

MANSFIELD TOWNSHIP LAND USE BOARD
APRIL 15, 2019
MINUTES

Official notice of the time, date and location of this regular public meeting, where formal action may or may not be taken, was given by publication in The Star Gazette and Express Times. In addition, notice of this meeting was posted on the bulletin board in the Municipal Building, publishing on the Municipal web site, and given to the Township Clerk.

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by **CHAIRMAN VAEZI** at 7:30pm.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act b:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in the Star Gazette and 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.

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

Alternates present: Creedon, Reagle, Wielgus

Absent: None

Also present: James Bryce, Esq.; Chris Kastrud, P.E.

Pledge of Allegiance was recited by all.

MINUTES:

MOTION mad by **HAYES** to approve the minutes of the March 18, 2019.

SECONDED: HIGHT

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

Opposed: None

Abstain: None

RESOLUTION:

Case 19-01 – B 1501 L 9.01, 9.03-9.07, 9.111-9.112 – Meadows at Mansfield LLC Phase I – Final Amended Plat

MOTION by **JEWELL** to Approve Memorializing Resolution for Case 19-01 – B 1501 L 9.01, 9.03-9.07, 9.111-9.112 – Meadows at Mansfield LLC Phase I – Final Amended Plat

SECONDED: VAEZI

Those in favor: Jewell, Spender, Hight, Keggan, Barton, Petteruti, Vaezi

Opposed: None

Abstain: Hayes, Farino

APPLICATIONS:

Case 19-03 – B 1702 L 8 – 1780 Rt. 57 – Mr. & Mrs. Randall Wanous – Addition – Completeness and Hearing

[**JEWELL** recused himself]

Mr. Lowcher, Esq. stated Mr. & Mrs. Wanous are long time residents of Mansfield and Randy has been working for the school for many years. They own property at 1780 Rt. 57 which has a single family home and garage, that has seen better days, and sits very close to Rt. 57. At the western property line there is a utility easement with a different land owner behind them. They purchased this property in 2018 and plan on using this as their residence when Randy retires from the school. The zoning permit was denied due to existing non-conformities with respect the front and side yards. Existing side yard is 1.25 ft from westerly side of proposed 960 sf addition for living, dining room and kitchen while making existing bedroom larger. The existing garage violates the side yard setback at 3.1 ft from the property line. They will be taking the existing garage down and building a new garage further back to comply with the setbacks.

Mr. Kastrud referred to a few items from his April 10 letter that needed others to verify for completeness.

Clerk Griffith stated that all fees and taxes have been paid and Attorney Bryce confirmed proper notice was given.

MOTION by **BARTON** to deem Case 19-03 – B 1702 L 8 – 1780 Rt. 57 – Mr.& Mrs. Randall Wanous – Addition – COMPLETE

SECONDED: HAYES

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

Opposed: None

Abstain: None

Mr. Bryce, Esq. swore in Randall Wanous, owner of current residence.

Photographs, a survey and elevations already included as part of the application, were displayed to demonstrate the view of the current home, property and surrounding area.

Mr. Wanous stated that their current house a few doors down will be sold to their daughter.

Mr. Wanous described their proposed changes to the 8' x 20' kitchen, with the existing living room being converted to a bedroom on the first floor, while the addition will contain the new kitchen, dining room and living room along with a deck off the back.

In answering a question regarding why this addition could not be placed where it would be conforming, Mr. Wanous stated that this is the only place as to not encroach on the septic system and the house flows better going out the back. The home will be reduced from a three bedroom to a two bedroom home, one remaining upstairs with the other becoming a rec room, while the old first floor living room will become a first floor bedroom.

Chairman Vaezi confirmed that this proposed work is outside of the NJ DEP buffer and no sight distances are being changed with regards to the driveway or other improvements.

Mr. Kastrud stated that the reduction of number of bedrooms does not cause any issue with the Health Department.

Mr. Bryce, Esq. asked the age of the house.

Mr. Wanous stated late 1800's.

