

OCTOBER 15, 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 (arrived at 7:35 PM), Creedon (arrived at 7:32 PM), Vaezi, Mills, Spender, Farino.

Absent: Barton, Hight.

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

MOTION was made by **WATTERS** to approve the minutes of the September 17, 2012 meeting, as written.

SECONDED: MAYOR TOMASZEWSKI.

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

Opposed: None.

Abstained: None.

Regarding the resolution for Case #12-04, Charles & Molly Petty, DiSessa indicated an additional condition was necessary. DiSessa indicated the septic system should be shown on the maps.

MOTION was made by **CREEDON** to approve the resolution for Case #12-04, Charles & Molly Petty, as amended.

SECONDED: HAZEN.

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

Opposed: None.

Abstained: None.

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

MOTION was made by **VAEZI** to carry the application, at the applicant's request, to the next regular meeting of November 19, 2012 without further notice.

SECONDED: HAZEN.

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

Opposed: Creedon.

Abstained: None.

Case #12-05, Walmart 2503

Edleston indicated the applicant's attorney has said they will withdraw the application. They also are requesting a refund of their application fees, but that would be up to the Township Committee.

MOTION was made by **WATTERS** to deny without prejudice Case #12-05, Walmart 2503.

SECONDED: MAYOR TOMASZEWSKI.

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

Opposed: None.

Abstained: None.

Case #12-06, Bank of America

Present for the applicant: Diane Hickey, Esquire; Robert Byra, PE

DiSessa explained the application proposes a walk-up kiosk in the parking lot of the convenience store located at 2015 Route 57. DiSessa stated that would necessitate approval for more than one principal use, and more than one principal building on the lot.

Byra indicated the applicant was in agreement with the issues raised by DiSessa in his letter of 9/28/12.

MOTION was made by **WATTERS** to deem the application for Case #12-06, Bank of America complete, and to grant the requested waivers for purposes of completeness and to scheduled the public hearing for the November 19, 2012 meeting.

SECONDED: MAYOR TOMASZEWSKI.

The applicant indicated they would provide for the next meeting the 10% disclosure statement, request a sign variance, proof of taxes being current, and be prepared to address traffic issues.

Those in favor of the above motion: Vaezi, Mills, Spender, Farino, Mayor Tomaszewski, Watters, Hazen, Creedon.

Opposed: None.

Abstained: None.

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Watters asked the applicant how much tax revenue would be generated by the kiosk, and they should be prepared to answer the question if they didn't know. Hickey replied they did not currently know the answer to that question.

Case #12-07, The Meadows at Mansfield

Edleston indicated the applicant submitted a letter requesting the matter be carried to the November 19, 2012 meeting. Edleston further stated the applicant cannot have two approvals on the property, and if this application was approved, he would have to withdraw the age-restricted approval. Edleston stated there is a court date for that hearing on November 2, 2012, and it was unclear if it is simply a discussion, or a continuance hearing.

DiSessa explained the application and escrow fees have yet to be paid.

MOTION was made by **MAYOR TOMASZEWSKI** to deem the application for Case #12-07, The Meadows at Mansfield incomplete for lack of fees being paid.

SECONDED: CREEDON.

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

Opposed: None.

Abstained: None.

Yusen Logistics

Present for the applicant: Tom O'Connor, Esquire; Dennis McNemer, General Manager

Zotti stated she spoke with Mrs. Sams, and informed her that Yusen Logistics was on the agenda.

Mayor Tomaszewski indicated the Sams' had issues with the driveway being blocked and a lack of sanitary facilities for the truck drivers.

McNemer explained there are two peak times per year when the truck traffic is the highest. McNemer stated one of the peak times just occurred. McNemer stated there are indoor sanitary facilities available for the truck drivers.

Watters asked when the yard is open for check in, and McNemer replied that check-in is from 7:00 AM to 6:00 PM. Watters stated the issue with the sanitary facilities occurs prior to the yard opening at 7:00 AM. McNemer stated they don't want the trucks there prior to 7:00 AM, and would inform them they must park at the truck stop.

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Creedon stated Yusen has residential neighbors, and they must take care of them and respect them. McNemer stated he has tried to cooperate. McNemer stated the issues represented in the photographs submitted by the Sams' last month have been addressed. McNemer stated the heaviest piece of their business might be relocated to another location.

Vaezi thanked Yusen for coming before the board, and attempting to address the complaints.

Zotti stressed the Sams' weren't complaining about the business, only the driveway blocking and sanitary issues.

Under old business, Edleston indicated he spoke with the Township Attorney regarding updating the fee schedule to meet the professional expenses. Edleston stated he would confer with DiSessa regarding the fees, and also work on the Ordinance to repeal the age restricted zoning. Also, stated Edleston, work on a proposed Ordinance to allow for assisted living facilities.

MOTION was made by **CREEDON** to authorize payment by the Township Committee the invoices submitted by the professionals.

SECONDED: MAYOR TOMASZEWSKI.

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

Opposed: None.

Abstained: None.

MOTION was made by **MAYOR TOMASZEWSKI** to adjourn the meeting at 8:17 PM.

SECONDED: VAEZI.

Voice Vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Written)