

## **APRIL 15, 2013**

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, Hazen, Mills, Spender, Farino, Drazek, Hight, Tate.

Absent: Vaezi, Creedon.

Also present: Drew DiSessa, P.E.; William Edleston, Esq., Joseph Layton, P.P.

The Pledge of Allegiance was recited.

**MOTION** was made by **HAZEN** to approve the minutes of the February 18, 2013 meeting, as written.

**SECONDED: DRAZEK.**

Those in favor: Mayor Tomaszewski, Watters, Hazen, Mills, Spender, Farino, Drazek, Hight, Barton.

Opposed: None.

Abstained: None.

DiSessa mentioned the date of the minutes from the February meeting should be amended to read February 18, 2013.

**MOTION** was made by **HAZEN** to amend the minutes of the February 18, 2013 meeting to reflect the dated of February 18, 2013.

**SECONDED: DRAZEK.**

Those in favor: Watters, Hazen, Mills, Spender, Farino, Drazek, Hight, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

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**MOTION** was made by **WATTERS** to approve the minutes of the March 28, 2013 meeting, as written.

**SECONDED: SPENDER.**

Those in favor: Hazen, Mills, Spender, Farino, Drazek, Hight, Watters, Barton.

Opposed: None.

Abstained: None.

**Case #11-09, Mansfield Commons II, LLC**

Present for the applicant: Michael Cresitello, Esquire; John Hanson, P.E.

Hanson was sworn in by Edleston, and accepted as a qualified professional in the area of engineering. Hanson explained the application was for the installation of a Starbucks in an already approved site. Hanson explained there would be a minor curb modification, outdoor seating in a 583 square foot area, landscaping a 4' X 8' awning, and three additional free standing signs. Hanson stated the proposed project would cause the elimination of five parking spaces, but the project exceeds the required number of parking spaces already.

Hanson explained the three additional free standing signs would allow for one pre-menu sign, and two directional signs. Hanson explained the monument sign previously approved for the site was constructed slightly too close to Route 57, and was actually a contractor error. Hanson stated there would be no additional lighting proposed, and the hours of outdoor seating would probably be the same as the existing facility, or 6 AM to 11 PM. The outdoor seating would be comprised of eight tables, or twenty seats. The seating would be used seasonally, and surrounded by a decorative aluminum fence.

Spender asked if the monument sign being constructed too close to Route 57 posed a problem. DiSessa replied it isn't a problem, and is basically constructed in line with the others on the highway. DiSessa explained there is a condition in the previous resolution regarding temporary signage, and he stated that condition should continue to any new resolution.

The hearing was opened for public comment and questions, and there being none, the hearing was closed.

**MOTION** was made by **MAYOR TOMASZEWSKI** to deem the amended preliminary and final site plan applications for Case #11-09, Mansfield Commons II, LLC complete.

**SECONDED: BARTON.**

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Those in favor: Mills, Spender, Farino, Drazek, Hight, Mayor Tomaszewski, Watters, Hazen, Barton.

Opposed: None.

Abstained: None.

**MOTION** was made by **HAZEN** to draft a resolution approving amended preliminary and amended final site plan approvals for Case #11-09, Mansfield Commons II, LLC, subject to conditions as discussed.

**SECONDED: HIGHT.**

Those in favor: Spender, Farino, Drazek, Hight, Mayor Tomaszewski, Watters, Hazen, Mills, Barton.

Opposed: None.

Abstained: None.

**MOTION** was made by **HIGHT** to grant the four requested sign variances for Case #11-09, Mansfield Commons II, LLC for the pre-menu sign, the two directional signs, and the monument sign constructed too close to Route 57.

**SECONDED: DRAZEK.**

Those in favor: Farino, Drazek, Hight, Mayor Tomaszewski, Watters, Hazen, Mills, Spender, Barton.

Opposed: None.

Abstained: None.

**Case #13-01, OREH, LLC**

Present for the applicant: Mark Blount, Esquire; Shawn Olla, Principal; James Glasson, P.E.; David Zimmerman, P.P.

Mayor Tomaszewski and Mr. Watters recused themselves from the application hearing.

Board Planner, Joseph Layton, P.P., represented the board in the area of planning.

Olla explained he already operates a used car business in the Township, and wanted to expand the operation. Olla stated the subject site is attractive, and would fit the needs of the higher end cars he intends to offer for sale. Olla explained he proposed to keep the building essentially the same, and only reconfigure the parking lot. Olla stated there is a great demand for dependable pre-owned used vehicles.

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Olla stated he anticipates two to three customers per day, and would be open Monday through Saturday from 10 AM to 7 PM. Olla stated the winter hours would probably be less. Olla stated the number of employees would number three: he, his father, and occasionally his wife. Olla stated the existing garage would be used for classic car storage and display. There would be no vehicle servicing on the site, and only some detailing of the cars on site. Olla stated there would be no flashing lights added, and would retain the current signage.

