Logistics, and request they appear before the board at the next regular meeting of October.

SECONDED: HIGHT.

Those in favor: Hight, Farino, Mayor Tomaszewski, Watters, Hazen, Creedon, Vaezi.

Opposed: None.

Abstained: None.

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

SECONDED: VAEZI.

Those in favor: Farino, Mayor Tomaszewski, Watters, Hazen, Creedon, Vaezi, Hight.

Opposed: None.

Abstained: None.

Watters asked if anything had been done about the trailer on Mitchell Road. DiSessa replied he hadn't addressed the matter as yet.

Watters reported the Township Committee approved the installation of a backup generator for the Township Municipal Building.

MOTION was made by **HIGHT** to adjourn the meeting at 9:21 PM.

SECONDED: HAZEN.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(as written)