

FEBRUARY 21, 2011

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Attorney William Edleston at 7:30 PM.

The new and reappointed members were sworn in by Edleston.

Present: Myers, Watters, Mannon, Hazen, Creedon, Vaezi, Mills, Hight, Spender, Smith.
Absent: Barton, Mayor Tomaszewski.
Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

MOTION was made by **HAZEN** to nominate **John Barton** as **Chairman** of the 2011 Land Use Board.

SECONDED: MYERS.

MOTION was made by **MANNON** to close the nominations.

SECONDED: HAZEN.

Those in favor of Barton as Chairman: Myers, Watters, Mannon, Hazen, Creedon, Vaezi, Mills, Hight.

Opposed: None.

Abstained: None.

MOTION was made by **HAZEN** to nominate **Richard Myers** as **Vice Chairman** of the 2011 Land Use Board.

SECONDED: VAEZI.

MOTION was made by **MANNON** to close the nominations.

SECONDED: MILLS.

Those in favor of Myers as Vice Chairman: Watters, Mannon, Hazen, Creedon, Vaezi, Mills, Hight.

Opposed: None.

Abstained: None.

MOTION was made by **MYERS** to nominate **Patti Zotti** as **Secretary/Clerk** of the 2011 Land Use Board.

SECONDED: HIGHT.

MOTION was made by **HAZEN** to close the nominations.

SECONDED: MANNON.

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Those in favor of Zotti as Secretary/Clerk: Mannon, Hazen, Creedon, Vaezi, Mills, Hight, Watters, Myers.

Opposed: None.

Abstained: None.

MOTION was made by **MYERS** to appoint William Edleston, Esquire as Board Attorney, Drew DiSessa, P.E. as Board Engineer, Joseph Layton, P.P. as Board Planner, to approve the schedule of meeting dates, as submitted, and to designate The Star Gazette as the Official Newspaper.

SECONDED: HIGHT.

MOTION was made by **CREEDON** to close the appointments.

SECONDED: WATTERS.

Those in favor: Hazen, Creedon, Vaezi, Mills, Hight, Watters, Mannon, Myers.

Opposed: None.

Abstained: None.

MOTION was made by **HAZEN** to approve the minutes of the November 16, 2010 meeting, as written.

SECONDED: WATTERS.

Those in favor: Watters, Hazen, Myers.

Opposed: None.

Abstained: Creedon, Vaezi, Mills, Hight, Mannon.

Case #11-01, Auke Hannema/Ileana Gomez Hannema

Present for the applicant: Auke and Ileana Gomez Hannema

The applicants were sworn in by Edleston.

Watters recused himself from this case.

Edleston explained the applicants needed a use variance to allow the expansion of a residential use in the I/Professional Office Zone.

Hannema explained the expansion would allow for a larger kitchen, a porch, and a patio. Hannema stated the home was built in 1962 or 1964, and they have resided at the property since 1993.

DiSessa stated the use is an existing use in the zone, but any expansion would require a use variance.

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The hearing was opened to the public for comments and questions. There were no comments or questions from the public.

MOTION was made by **CREEDON** to approve the use variance for Case #11-01, Auke Hannema/Ileana Gomez Hannema for the expansion of a residential use in the I/Prof. Office Zone.

SECONDED: HAZEN.

Those in favor: Vaezi, Mills, Hight, Spender, Smith, Mannon, Hazen, Creedon, Myers.
Opposed: None.
Abstained: None.

Watters returned to the board.

Case #10-05, Dennis & Carol McKevitt Extension Request

Present for the applicant: Dennis & Carol McKevitt

McKevitt explained he was in negotiation with Warren County Board of Health regarding approval of their project. McKevitt indicated he might have to install a new septic field. McKevitt indicated they would do whatever it took to gain approval from the Warren County Board of Health, but is also exploring the appeal process.

MOTION was made by **MANNON** to grant a 90-day extension of approval for Case #10-05, Dennis & Carol McKevitt to run from February 15, 2011.

SECONDED: CREEDON.

Those in favor: Mills, Hight, Spender, Watters, Mannon, Hazen, Creedon, Vaezi, Myers.
Opposed: None.
Abstained: None.

Case #11-02, Jay & Joyce Rupell

Present for the applicant: Jay Rupell

Mannon recused himself from the application.

Rupell explained he wanted to add a screen room to the end of his home, but it would encroach on the front yard setback.

DiSessa explained the screen porch was proposed to be 40' from the roadway, but only 21' from the right-of-way. DiSessa stated the structure already is sited within the 50' required setback, and the addition of the screen porch would be considered an expansion of a non-conforming structure.

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Rupell explained the screen porch would be constructed over an existing paver patio.

DiSessa stated the lot is actually undersized, but the applicant also owns the adjacent vacant lot. The two lots would automatically merge and be considered one lot, and the lot would then conform.

Vaezi asked if the garage and driveway would remain as it is currently, and Rupell replied that it would.

The hearing was opened to the public for comments and questions. There were no comments or questions from the public.

MOTION was made by **MYERS** to approve the bulk variance application for Case #11-02, Jay & Joyce Rupell.

SECONDED: HIGHT.

Those in favor: Hight, Spender, Smith, Watters, Hazen, Creedon, Vaezi, Mills, Myers.
Opposed: None.
Abstained: None.

