

JANUARY 18, 2016

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Board Attorney, William Edleston 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 meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
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.

The new and reappointed members of the Mansfield Township Land Use Board were issued the Oath of Office by Board Attorney, William Edleston.

Present: Vaezi, Hight, Mayor Kocher (arrived at 7:50), Spender, Farino, Drazek, Barton, Minter, Creedon, Keggan, Cruts, Hayes.

Absent: Korczukowski.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

MOTION was made by **BARTON** to nominate **ALI VAEZI** as **CHAIRMAN** of the 2016 Mansfield Township Land Use Board.

SECONDED: HIGHT.

Those in favor: Hight, Spender, Farino, Drazek, Barton, Minter, Creedon, Keggan.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to nominate **ROSEMARIE HIGHT** as the **VICE CHAIRMAN** of the 2016 Mansfield Township Land Use Board.

SECONDED: DRAZEK.

Those in favor: Spender, Farino, Drazek, Barton, Minter, Creedon, Keggan, Hight, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **HIGHT** to appoint **PATTI ZOTTI** as the **SECRETARY/CLERK** of the 2016 Mansfield Township Land Use Board.

SECONDED: BARTON.

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Those in favor: Farino, Drazek, Barton, Minter, Creedon, Keggan, Hight, Spender, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made **BARTON** to appoint **WILLIAM EDLESTON, ESQUIRE** as **BOARD ATTORNEY** of the 2016 Mansfield Township Land Use Board.

SECONDED: VAEZI.

Those in favor: Drazek, Barton, Minter, Creedon, Keggan, Hight, Spender, Farino, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to appoint **DREW DI SESSA, P.E.** as the **BOARD ENGINEER** of the 2016 Mansfield Township Land Use Board.

SECONDED: HIGHT.

Those in favor: Barton, Minter, Creedon, Keggan, Hight, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **SPENDER** to appoint **JOSEPH LAYTON. P.P.** as the **BOARD PLANNER** of the 2016 Mansfield Township Land Use Board.

SECONDED: BARTON.

Those in favor: Minter, Creedon, Keggan, Hight, Spender, Farino, Drazek, Barton, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to adopt the **Schedule of Meeting Dates** for 2016 with the regular meeting dates being the third Monday of the month with the exception being the third Wednesday in January and February.

SECONDED: HIGHT.

Those in favor: Creedon, Keggan, Hight, Spender, Farino, Drazek, Barton, Minter, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to designate **The Express Times** as the **Official Newspaper** for the 2016 Mansfield Township Land Use Board.

SECONDED: CREEDON.

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Those in favor: Keggan, Hight, Spender, Farino, Drazek, Barton, Minter, Creedon, Vaezi.

Opposed: None.

Abstained: None.

The Chairman appointed **Farino** and **Spender** as the **Financial Oversight Committee** for the 2016 Mansfield Township Land Use Board.

MOTION was made by **FARINO** to authorize the Chairman to sign the professional contracts for the year 2016.

SECONDED: DRAZEK.

Those in favor: Hight, Spender, Farino, Drazek, Barton, Minter, Creedon, Keggan, Vaezi.

Opposed: None.

Abstained: None.

Regarding the minutes of the December 21, 2015 meeting, Drazek amended the first sentence in the last paragraph on page two to read "Edleston asked Thompson clarifying questions." Minter amended the second sentence in the last paragraph on page three to read "Vaezi stated they . . ." Hight corrected the word *from* in the last sentence in the third paragraph on page three to read **for**. Hight amended the first sentence of the next to last paragraph on page three to read ". . . he was aware there **are a** couple of used . . ." Hight amended the last sentence on page three by changing the word *no* to read **not**. DiSessa amended the first sentence on page two to read ". . . determination of the pre-existing **non-conforming use** status of a piece of property." DiSessa amended the third from the last paragraph on page three to read ". . . intensified, since it **became prohibited** as of the 1983 Ordinance." DiSessa amended the second sentence in the third from last paragraph on page four to read ". . . salvage yard appears to be a **pre-existing, non-conforming** use, but the board. . ." Lastly, DiSessa corrected the name *John Provick* on the last page to read **Don Proefrock**.

MOTION was made by **HIGHT** to approve the **minutes** of the **December 21, 2015** meeting, as amended.

SECONDED: DRAZEK.

Those in favor: Farino, Drazek, Minter, Creedon, Keggan, Hight, Vaezi.

Opposed: None.

Abstained: Spender, Barton.

Case #15-05, John & Carol Thompson Resolution

Present for the applicant: Allen Hantman, Esquire; Carol Thompson

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Hantman proposed an amendment to the resolution before the board. Hantman requested two items under the heading Be It Further Resolved to be excluded from the resolution. Edleston replied the first item regarding the appeal can be removed, and should they make application to the board, jurisdiction can then be determined.

Secondly, the provision regarding the existing signage was discussed. Edleston explained the signage was discussed during the hearing, and deemed to be existing and allowed as per a prior board decision.

Vaezi and Creedon stated the signage issue was resolved when they came before the board when the sign blew over in the storm.

