

JANUARY 17, 2005

The regularly scheduled meeting of the Mansfield Township Planning 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 regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette;
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 were sworn in by Attorney William Edleston.

Present: Mannon, Barton, Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi.

Absent: None.

Also present: Douglas Mace, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

MOTION was made by **HAZEN** to nominate William Mannon as CHAIRMAN of the 2005 Planning Board.

SECONDED: BARTON.

MOTION was made by **LUNGHI** to close the nominations for Chairman.

SECONDED: VAEZI.

Those in favor of Mannon as Chairman: Barton, Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi, Mannon.

Opposed: None.

Abstained: None.

MOTION was made by **BALDWIN** to nominate John Barton as VICE CHAIRMAN of the 2005 Planning Board.

SECONDED: HAZEN.

MOTION was made by **HAZEN** to close the nominations for Vice Chairman.

SECONDED: MYERS.

Those in favor of Barton for Vice Chairman: Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi, Mannon.

Opposed: None.

Abstained: Barton.

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MOTION was made by **BALDWIN** to nominate Patti Zotti as Secretary/Clerk of the 2005 Planning Board.
SECONDED: HAZEN.

MOTION was made by **BALDWIN** to close the nominations for Secretary/Clerk.
SECONDED: HAZEN.

Those in favor of Zotti as Secretary/Clerk: Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi, Barton, Baldwin, Mannon.
Opposed: None.
Abstained: None.

MOTION was made by **BALDWIN** to nominate William Edleston, Esquire as Board Attorney for 2005.
SECONDED: HAZEN.

MOTION was made by **HAZEN** to close the nominations for attorney.
SECONDED: LUNGHI.

Those in favor of Edleston as Board Attorney: Lunghi, Hazen, Marchioni, Myers, Vaezi, Barton, Baldwin, Watters, Mannon.
Opposed: None.
Abstained: None.

MOTION was made by **BARTON** to nominate Mace Consulting Engineers as engineers for 2005.
SECONDED: HAZEN.

MOTION was made by **HAZEN** to close the nominations.
SECONDED: BARTON.

Those in favor of Mace Consulting Engineers: Hazen, Marchioni, Myers, Vaezi, Barton, Baldwin, Lunghi, Mannon.
Opposed: Watters.
Abstained: None.

MOTION was made by **BALDWIN** to nominate Joseph Layton, P.P. of Maser Consulting as Planner for 2005.
SECONDED: BARTON.

Those in favor: Marchioni, Myers, Vaezi, Barton, Baldwin, Watters, Lunghi, Hazen.
Opposed: Mannon.
Abstained: None.

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Baldwin stated that he had spoken with Layton regarding the Cross-Acceptance process, and Layton indicated that his rate would be the same as last year.

MOTION was made by **BALDWIN** to approve the meeting dates for 2005, and to designate The Star Gazette as the official notice newspaper, with The Express Times, The Daily Record, and The Star Ledger being designated as notice only newspapers.

SECONDED: BARTON.

Those in favor: Myers, Vaezi, Barton, Baldwin, Watters, Lunghi, Hazen, Marchioni, Mannon.

Opposed: None.

Abstained: None.

MOTION was made by **HAZEN** to approve the minutes of the December 20, 2004 meeting, as written.

SECONDED: BARTON.

Those in favor: Vaezi, Barton, Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Mannon.

Opposed: None.

Abstained: None.

Case #04-01, Eden Mansfield, LLC

Present for the applicant: Michael B. Lavery, Esquire; Walter Lublinecki, P.E.; Ed Jaten and Tom Tourso of Eden Mansfield, LLC

Lunghi recused himself from the case.

Entered as Exhibit A-10 – revised plan dated 12/21/04

Entered as Exhibit A-11 – revised architectural dated 12/23/04

Edleston mentioned a new Walgreens near Somerville that had no parking along the building. Edleston mentioned this since the applicant had previously indicated that they had no buildings without parking along the building. Jaten explained that the building was a retrofitted Annie Sez building, and they had to work with what they had. Further discussion took place regarding the need for parking along the building.

Lublinecki related the plan changes along Newburgh Road with reference to lane changes. Watters asked how long the thermoplastic striping lasts, and Lublinecki replied it would last several years in the proper conditions. Mace indicated that Mansfield Township would rather have long life paint as lane indicators.

Lavery explained that a mortar and pestle sign (or decoration) would be placed on the wall inside the entrance tower. Lavery indicated that the applicant would agree to not change the likeness to represent a sign or identifier of any sort. Mace stated that any sign or symbol behind glass facing outwards are for visual identifiers, and considered signs.

Vaezi asked for an update on the Route 57 entrance regarding thermoplastic striping vs. a directional island. Vaezi cited the example of Eckerd's Drug Store that had a ramp type island that would allow for inbound truck traffic. Lublinecki stated that he would look into the design mentioned by Vaezi, and would have to see what was allowed by NJDOT. Lublinecki indicated that he had signed copies of the DOT access and lot consolidation permits dated 10/13/04.

Returning to the issue of the mortar and pestle sign, the consensus of the board was that it would be allowed.

MOTION was made by **BALDWIN** to deny the Section 20-19.3 design waiver for parking against the building for Case #04-01, Eden Mansfield, LLC.
SECONDED: MARCHIONI.

Those in favor: Baldwin, Marchioni.
Opposed: Barton, Watters, Hazen, Myers, Vaezi, Mannon.
Abstained: None.

