

MANSFIELD TOWNSHIP LAND USE BOARD
MARCH 21, 2022
MINUTES

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order 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/NJ Zone;
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.

Roll Call:

Present: Hayes, Creedon, Petteruti, Hayes, Hight, Keggan, Wielgus, Jewell

Alternates present: Reagle, Waegener, Feller

Absent: Farino, Cruts

Also present: Attorney Bryce, Engineer Quamme

MINUTES:

MOTION was made by **HAYES** to approve the **minutes** of the **February 16, 2022** meeting, as corrected.

SECONDED: KEGGAN

Those in favor: Hayes, Creedon, Petteruti, Keggan, Wielgus, Reagle, Jewell

Opposed: None.

Abstain: Hight, Waegener

RESOLUTIONS:

21-05 Ariya Realty – B 1102 Lots 4.02 – 2021 Route 57 – Prelim/Final Site Plan

MOTION was made by **CREEDON** to approve **21-05 Ariya Realty** – B 1102 Lots 4.02 – 2021 Route 57 – Prelim/Final Site Plan

SECONDED: PETTERUTI

Those in favor: Hayes, Creedon, Petteruti, Keggan, Wielgus, Reagle, Jewell

Opposed: None

Abstain: Hight, Waegener

APPLICATIONS:

22-01 - Mansfield Dev, LLC (Popeyes) – B 105 L 9 & 10 - Preliminary/Final Site Plan – Completeness

Engineer Quamme briefly summarized the application and noted from his February 22, 2022 review letter, that the application may be deemed complete subject to the Utility Analysis and 300 ft Buffer line be provided.

MOTION was made by **HAYES** to deem **22-01 - Mansfield Dev, LLC (Popeyes) – B 105 L 9 & 10 - Preliminary/Final Site Plan COMPLETE** granting the requested waivers and temporary waivers subject to the Utility Analysis and 300 ft Buffer line being provided no less than 10 days prior to the May 16 meeting.

SECONDED: KEGGAN

Those in favor: Hayes, Creedon, Petteruti, Keggan, Wielgus, Reagle, Hight, Waegener, Jewell

Opposed: None

Abstain: None

[HAYES stepped down]

[FELLER filled his seat for this application]

21-04 Luna Farms, LLC – B 1204 L 11 – Use Variance – Completeness & Hearing

Attorney Mark Blount stated that this is a use variance application and announced the witnesses.

Attorney Bryce swore in Nicholas Dickerson, Colliers Engineering, Mansfield Township Planner, Philip Rich, Luna Farms President

Mr. Rich stated that he has owned the property under Luna Farms since 2008, prior to that it was owned with a partner around 2004.

Mr. Rich stated that this property was the subject of a previous Board approval for used car sales which never came to be. He described the property entered by a ¼ mile long driveway off Hazen Rd. with a single family 1 ½ story masonry farmhouse on the right, with a single story small studio behind it currently being used by a single person farm helper.

Attorney Blount handed out a series of 5 photographs, Exhibit A-1) driveway looking straight ahead is the old barn, the two story frame dwelling in the center and to the stone building, A-2) back side of the two story frame building, A-3) stone studio, A-4) 1 ½ story masonry farmhouse, A-5) opposite side of the two story dwelling

Attorney Blount confirmed with the applicant that each unit has its own designated parking area. He also stated that the one story dwelling will remain a studio cottage. the 1 ½ story masonry dwelling will continue as a single family home and within the two story barn dwelling it

is proposed that there will be 2 two bedroom apartments and 1 one bedroom apartment all serviced by separate septic and well systems. The old barn is only being used for storage.

Mr. Rich stated that he made some improvements upgrading the electric service, roof and siding replacement to the two story frame dwelling. He also stated that there is a mix of long term and short term (Airbnb) rentals, the income from which helps to support the operation of the farm and maintenance of the buildings.

The question was raised regarding the timeframe when the other buildings, besides the two story home, got converted to apartments.

Mr. Rich stated that his partner primarily managed the property until he inherited it more recently.

Attorney Bryce stated that this is an application for use variance is not for a certificate of pre-existing non-conformity. Exhibit A-6 - Unit B Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance was produced but all other Fire Preventions inspections are contingent upon the Boards action on this application.

Attorney Bryce swore in Aaron Kardon, Planner and the Board accepted his credentials.

Mr. Kardon stated that he brought up an aerial photo from 1995 that shows the footprint of all of these buildings. His planning testimony included that the driveway easement is through an NJ DEP property, is surrounded by single family residents along Hazen Road but also adjacent Industrial buildings along Rockport and Blau roads. This is not a change of use but rather a current use variance request.

He provided testimony regarding how this use is suitable to this zone and is not a detriment to the zone plan.

A question arose regarding the closest multi family dwelling.

It was mentioned that the house at the end of Hazen and Rockport is a multi-family dwelling.

Attorney Bryce asked about nearest sources of water, ponds or hydrants. He raised a concern of life safety issues.

Mr. Rich stated that he has a spring fed pond on the property.

Nicholas Dickerson of Collier's Engineering referenced Dan Bloch's review letter stating that item #1 is not applicable, #2 was discussed, #3 was described by Attorney Bryce who felt this is not applicable to this application, #4 was not discussed, #5 & #6 were discussed during testimony.

A discussion occurred regarding the driveway not meeting the current driveway standards.

Attorney Bryce stated that this easement has been there for a long time over someone else's property who we can't ask the applicant for a variance on.

Engineer Quamme stated that this driveway does not meet driveway design standards but the Board may waive this. He stated that it must be sufficiently accessible to emergency services and a letter from them should be a condition of approval along with the smoke detector certificates for all of the units.

Engineer Quamme requested a report from the Fire Marshal and whatever septic information for this site can be provided.

MOTION was made by **CREEDON** to adjourn **21-04 Luna Farms, LLC – B 1204 L 11 – Use Variance**
SECONDED: WAEGENER

Those in favor: Hayes, Creedon, Keggan, Wielgus, Reagle, Hight, Waegener, Jewell

Opposed: **PETTERUTI**

OLD BUSINESS:

The Borealis tree clearing was mentioned again.

Clerk Griffith will send the site plan and resolution to the current Engineer for review by the Zoning Officer.

NEW BUSINESS: None

INVOICES:

Murphy McKeon

Inv #7109	Airy Realty	<u>\$405.00</u>
		\$405.00

Colliers Engineering

Inv #94738	Luna Farms	<u>\$3,105.00</u>
	TOTAL	\$3,105.00

GRAND TOTAL **\$3,510.00**

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

SECONDED: HAYES

Those in favor: Hayes, Creedon, Petteruti, Keggan, Wielgus, Reagle, Hight, Waegener, Feller,

Jewell

Opposed: None.

Abstain: None

DISCUSSION/CORRESPONDENCE:

The proposed future food recycling center was briefly discussed.

HAYES stated that the Township Attorney wrote a letter to the County stating we were opposed to it and if it comes before them for a hearing to take that into consideration.

MOTION was made by **CHAIRMAN JEWELL** to adjourn the meeting at 9:35 PM.

Respectfully submitted,

JoAnn Griffith, Clerk