Chairman Vaezi opened the floor for public comment
Closed to public comment

MOTION by **HAYES** to draft Resolution for Case 19-03 – B 1702 L 8 – 1780 Rt. 57 – Mr & Mrs. Randall Wanous – Addition

SECONDED: KEGGAN

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

Opposed: None

Abstain: None

Case 19-02 – B 1402 L 4 - 985 Route 57, Port Murray – BHT of NJ 07335, LLC – Expansion of pre-existing nonconforming use variance - Completeness and Hearing

[**HAYES & FARINO** stepped down]

[**JEWELL** rejoined the Board]

Mr. Lowcher, Esq. described the property having 81 acres and owned by Auto & Truck Wreckers (previously Columbia Too) as a typical junkyard having a pre-existing non-conforming use. The proposed application has been bi-furcated with the expansion of the pre-existing use as the first part to construct a 7,000 sf one story building with parking for employees and possible customers triggering a D2 variance.

Mr. Kastrud stated that with confirmation regarding payment of fees, taxes and noticing that this application can be deemed complete if the Board is willing to approve the temporary waivers for architectural drawings, location of well and septic, and proof of submission to Warren County Board of Health for approval of the well/septic plans, until the Site Plan portion of the application is submitted.

Clerk Griffith confirmed that all application documents, fees and certification of taxes paid have been provided.

Mr. Bryce, Esq. confirmed that proper notice had been given and noted that the Class I and III members have stepped down due to the nature of the application.

MOTION by **BARTON** to deem Case 19-02 – B 1402 L 4 - 985 Route 57, Port Murray – BHT of NJ 07335, LLC – Expansion of pre-existing nonconforming use variance COMPLETE

SECONDED by VAEZI:

Those in favor: Jewell, Spender, Hight, Keggan, Barton, Petteruti, Vaezi

Opposed: None

Abstain: None

Mr. Bryce, Esq. swore in witnesses: Rose Cueller, BHT Representative, Wayne Ingram, P.E. , John Madden, Professional Planner

Ms. Cueller stated she assists in development of sites and research zoning laws and application requirements. BHT looks for sites that fit particular uses, in this case pre-existing, for online vehicle auction sales. The online auction accounts, both private and public, are used by online buyers to purchase vehicles possibly reclaimed from a disaster, fleet vehicles, construction equipment, boats, bikes, along with some high end vehicles. All vehicles are sold as whole vehicles and not parts and as is. Bidders can come visit the physical site but most of the sales are successful online. All liquids are removed prior to being delivered to the lot and all stock is cataloged for where it is on the lot. The number of vehicles on site at one time would be dependent on the market.

Ms. Cueller stated the intention is the inventory is constantly moving, the preference is for no longer than 90 days on site. Only employees will be onsite to maintain the yard and move inventory in and out. No car washing will occur on site, everything to prep the vehicles and take pictures for the online auction will happen off site. All vehicles will be brought to the site by small 3 car carriers.

Several questions regarding activities in the 7,000 sf. warehouse and the disposition of the existing buildings can be clarified during Mr. Ingram's testimony.

Chairman Vaezi requested examples of online sites and names of towns having similar facilities to what is being proposed.

Mr. Creedon stated he has purchased two vehicles from sites like theirs sight unseen out of Michigan.

Mr. Petteruti asked if other site locations could be shared with the Board to be contacted to see what this process is like.

Mr. Bryce, Esq. requested clarification if there would be any salespeople on site for the general public to buy a car on site.

Ms. Cuellen confirmed no sales people will be on site, only workers and potential buyers can come look at what will be auctioned online.

Mr. Kastrud asked for operational specifics.

Ms. Cuellen stated the hours of operation are Mon - Friday 8am-5pm with fencing for security. Any lighting would be around the building only. No cars would be obtained through

repossession and deliveries would be via multi car carrier and scheduled for specific hours/days. Once vehicle is purchased online the customer must make arrangements to transport vehicle(s) which are all wrapped in plastic for shipping.

Mr. Ingram, P.E. provided his professional credentials.

The Board accepted his qualifications.

Displayed Exhibit A1 - Sheet 3 of 3 of the Site Plan packet

Mr. Ingram described the site along Route 57 as an 81 acre parcel with 35-40 acres currently cleared accessed via a steep driveway bordering the property line. Having a shed and quansit hut part of the way up the driveway and pointed out the steep slopes and wooded areas, as well as, the bordering Township Park property, two farms and a few residential lots.

Mr. Ingram stated they are proposing a 56 acre cleared area keeping the existing buffers with potential grading to flatten areas for storage while managing drainage and moving the driveway off the property line snaking it up the hill. Details of this plan will be submitted at the time of the Site Plan application.

Mr. Ingram also stated the proposed 700 sf. building will be primarily for office staff with offices, break room and storage. Possibly a well and septic would be installed to service the office staff.

