

JANUARY 17, 2018

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by 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.

Appointments for 2018:

Joe Farino – Class I - term expires 12/31/18

Ron Hayes – Class III - term expires 12/31/18

Rosemarie Hight – Class IV – term expires 12/31/21

Alan Keggan – Class IV – term expires 12/31/20

Robert Jewell – Class IV – term expires 12/31/18

Scott Cruets – Alternate #2 – term expires 12/31/19

Rich Petteruti – Alternate #3 – term expires 12/31/19

Dolores Reagle – Alternate #4 – term expires 12/31/18

The new and reappointed members of the Mansfield Township Land Use Board were issued the Oath of Office for 2018 by Bill Edleston, Esq.

Present: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell

Absent: None

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

The Pledge of Allegiance was recited by all.

Mr. Edleston, Esq opened the floor for nominations for Chairman for 2018.

MOTION was made by **FARINO** to nominate **ALI VAEZI** as **CHAIRMAN** of the 2018 Mansfield Township Land Use Board.

SECONDED: HAYES.

MOTION was made by **BARTON** to close nominations for **CHAIRMAN**.

SECONDED: HAYES

A voice vote was taken, all in attendance voted in the affirmative.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

Mr. Edleston, Esq turned the meeting over the **CHAIRMAN VAEZI**.

CHAIRMAN VAEZI opened the floor for nominations for Vice Chairman for 2018.

MOTION was made by **BARTON** to nominate **FARINO** as **VICE CHAIRMAN** of the 2018 Mansfield Township Land Use Board.

SECONDED: HIGHT.

CHAIRMAN VAEZI closed nominations for Vice Chair for 2018.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

MOTION was made by **CHAIRMAN VAEZI** to appoint **JOANN GRIFFITH** as **Secretary/Clerk** of the 2018 Mansfield Township Land Use Board.

SECONDED: MINTER.

CHAIRMAN VAEZI closed nominations for Secretary for 2018.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

MOTION was made by **BARTON** to appoint **WILLIAM EDLESTON, ESQ** as **BOARD ATTORNEY** for the year 2018.

SECONDED: HIGHT.

CHAIRMAN VAEZI closed nominations for Board Attorney for 2018.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

MOTION was made by **VAEZI** to appoint **DREW DISESSA of PENNONI** as **BOARD ENGINEER** temporarily through February 2018.

SECONDED: KEGGAN.

CHAIRMAN VAEZI closed nominations for Board Engineer for 2018.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

MOTION was made by **BARTON** to appoint **JOSEPH LAYTON, P.P.** of Maser Consulting as **PLANNER** for the year 2018.
SECONDED: HIGHT.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

MOTION was made by **HAYES** to approve the **MEETING DATES** for the Mansfield Township Land Use Board for the year 2018.
SECONDED: HIGHT.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

MOTION was made by **MINTER** to approve **THE EXPRESS TIMES** as the **OFFICIAL NEWSPAPER** for the year 2018.
SECONDED: BARTON.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

The Chairman appointed **FARINO** and **SPENDER** as the **Financial Oversight Committee** for 2018.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

MOTION was made by **VAEZI** to authorize the execution of the **2018 Professional Contracts.**
SECONDED: KEGGAN.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell
Opposed: None.
Abstained: None.

Regarding the November 20, 2017 minutes, DiSessa mentioned at the bottom of Page 1, site distance should be sight distance.

MOTION was made by **HIGHT** to approve the **minutes** of the **November 20, 2017** meeting, as amended.

SECONDED: HAYES.

Those in favor: Farino, Keggan, Hayes, Hight, Minter, Jewell

Opposed: None.

Abstained: Vaezi, Spender, Barton

APPLICATION - RESOLUTION:

Case #16-04, Rhodes-Sheninger Revocable Trust Extension

MOTION was made by **MINTER** to approve the second and final six month extension to May 10, 2018 for **Case #16-04, Rhodes-Sheninger Revocable Trust Extension.**

SECONDED: HIGHT.

