

NOVEMBER 19, 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, Watters, Hazen, Creedon, Vaezi, Mills, Hight, Farino.

Absent: Mayor Tomaszewski, Spender.

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

MOTION was made by **VAEZI** to approve the minutes of the October 15, 2012 meeting, as written.

SECONDED: CREEDON.

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

Opposed: None.

Abstained: Barton, Hight.

MOTION was made by **CREEDON** to approve the resolution for Case #12-05, Walmart 2503, as written.

SECONDED: HAZEN.

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

Opposed: None.

Abstained: None.

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

Present for the applicant: Craig Nicholas

Nicholas explained he was unclear in which direction to proceed. He understood **he** might have to contact an engineer, but found it to be costly.

Edleston stated he, the Township Engineer, and the board has made it clear what he would have to do in order to move forward with his application. Edleston stated, along with a plat showing the possible location of any proposed vehicles, the applicant has to provide "special reason" testimony as to why he should be allowed over the ten (10) car limit previously approved.

November 19, 2012 minutes
Page 2.

Edleston asked for clarification that the applicant has not retained either an attorney or a planner. Nicholas replied that was correct, and finances are a problem. Nicholas indicated he thought the matter would be a minor one, and didn't understand why he has to go back to square one when a variance was previously approved. Edleston stated the previous variance was for ten (10) cars, and for the previous applicant only.

Edleston indicated, with the applicant's consent, the board could ask for an extension of time within which to decide the case. Edleston suggested a six (6) month extension would allow the applicant time to get his supporting information submitted. Edleston informed Nicholas that he would have to write a confirming letter to the board secretary relating the six (6) month extension grant. Edleston stated the applicant would have to re-notice for any future hearings before the board. Nicholas agreed to the **six (6) month** extension of time of action to the **May 20, 2013** meeting of the board, and would follow up with a confirmation letter.

DiSessa indicated six (6) months presents an enforcement issue. The applicant is already in violation of a prior variance approval of a limit of ten (10) cars. Nicholas indicated he has significantly scaled down his operation, and doesn't park any vehicles on the grass anymore.

Watters asked the applicant the commitment time for his lease. Nicholas replied he signed a three-year lease.

MOTION was made by **BARTON** to carry, at the applicant's request, the application for Case #12-03, Craig & Carolyn Nicholas t/a Highlands Auto Exchange for a period of six (6) months to the **May 20, 2013** meeting, subject to re-notice for the next hearing, and interim compliance by the applicant.

SECONDED: WATTERS.

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

Opposed: None.

Abstained: None.

Case #12-06. Bank of America

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

Byra was sworn in by Edleston, and was accepted as a qualified witness.

Entered as Exhibit A-1 – preliminary & final major site plan, 8 sheets, dated 8/20/12

November 19, 2012 minutes
Page 3.

Referring to Sheet C-2, Byra explained the location of the proposed walk-up ATM facility site and the surrounding area uses. He further described the proposed signage, parking, lighting, etc. Byra stated the applicant applied for outside agency approvals and waivers, and have requested a “no interest” letter from the DOT.

Watters asked Byra to comment on the traffic circulation pattern as suggested by the Township Engineer in his November 5, 2012 review letter. Byra replied the property owner was not in favor of the one-way, counter-clockwise circulation pattern suggestion. DiSessa explained the reasoning behind his circulation pattern suggestion. Byra and DiSessa discussed the trip generation data.

Hazen stated he would like to see the one-way circulation configuration for the site. Hickey stated the scope of the application is the walk-up ATM facility only, and not the entire site details. Hickey stated the applicant would provide restriping of the parking spaces, but not entertain circulation alterations.

Byra stated they would relocate the clothing bin, and would also provide an updated landscape plan. Byra went over the remainder of the items mentioned in DiSessa’s report. Byra stated the second free-standing sign would be necessary for visibility and safety, a trash receptacle is not typically offered since there is one available by the grocery store, and all other comments were generally acceptable to the applicant.

Creedon asked if the location of the proposed free-standing sign was acceptable. Byra indicated there is sufficient sight distance offered with the proposed location of the free-standing sign.

Vaezi expressed concern over the installation of landscaping around the ATM facility, and cited safety concerns of the users. Byra indicated any landscaping installed would be at a maximum of three (3) feet high.

Vaezi also stated that unless the entire site was reconfigured, a one-way traffic circulation wouldn’t work. Vaezi stated, altering the circulation without reconfiguring the site would result in drivers breaking the law by accessing the site in the most convenient manner regardless of signage. Vaezi stated the grocery store operation is a small one, and the parking lot not a major site.

The hearing was opened to the public for comment and questions. There were no comments or questions from anyone in the audience, and the Chairman closed the public portion of the hearing for Case #12-06, Bank of America.

November 19, 2012 minutes

Page 4.