In response to a Board members question regarding the entrance, Mr. Ingram stated the proposed gate would be higher on the hill to get trucks off of Rt. 57 more easily.

Mr. Jewell mentioned that even though this property is mostly hidden, from Watters and Washburn Rd this space is plainly seen.

Mr. Ingram stated that possibly lowering the grade will help and fence screening for wherever you can see through it will be proposed, also potential berms will be built to help hide the cars from the viewable area. The parking areas would be made of recycled concrete or asphalt, as regulated by DEP, to aid with runoff as well as expense.

Mr. Bryce, Esq. confirmed with Mr. Ingram that 25-30% of the property is currently cleared with a proposed 56%. It was also mentioned that taller vehicles or stacked vehicles would be stored in strategic locations to minimize the view of them.

Mr. Ingram responded to a question regarding the amount of cars to be stored by stating potentially 5000-6000. The moving of cars is dependent on the success of the auction with some decision timeframe to dispose of unsold inventory.

Mr. John Madden, Professional Planner provided his professional history.

The Board accepted his credentials.

Mr. Madden stated this is a legal pre-existing non-conforming use. BHT is proposing dealing with damaged vehicles with a second life, providing drainage improvements, building a better driveway and providing view shed protections.

Mr. Madden also noted this is a positive application with improvements. Modifications to this site require a D2 variance where suitability is a factor met by upgrading the prior activity and physical site characteristics minimizing visibility to neighborhoods while; Purpose A - promoting general wealthfare providing beneficial change to environmental conditions not having to deal with car fluids, Purpose G - providing sufficient space with no dismantling of vehicles, Purpose I - preserving or adding wooded buffers and screening and creating a more orderly site, Purpose D - promoting practical recovery of recyclability materials.

Mr. Madden stated he believes there is no detriment to the public good since this will be a lessening of activity and improvement of site conditions with no detriment to the zone plan while it complies with the salvage yard licensing requirements.

Mr. Madden stated that for the balancing test, the benefits outweigh the detriment since this is an upgrade of the site. Online auctions are big business reaching all over the world with major insurance companies driving the standards for this business, and explained that there are special damaged vehicle titles for these types of vehicles.

In response to a Board member question regarding this applicants requirement to come to the Board and if the expansion of the pre-existing non-conforming use, if approved, will carry to the next owner who may want to operate a junkyard again.

Mr. Bryce, Esq. answered yes, and noted that in November 19, 2018 the Board had been requested to make a determination of the continued non-confirming use. This applicant is looking for expansion of that use by adding a 7,000sf building and increasing the acreage along with other improvements. The Board must determine if the positives outweigh the negatives.

Mr. Kastrud mentioned, as Mr. Madden had stated, by rights someone can't just come in and open a salvage yard. This applicant has chosen to bifurcate the application for use approval and Site Plan approval. Mr. Kastrud asked if this proposed improvement to vehicle storage only would be an abandonment of the salvage yard use.

Board members expressed their concerns with the tree removal to accommodate the site expansion and the protection of the view shed.

Mr. Lowcher, Esq. explained that they will be coming back with a Site Plan so the Board will have more details.

Mr. Kastrud suggested deed restrictions could be imposed.

Chairman Vaezi opened floor for public comment.

Ms. Carol Thompson asked about the type of vehicles and what ordinance it falls under.

Mr. Bryce stated that this Board made this determination at their November 2018 meeting.

Chairman Vaezi closed public comment.

MOTION by **BARTON** to approve Case 19-02 – B 1402 L 4 - 985 Route 57, Port Murray – BHT of NJ 07335, LLC – Expansion of pre-existing nonconforming use variance subject to Site Plan approval based on this type of online auctioning and storage of cars without fluids, solid fencing and landscaping for visual screening, including new driveway not adjacent to property line, no parking lot lighting, as discussed through testimony and discussion.

SECONDED by **PETTERUTI**:

Those in favor: Jewell, Spender, Hight, Keggan, Barton, Petteruti, Vaezi

Opposed: None

Abstain: None

OLD BUSINESS: None

NEW BUSINESS: None

DISCUSSION/CORRESPONDENCE:

Chairman Vaezi asked the status of the Meadows.

Mr. Kastrud provided status of the American Water extension progress with boring under the stream slowed because they hit clay. An email was sent today providing a positive response that the equalization tank is online.

INVOICES: None

ADJOURNMENT:

MOTION made by **HAYES**, seconded by **HIGHT** to adjourn at 10:20 pm