Those in favor: Farino, Keggan, Hayes, Hight, Minter, Jewell

Opposed: None.

Abstained: Vaezi, Spender, Barton

APPLICATION – COMPLETENESS:

Case #17-07, Mark Duke, Block 3202 Lot 4 – Variance Application

Mr. Edleston stated that due to a noticing error this hearing will be scheduled for February's meeting.

MOTION was made by **BARTON** to deem application complete and grant requested waivers for **Case #17-07, Mark Duke.**

SECONDED: HAYES.

DiSessa mentioned he requested the applicant provide photos of the property and proof of submission to the Warren County Health Department for the hearing.

Minter asked about the lack of detail for the property to the left of the subject property on the plan provided.

DiSessa will call applicant to request an exhibit to show this detail.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter

Opposed: None.

Abstained: Jewell

APPLICATION – HEARING: Time is 7:52pm

Case #17-06, Mansfield Commons II – Amended Site Plan, Block 1105, Lot 12.02

Representing Mansfield Commons II, Jeff Lehrer of DiFrancesco Bateman Law Firm, spoke to the Board regarding the Mansfield Commons II request for preliminary site plan approval with variances. The history of this building and prior appearances in front of the Board were described. Emphasis on a prior application in 2011 the Board allowed for increased square footage of signage due to the exceptional topographical conditions with regards to Route 57 grading. Applicant proposes to use end cap space for a possible drive thru bank, pharmacy or any other type of business permitted in this zone.

DiSessa recommended the granting of the waivers listed on the application with the exception of the boundary survey which an updated copy needs to be provided.

MOTION was made by **HAYES** to deem amended preliminary site plan application with waivers as noted in DiSessas report complete for **Case #17-06, Mansfield Commons II** .

SECONDED: HIGHT.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to deem amended final site plan application complete with a temporary waiver of the boundary survey to be submitted later for **Case #17-06, Mansfield Commons II** .

SECONDED: HAYES.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell

Opposed: None.

Abstained: None.

Present for the applicant: Brian Silbert, managing member of Mansfield Commons, LLC, John Hansen, P.E. & Planner, Rocco Campanella, Architect

All witnesses were sworn in by Edleston.

Principal Silbert stated Mansfield Commons II, LLC acquired this property in 2006. In 2011 Starbucks came in with a drive thru, we moved out Verizon Wireless from the end space of building 1 in 2012 which has now been vacant for six years, there was a fire in August 2017 in the same building which effected two of our tenants, the nail salon has since reopened, the yogurt store is struggling. A new tenant was brought in and the build out just finished of Pinot's Pallet. This empty space was originally designed for a larger type business but was split up into smaller spaces. With the lack of visibility, which is an inherent constraint of the site, the building has suffered.

Edleston explained that Mr. Hansen has previously testified before our board as a Professional Engineer and Planner.

Mr. Hansen confirmed his involvement in the preparation of the current site plans as well as the prior submitted ones.

Entered as Exhibit A-1 – an aerial rendering of Mansfield Commons II with colorized improvements, dated 1/15/18

Mr. Hansen explained this area was constructed in 2003 with four structures with limited access points from Mansfield Commons I or hotel easement. The proposal is for a canopy off the south end of Building #1 with a minor increase to impervious coverage but without significant grade changes or impact to the landscape or parking.

Entered as Exhibit A-2 – Signage, dated 1/11/18

Existing signage totals 97sf but asking for 122.3sf. A 40sf sign for the canopy facing South and 60sf on the eastern side of the building, the other 22sf is ancillary signage for ATM, drive thru indicators and clearance signs. Two small directional signs, one on the northeast corner and another on the southwest corner by Ruby Tuesday showing how to get to the drive thru area.

CHAIRMAN VAEZI asked about adding a sign to the back road monument.