Thompson raised an objection to the existing sign, because she couldn't obtain a copy of an approval through an Open Public Records Act request.

Hantman argued the operation isn't a legal one, thus there should be no signage. Vaezi replied the determination was made that the operation was acceptable, provided it took place behind the fence. Vaezi stated the sign wasn't an issue during the hearing.

Keggan mentioned there are two signs at the property. Vaezi replied the salvage yard has been there forever with signage, and he has the licenses to sell the used cars. Thompson mentioned the used car dealer is not the original, but another separate business.

DiSessa stated his research showed approval by the prior Township Engineer/Zoning Officer, Doug Mace. DiSessa stated the message might have changed, but the signage was the same.

Barton stated the board didn't have anything to indicate the signage was illegal. Hantman replied there is nothing to show that the signage is legal. Minter stated that DiSessa had indicated he did have proof of the legality of the sign. DiSessa agreed there was proof of the legal signage through the zoning process. Hantman stated there is another used car dealer as testified to by Erb. Barton stated the signage is configured by square footage, and not user.

Creedon stated the matter should either be researched further, or vote on the resolution as presented. Edleston stated the signage clause could be removed, and the matter comes back before the board for further discussion. Vaezi stated the resolution was confirmation of the discussion.

Drazek and Hight agreed the signage wasn't an issue during the hearing.

Spender asked for clarification that used cars can be sold at that location as long as the licenses are in place. Edleston replied that was correct.

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Minter stated, the testimony was the salvage yard was permitted so long as the operation took place behind the fence, and inherent to the salvage yard is the used car license. Minter stated the signage wasn't an issue, and the current resolution is the result of the testimony.

Hantman agreed the applicant was more concerned with the use, and not the signage.

MOTION was made by **CREEDON** to approve the resolution for **Case #15-05, John & Carol Thompson**, as amended.

SECONDED: VAEZI.

Those in favor: Drazek, Minter, Creedon, Hight, Vaezi.

Opposed: Keggan.

Abstained: Farino.

Case #14-07, Yusen Logistics (Americas) Inc. Resolution

DiSessa mentioned an amendment to page six.

Creedon asked how they can be made to fix the truck entrance opening. Vaezi replied they already have DOT approval.

MOTION was made by **DRAZEK** to approve the resolution for **Case #14-07, Yusen Logistics (Americas) Inc. Resolution**, as amended.

SECONDED: VAEZI.

Those in favor: Drazek, Minter, Keggan, Hight, Farino, Vaezi.

Opposed: None.

Abstained: None.

Further Consideration of Proposed Ordinance No. 2015-16, An Ordinance of the Township of Mansfield, County of Warren, State of New Jersey, Amending and Supplementing Chapter 363 Titled "Zoning Article VI. A Agricultural, R-1 Residence and R-2 Residence Districts" Subsection 363-2S Titled Accessory Uses

DiSessa explained the Township Engineer/Zoning Official appeared to be asking for clarification of the prior comments submitted by the Land Use Board. DiSessa related the comments as discussed at the last meeting.

Creedon mentioned the lighting requirement under the pool section. DiSessa indicated the pool section appeared to be new.

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Further discussion took place regarding the lighting section, and also the solar facilities or structures.

Keggan asked questions regarding the structure size in the different zones. Further discussion took place regarding the structure sizes. Cruts asked if it would be more appropriate to designate the size of the accessory structure based on a percentage of the acreage vs. the square foot designation.

DiSessa related examples of accessory structure size based on the percentage of the acreage. DiSessa indicated the under one acre zone should remain at 800 square feet, but the remaining zones could be designated at 3%.

MOTION was made by **HIGHT** to recommend adoption by the Township Committee the proposed **Ordinance No. 2015-16, An Ordinance of the Township of Mansfield, County of Warren, State of New Jersey, Amending and Supplementing Chapter 363 Titled "Zoning Article VI. A Agricultural, R-1 Residence and R-2 Residence Districts" Subsection 363-2S Titled Accessory Uses**, with the changes as discussed. DiSessa indicated he would forward the information to the Township Engineer to make the necessary changes so the Ordinance could be introduced for adoption.

SECONDED: KEGGAN.

Those in favor: Barton, Minter, Creedon, Keggan, Hight, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: None.

Vaezi mentioned there is a calendar for mandatory classes in the latest issue of the NJPO newsletter in case someone needed the class.

Creedon mentioned there hasn't been an updated Land Development Ordinance book in quite some time. After a brief discussion, it was determined the land use section of the recently codified Code book should be copied for the board members, with Ordinance amendments forwarded to the board as they become available.

Minter mentioned there is a Highlands meeting scheduled for February 9, 2016 at the Warren County Technical School.

MOTION was made by **FARINO** to authorize payment by the Township Committee the professional **invoices** as submitted.

SECONDED: SPENDER.

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Those in favor: Minter, Creedon, Keggan, Hight, Spender, Farino, Drazek, Barton, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to adjourn the meeting at 9:22 PM.

SECONDED: HIGHT.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(As Written)