Regarding the proposed rental units in the building, Olla explained he would like to lease the space to college students, or people with no children.

Mills asked about additional lighting being offered. Blount stated that would be addressed at the site plan application.

Barton asked how many cars for sale would be offered. Olla proposed to offer approximately sixty cars for sale.

Glasson was sworn in by Edleston, and was accepted as a qualified professional in the area of engineering.

Entered as Exhibit A-1 – Sheet 3 of 3, proposed site layout plan

Entered as Exhibit A-2 – Sheet 2 of 3, existing conditions

Glasson explained the layout of the current parking lot, and showed the proposed expansion to provide for the 60 cars. Glasson gave a brief overview of the project. Glasson stated both buildings on the site are pre-existing, non-conforming with the hotel building being located in the Route 57 right-of-way. Glasson stated the first floor would house the used car office, and there would be rental apartments on the second and third floors. Glasson explained the site has their own well and septic systems.

Glasson explained the site would offer four customer parking spaces, four tenant parking spaces, 65 car display spaces, and three employee parking spaces. Glasson stated the lighting and landscaping would conform to the Ordinance requirements, and the signage would consist of the current hotel sign on the building and one directional sign.

Layton asked how the existing signs would be altered. Glasson stated the free standing sign would have the car dealer logo imprinted on it, and the hotel sign would state the same.

Edleston asked if there would car detailing or car washing at the site. Olla replied there would be no car washing, and only some light detailing of cars.

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Farino stated he would rather not see residential space being offered, because it would impact services and the school system. Glasson stated the rental space wouldn't be conducive to renting to children.

Spender asked if the business would be moving from the Bathgate site. Olla stated that Bathgate's Garage also has a used car business. Olla stated he didn't know what Bathgate would do with the vacated space. Layton stated a used car license cannot be transferred to another site.

Zimmerman was sworn in by Edleston, and accepted as a qualified professional in the area of planning. Zimmerman gave an overview of the current conditions on the site. Zimmerman explained there are setback encroachments for both the garage and main building, and no changes are planned. Zimmerman stated they were presenting a bifurcated application, and if the use variance was approved they would return with a site plan application. Zimmerman stated the proposed uses were for the used car dealership and apartment use.

Entered as Exhibit A-3 – three pages of street scape photo views taken 4/15/13

Zimmerman explained the majority of the display cars would be behind the buildings, but the street scape would essentially remain the same. Zimmerman stated the applicant would be willing to add some landscaping to soften the car display area.

Zimmerman related the allowed uses in the area, explained the variance the applicant was seeking, and described why this site was suited to the proposed use. Zimmerman related the positive vs. the negative criteria regarding this application, and stated the proposed use would be an appropriate re-adaptive use of an historical property. Zimmerman explained there is already one apartment on the site, and the residential component is what allows the site economically feasibility.

Edleston asked why Zimmerman thought new car sales are allowed in the zone, but used car sales are prohibited. Zimmerman stated, historically, used car lots have more signage, banners, lights, etc., while new car lots are more subdued. Layton stated new car lots generally have more investment in their property. Layton expressed confusion about the suitability of this property for the proposed use. Layton stated it is typical for retail sales to be located along highways, but the product would be behind the building and shielded by landscaping. Zimmerman stated the lot would still be visible given the intersection location. Olla stated he also has many repeat customers.

Further discussion took place regarding limiting the lighting impact on the neighbors, the difficulty of the turning movements of the intersection, etc.

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Layton asked what would happen with the cars currently located at Bathgate's. Olla replied they hadn't decided as to the use at Bathgate's as yet. Zimmerman stated that Bathgate had his own license anyway.

Drazek stated everyone is used to seeing the lot at the hotel empty, but when the hotel/bar was in operation there were cars parked in the lot. Drazek stated it was a good thing the applicant was hoping to retain the character of the historical building.

Farino stated he would rather not see the proposed residential use.

James Zack from the audience was sworn in by Edleston. Zack stated he didn't want the residential use, and he wanted a buffer area between properties. Blount indicated there is sufficient area around the gazebo for additional landscaping. Glasson stated they would confer with the neighbors regarding the additional landscaping.

Terry Sams, from the audience, was sworn in by Edleston. Sams explained he attends the church across the street, and they were concerned about noise on Sunday mornings during worship service. Olla replied State law prohibits used car sales on Sundays.

Barbara Zack, from the audience, was sworn in by Edleston. Zack stated it was her opinion the proposed use would hurt their property values. She also expressed concern over the rental units. Zack stated the proposed use will add additional traffic to an already dangerous intersection.

The hearing was closed to the public.

Blount summarized his client's case. Blount stated Olla manages a well-run operation, and has been a member of the community for a long time. Blount stated Olla will meet and cooperate with the neighbor regarding buffering, and will preserve the historic nature of the building.