MOTION was made by **VAEZI** to grant the requested waivers and variances for Case #12-06, Bank of America, regarding second principal structure front and side yard setbacks, building design compatibility, landscaping, parking areas within 25' of the property lines, signage, drive isle, number of parking stalls, lighting, trash receptacle, etc. **SECONDED: WATTERS.**

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

Opposed: None.

Abstained: None.

MOTION was made by **WATTERS** to grant preliminary and final site plan approval for Case #12-06, Bank of America for the installation of a walk-up ATM facility, subject to conditions.

SECONDED: HAZEN.

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

Opposed: None.

Abstained: None.

Case #12-07, The Meadows at Mansfield, LLC (Ray Rice)

Edleston stated the case remains incomplete for lack of fees being submitted. Edleston also mentioned December 17, 2012 has been a new date set for the Court hearing on the conversion application litigation.

Case #12-08, Catherine M. Lake

Edleston stated the case was carried for lack of notice being completed.

Consideration of Proposed Ordinance Supplementing Chapter 19 Providing a Penalty Provision For Failure To Comply With Conditions Imposed On Land Subdivision, Site Plan or Variance Approvals

Edleston explained the proposed Ordinance, and cited examples of non-compliance: Wal Mart and Highlands Auto Exchange.

DiSessa requested the proposed Ordinance be amended to include the Zoning Official's ability to enforce zoning approvals and the issuance of penalties.

MOTION was made by **CREEDON** to refer the proposed Ordinance to the Township Committee for review and adoption with the language being amended to reference the comments made by DiSessa. Said proposed Ordinance to be referred to the Township Committee by Edleston once amended.

SECONDED: HIGHT.

November 19, 2012 minutes

Page 5.

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

Opposed: None.

Abstained: None.

Consideration of Proposed Ordinance Providing Elimination of All Provisions Relating To Adult Retirement Communities By Repealing All Standards Permitting Same Within Any Zone District in the Township

Edleston explained the history behind the proposed Ordinance.

Barton asked if this type of zoning wasn't supposed to be provided in the Master Plan. Edleston stated the Township's obligation is to provide low and moderate income housing. Edleston suggested the Master Plan would have to be modified, and could certainly be considered for any future modifications.

Watters stated he would rather see assisted living be offered in the Township. Watters stated that would most probably be a senior citizen use.

MOTION was made by **HIGHT** to refer the subject proposed Ordinance to the Township Committee for review and consideration during the next Master Plan reconsideration, and with the possible inclusion of assisted living use. Edleston to write a letter, and forward a draft of the proposed Ordinance to the Township Committee.

SECONDED: WATTERS.

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

Opposed: None.

Abstained: None.

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

SECONDED: CREEDON.

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

Opposed: None.

Abstained: None.

Under new business, Carol Thompson, from the audience, asked questions regarding the Woodland Auto Salvage operation, and if there would be penalties enforced after the adoption of the Ordinance being referred to the Township Committee.

Further discussion took place regarding the Woodland Auto Salvage operation, the sale of cars at the site, and the possible violations.

November 19, 2012 minutes

Page 6.

Watters suggested the matter could possibly be addressed when they come to the Township Committee for their license renewal. Watters told Thompson there is no site plan for that site, thus it's difficult to enforce.

John Maxman of JHM Signs in Phillipsburg, New Jersey, asked for approval to replace a billboard sign destroyed during the Hurricane Sandy. Maxman stated he wanted to construct the sign in the same place, and it would be the same size, etc.

DiSessa related the history behind the request to resurrect the billboard. DiSessa stated the billboard is on the Woodland Auto Salvage property, and it was his understanding as the Zoning Official that anything destroyed would require approval if it is a non-conforming use. DiSessa stated the billboard is actually considered a second principal use on the site.

Watters asked if the stakes were still in the ground. DiSessa replied the applicant is requesting to install new mounts for the billboard. Maxman explained the mounts and billboard would be constructed to withstand any other hurricane winds that would occur.

Barton stated the sign is a pre-existing sign, and in his opinion, the Township should work with people.

Edleston suggested the Township Committee could approve a resolution granting exceptions for extreme circumstances.

Watters authorized DiSessa to review and proposed something for the next Township Committee meeting addressing the subject matter.

Maxman explained he made numerous calls to the Township, and would like a decision. Barton explained these are unfortunate circumstances, and the Township Committee should take some action prior to the next meeting.

Farino stated the location requirements should be met.

Maxman stated he would supply the requested information to DiSessa.

Carol Thompson asked if the sign conformed to the Scenic Byway requirements.

Carol Borden of Cheerio Lane stated the other Woodland Auto Salvage sign was also out of the ground.

November 19, 2012 minutes
Page 7.

MOTION was made by **BARTON** to adjourn the meeting at 9:14 PM.
SECONDED: WATTERS.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Amended)