Entered as Exhibit A-3 – Marketing Plan and Elevation, dated 11/9/17

Mr. Campenella cited he has been a registered and practicing Architect since 1986 and confirmed his involvement in the preparation of the floor plans and elevations for this application. The design is a simple canopy that works with existing architecture. Signage locations were pointed out on this diagram. There will be no change in floor plan just a bank window, ATM and canopy are being added.

Entered as Exhibit A-4 – Set of 9 photographs showing various viewpoints, taken within the last week

Entered as Exhibit A-5 – Photo Exhibit diagram, dated 1/15/18

Mr. Hansen explained the photos while referencing Exhibit A-5. There is 184.5sf of free standing signs and a 219.3sf mounted building signage being requested.

The variances being requested apply as C1 for unique topographic conditions causing a hardship due to limited entrances, and C2 safety aspect of signage to direct customers and does not cause a substantial detriment. This fits into the master plan providing for economic vitality and good for the community.

DiSessa's report concerns were addressed. Comment #3 regarding the clearance height of the canopy will be 14 ft from grade to bottom of canopy, #4 lighting will be LED lighting under the canopy and ATM lighting consistent with other ATMs, #6 will comply with bicycle safe grates, #7 all outside agency approvals will be obtained.

Farino asked about traffic flow.

Mr. Hansen explained the parking and traffic flow design plan.

DiSessa asked Mr. Hansen about the number of vehicles that could be stacked in the bank lane. He suggested striping to clearly delineate the drive-thru lane from the bypass lane.

DiSessa questioned the ATM lighting plan.

Mr. Hansen explained the plan needs to be adjusted to meet specific ATM criteria.

CHAIRMAN VAEZI opened the Hearing to the general public for comments or questions.

CHAIRMAN VAEZI closed the public Hearing since there were no comments or questions.

Edleston, Esq. indicated this application is for two C variances, one to increase building signage by 122.3sq and the second to increase free standing signage from 7-9.

Mr. Hansen stated there is also a maximum free standing sign area for free standing 75 sq permitted but requesting 183.5sf.

MOTION was made by **SPENDER** to approve the three bulk variances for **Case #17-06, Mansfield Commons II.**

SECONDED: BARTON.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell

Opposed: None.

Abstained: None.

CORRESPONDENCE:

EDLESTON, ESQ. reported he received a phone call from Meadows, Bill Hotz, who are hitting a snag with County Engineer for extending natural gas service to site along Asbury-Anderson Rd. and are seeking any assistance the Township can provide. It was recommended we stay hands off.

DISESSA mentioned having discussions with them regarding possibility of easements from property owners to try to extend gas main since Asbury-Asbury Rd. is under a moratorium since it had been paved within the last 5 years.

HAYES noted that they are delinquent on their taxes so no permits should be issued.

VAEZI asked about the Thompson/Auto Salvage judgement.

EDLESTON, ESQ. explained that the Appeals Court said that you can't file suit to make a zoning officer execute his discretion.

INVOICES:

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

SECONDED: VAEZI.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell

Opposed: None.

Abstained: None.

EDLESTON, ESQ. recommended the Board enter into an Executive Session in order to discuss the potential appointment of our Board Engineer.

WHEREAS, N.J.S. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE BE IT RESOLVED by the Land Use Board of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- Personnel issue

2. It is anticipated at this time that the above matter will be made public upon completion of the session,

3. This Resolution shall take effect immediately.

MOTION was made by **HIGHT** to adopt the above **RESOLUTION**, and to adjourn to Executive Session at 9:13pm.

SECONDED: HAYES.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell

Opposed: None.

Abstained: None.

The Board returned to open session. No action was taken but a subcommittee was formed to interview three applicants for Board Engineer and will report back with a recommendation at the February meeting.

MOTION was made by **HAYES** to return to open session 9:52pm.

SECONDED: HIGHT.

Those in favor: Vaezi, Farino, Keggan, Hayes, Hight, Spender, Barton, Minter, Jewell

Opposed: None.

Abstained: None.

MOTION was made by **HAYES** to adjourn the meeting at 9:53 PM.

Respectfully submitted,

JoAnn Griffith, Clerk