Edleston explained the approval of a use variance would require five affirmative votes. Edleston stated the conditions of an approval would be: there would be no body or mechanical work done at the site, would be subject to site plan approval, subject to third party approvals, and other standard conditions.

Drazek expressed concern over the proposed rental use, and would rather see commercial rental space.

Spender, Hazen, and Tate, all expressed concern over the proposed apartment use.

Mills and Hight expressed concern over additional traffic to an already dangerous intersection.

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Blount requested a brief recess at 9:50 PM in order to confer with his client.

Mayor Tomaszewski left the meeting at 9:54 PM.

Upon reconvening at 9:56 PM, Blount indicated they had presented their case.

**MOTION** was made by **HIGHT** to deny the use variance application for Case #13-01, OREH, LLC, based on the concerns related above.

**SECONDED: MILLS.**

Those in favor: Drazek, Hight, Mills, Spender, Farino.

Opposed: Hazen, Barton.

Abstained: None.

Watters returned to the meeting.

Layton and Tate left the meeting.

**Yusen Logistics (Americas), LLC**

Present for the discussion: Tom O'Connor, Esquire; Dennis McNemar

O'Connor stated they were asked by the Land Use Board to appear at the meeting regarding the driveway issue.

Barton stated there have been concerns expressed by the neighbors regarding the existing site conditions.

O'Connor stated there have been operational changes over the last several months that will help the situation.

McNemar explained the operational changes that are in the process that will greatly reduce the truck traffic. McNemar stated he is obtaining quotes for the repair and replacement of the driveway and curbing. McNemar stated the process will take approximately six months.

Terry Sams, from the audience, agreed the truck traffic has been greatly reduced. Sams stated there should be a plan put in place to accommodate the traffic should it increase in the future. Sams stated he is only concerned with access and safety to his property. Sams stated he would like to see some oversight by the Township regarding the plan for the repair of the driveway.

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DiSessa agreed he would like to see the plan prior to the pavement of the driveway. DiSessa stated that past site plans have never been perfected at the site, and he wanted to see the parking of the trucks and trailers addressed. DiSessa stated parking of the vehicles in the grass will no longer be allowed. McNemar stated he understood DiSessa's position.

Brenda Sams, from the audience, stated there is no place for the trucks to pull over to strap down their loads. She also said the water runoff is destroying the driveway. Sams stated there has been no cooperation.

O'Connor stated they would present their repair plan to DiSessa for his approval. DiSessa stated he would report back to the board once he heard from Yusen.

Farino suggested they split the driveway allowing for separate commercial and residential uses.

#### **Brinkerhoff Enterprises, Inc. Extension Request**

Edleston explained the applicant was requesting the extension to run until June 30, 2015.

DiSessa stated the condition of the improvements installed on the site are very overgrown. DiSessa stated they should provide upkeep for the site as there are residents that use the site. DiSessa stated the sidewalks and roads should be graded to remove the weeds, and the grass in the detention basin should be cut.

Watters stated it is reasonable to expect the site to be kept clean.

Edleston stated the applicant could be told the board is likely to grant the extension once they are given the assurance the property will be cared for.

**MOTION** was made by **BARTON** to authorize Edleston to write a letter to the applicant asking the road, sidewalks, and detention basin be maintained, and to reassess possible water runoff onto neighboring property.

**SECONDED: SPENDER.**

Those in favor: Hight, Watters, Hazen, Spender, Farino, Drazek, Barton.

Opposed: None.

Abstained: Mills.

#### **Discussion of Proposed Ordinance 2013-XX, To Amend Chapter 22 of the Code of The Township of Mansfield to Provide Regulations Regarding Used Clothing Donation Bins**

DiSessa explained there have been donation bins delivered to some commercial properties.

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DiSessa explained the proposed Ordinance would require them to get a permit providing contact information, etc. DiSessa stated that would make it easier to enforce any clean up issues. DiSessa stated it would also provide for a definite time period for the use.

The Board agreed the proposed Ordinance should be referred to the Township Committee for adoption. DiSessa stated he would make the recommendation to the Township Committee.

#### **Discussion of the Proposed Fee Schedule**

DiSessa explained a review of the current fee schedule has been done, and there should be some changes made. Edleston agreed with DiSessa.

The Board agreed with the proposed fee schedule changes, and recommended the Township Committee address the matter. DiSessa stated he would make the recommendation to the Township Committee.

Watters asked about fees due from Charles and Molly Petty. DiSessa stated the minor subdivision fee was paid, but the Township was unable to collect further fees. DiSessa indicated that is one of the changes to be made on the fee schedule.

Watters asked if there had been any further action from Robert Messick. DiSessa stated he had not received anything further from Messick. Watters suggested DiSessa proceed with a summons.

Drazek asked if she could discuss her vote on the OREH, LLC matter. Edleston stated the matter was closed.

**MOTION** was made by **WATTERS** to adjourn the meeting at 10:49 PM.

**SECONDED: HIGHT.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk  
(As Amended)