Rupell stated he would like to proceed with his building permit application, but would need something from the board to present to the Construction Official. Edleston stated a letter could be sent informing the Construction Official that the board approved the application, but the resolution wouldn't be memorialized until the March meeting.

MOTION was made by **HIGHT** to authorize Zotti to send a letter to the Construction Official informing him that the application for Case #11-02, Jay & Joyce Rupell was approved, and would be memorialized at the March 21, 2011 meeting.

SECONDED: CREEDON.

Those in favor: Spender, Smith, Watters, Hazen, Creedon, Vaezi, Mills, Hight, Myers.
Opposed: None.
Abstained: None.

Mannon returned to the board.

Case #11-03, P & S Flowers

Present for the applicant: Stuart Ours, Esquire; Paul & Sheila Koehler

Ours stated the applicant was before the board for completeness, but appreciated any additional feedback the board could give. The proposal was to erect a 30' X 60' tent in the Mansfield Plaza Shopping Center parking lot from April to June to sell seasonal flowers.

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Edleston stated the notice for the site plan should also include notice of variance relief being requested.

DiSessa stated the application was substantially complete, and recommended the application could be scheduled for the next meeting. DiSessa explained the tent proposal would require approximately 8 parking spaces. The Ordinance only allows for 60 days of outdoor storage, and this proposal would exceed that. The mall movie theater application was granted with a parking variance, and this use would use some of the parking spaces dedicated for the theater use.

Smith asked questions regarding the anchoring of the tent, the wind load specifications, the use of facilities such as restrooms, water, electric, etc. Smith stated those questions should be answered.

Myers asked if this was for one year only. Ours stated the applicant would like to operate the facility on a yearly basis. Ours stated that a five-year approval might be suggested.

Mills asked about nighttime security. Koehler stated that hasn't been an issue at their other sites.

Myers asked if the other tenants in the mall were aware of the proposal. Koehler replied the owner of the property was aware of the proposal. Hight asked if there might be feedback from other entities that sell flowers, such as: the fire department, Boy Scouts, etc.

Koehler stated they would not sell cut flowers, arrangements, garden ornaments, plant food, fertilizer, etc. The business would consist of potted plants, bedding flowers, hanging baskets, etc.

Mills asked if there would be signage. Koehler replied there would be signage on the tent, and a 3 ½' X 5' sandwich board sign announcing specials.

Smith mentioned the possibility that the tent might block the movie theater marquee. Vaezi stated it might also block the Mansfield Plaza signage on Route 57, and it is already a tricky intersection to navigate.

Vaezi stated there is a vacant space in the mall, and wondered why that couldn't be used for the business. Vaezi also expressed concern over losing additional parking spaces to a temporary use.

Koehler stated the business requires the sun in order to really make it work.

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DiSessa stated the extent of the storage of the plants around the perimeter of the tent is not indicated. Koehler stated the area with the plants would really be equal to 50' X 80', and not 30' X 60'.

Mannon stated he would want to see an agreement with the mall owners regarding the supply of water.

MOTION was made by **CREEDON** to deem the application complete, and to schedule the public hearing for the next meeting.

SECONDED: VAEZI.

Those in favor: Watters, Mannon, Hazen, Creedon, Vaezi, Mills, Hight, Spender, Myers.

Opposed: None.

Abstained: None.

Regency at Mansfield I, LLC Extension Request

There was no representation

Edleston explained the applicant was already granted a one-year extension that ran from 8/16/07 to 8/15/08. Edleston explained the second Permit Extension Act allows extensions until 6/30/13, and it would be retroactive to the 8/15/08 date.

A discussion took place regarding the possibility that the project could be changed from age-restricted, single family homes, to market rate homes with no age restrictions. The board expressed concern the community might contribute additional school children into the system.

Edleston suggested informing the applicant of questions by the board, and the matter would be tabled until representation was made at the meeting.

MOTION was made by **VAEZI** to authorize Edleston to write a letter requesting the developer appear at the next meeting with an explanation of their extension request, and to make sure the escrow and taxes are current.

SECONDED: CREEDON.

Those in favor: Mannon, Hazen, Creedon, Vaezi, Mills, Hight, Spender, Watters, Myers.

Opposed: None.

Abstained: None.

MOTION was made by **MYERS** to authorize the Township Committee to pay the invoices submitted by the professionals for the months of November, December, January, and February.

SECONDED: HIGHT.

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Those in favor: Hazen, Creedon, Vaezi, Mills, Hight, Spender, Watters, Mannon, Myers.

Opposed: None.

Abstained: None.

MOTION was made by MANNON to adopt a policy of not releasing any written information to the Construction Official prior to the memorialization of the approving resolution.

Hight, Watters, and Creedon stated that would be problematic, because the board doesn't typically hold a meeting if the only business is the memorialization of a resolution. Hight also stated that the board considers the letter request on a case-by-case basis.

Vaezi and Myers agreed with the motion, in spirit, but it is problematic if the meeting is cancelled.

The motion failed for lack of a second.

Vaezi stated he would be attending the Complete Streets Workshop.

A discussion was held regarding the possibility of moving the meeting night to an alternate night. After the discussion it was determined the meeting night would remain the third Monday of the month.

Watters asked if DiSessa had produced the draft Ordinance on the wood boilers. DiSessa stated he would distribute a draft soon, and a solar and wind Ordinance as well.

MOTION was made by **HAZEN** to adjourn the meeting at 9:30 PM.

SECONDED: VAEZI.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary
(as written)