MOTION was made by **BARTON** to grant the Section 20-19.3 design waiver for parking against the building for Case #04-01, Eden Mansfield, LLC.
SECONDED: WATTERS.

Those in favor: Watters, Hazen, Myers, Vaezi, Barton, Mannon.
Opposed: Baldwin, Marchioni.
Abstained: None.

MOTION was made by **VAEZI** to open the hearing to the general public for comments and questions.
SECONDED: BARTON.

Those in favor: Watters, Hazen, Marchioni, Myers, Vaezi, Barton, Baldwin, Mannon.
Opposed: None.
Abstained: None.

Herbie Beatty of Hilltop Road was sworn in by Edleston, and indicated five points to consider when deliberating the matter: location, size, statistics, traffic, and walls.

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Mark Beatty of Hilltop Road was sworn in by Edleston, and indicated that he couldn't understand how the Township would allow developers to building where ever they want, how ever they want.

MOTION was made by **BARTON** that since there appeared to be no one else from the audience interested in speaking to the matter, that the public hearing for Case #04-01, Eden Mansfield, LLC be closed.

SECONDED: VAEZI.

Those in favor: Hazen, Marchioni, Myers, Vaezi, Barton, Baldwin, Watters, Mannon.
Opposed: None.
Abstained: None.

MOTION was made by **BARTON** to grant the variance for off-street parking spaces for Case #04-01, Eden Mansfield, LLC where 72 are required and 68 are being provided, but will allow for additional fire access to the building.

SECONDED: WATTERS.

Those in favor: Myers, Vaezi, Barton, Watters, Hazen, Mannon.
Opposed: Marchioni, Baldwin.
Abstained: None.

MOTION was made by **BARTON** to grant preliminary major site plan approval for Case #04-01, Eden Mansfield, LLC subject to revised plans with the 50 square foot reduction and proper square footage of proposed signage, amend the DOT application to allow for a concrete island as an alternative to the thermoplastic striping, the mortar and pestle image doesn't constitute a sign, the Newburgh Road striping to be long life paint, DOT approval, the normal conditions.

SECONDED: VAEZI.

Those in favor: Myers, Vaezi, Barton, Watters, Hazen, Mannon.
Opposed: Baldwin, Marchioni.
Abstained: None.

MOTION was made by **WATTERS** to grant final major site plan approval for Case #04-01, Eden Mansfield, LLC subject to the same conditions.

SECONDED: MYERS.

Those in favor: Vaezi, Barton, Watters, Hazen, Myers, Mannon.
Opposed: Baldwin, Marchioni.
Abstained: None.

Lunghi returned to the board.

Case #04-17, J. Renee Richmond

Mace indicated that there were a number of outstanding issues, and the matter should be deemed incomplete.

MOTION was made by **BALDWIN** to deem the application for Case #04-17, J. Renee Richmond incomplete.

SECONDED: HAZEN.

Those in favor: Barton, Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi, Mannon.

Opposed: None.

Abstained: None.

Case #04-12, Eduardo & Edith Chua

Present for the applicant: Christopher Quinn, Esquire; William Gleba, P.E.

Baldwin, Hazen, Myers, and Lunghi recused themselves from the application.

Edleston stated that there was an indication that the last check submitted for payment of taxes was rejected for insufficient funds. Quinn submitted a copy of a certified check that was given to the tax collector for reimbursement of the funds.

Gleba was qualified, accepted as an expert witness, and sworn in by Edleston. Gleba stated that the applicant was proposing 13 conforming lots with one parcel to be dedicated as a road right-of-way from Watters Road to Route 57. Gleba indicated that they had obtained an LOI dated 12/7/04. Gleba further explained that the project would be serviced with wells and septic systems, would comply with RSIS standards, etc.

Mace stated that his office was in the process of reviewing the plan. Quinn stated that they would respond to any letter issued by Mace Consulting Engineers.

MOTION was made by **MANNON** to carry the matter to the next regular meeting without further notice.

SECONDED: BARTON.

Those in favor: Watters, Marchioni, Vaezi, Barton, Mannon.

Opposed: None.

Abstained: None.

The Chairman called for a brief recess at 9:10 PM.

The meeting was reconvened at 9:25 PM.

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Present: Mannon, Barton, Baldwin, Watters, Lunghi, Hazen, Marchioni, Myers, Vaezi.
Absent: None.

Mannon mentioned a meeting to be held regarding the Route 57 corridor, and Baldwin indicated that the Township Committee would be represented. Vaezi stated that he might attend the meeting as well.

Mannon stated that the training session by the NJPO should be discussed at the next meeting, with any interested party signing up at that time.

Baldwin mentioned a Cross-Acceptance meeting for 1/20/05, and indicated that the Township Committee wanted Joe Layton to attend the meeting.

Barton mentioned a Highlands Council meeting to be held 1/20/05, and indicated that he would attend if he could. Mannon stated that he should submit a voucher for mileage.

MOTION was made by **MANNON** to reimburse Barton for mileage in the amount of .375/mile for attendance at the Highlands Council meeting.

SECONDED: WATTERS.

Those in favor: Lunghi, Hazen, Marchioni, Myers, Vaezi, Barton, Baldwin, Watters, Mannon.

Opposed: None.

Abstained: None.


A discussion took place regarding the potential for litigation against the Highlands designation.

MOTION was made by **BALDWIN** to adjourn the meeting at 9:40 PM.

SECONDED: MYERS.

Voice vote: ALL IN FAVOR.

Respectfully submitted,


Patricia D. Zotti, Secretary