

**SEPTEMBER 19, 2005**

The regularly scheduled meeting of the Mansfield Township Planning Board was called to order by Chairman William Mannon 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.

Present: Mannon, Baldwin, Watters, Lunghi, Hazen, Marchioni.

Absent: Barton, Myers, Vaezi.

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

The Pledge of Allegiance was recited.

**MOTION** was made by **BALDWIN** to approve the minutes of the August 15, 2005 meeting, as written.

**SECONDED: HAZEN.**

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

Opposed: None.

Abstained: None.

Lunghi announced that he listened to the tapes of the prior meeting.

**Case #04-16, Abram Simoff/MBAK Assoc. LP**

Present for the applicant: Michael B. Lavery, Esquire; Hal Simoff, P.E.

Hazen recused himself from the case.

Entered as Exhibit A-5 – revised plan dated 9/8/05

Simoff stated that he submitted a memorandum along with revised information.

Mace indicated that the two outstanding issues were the stormwater management plan, and the water/sewer service issue.

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Lavery stated that they were seeking approval of the major subdivision, and understood that it would be subject to obtaining water service from HMUA. Lavery stated that if HMUA couldn't provide water to the project, the applicant would have to return to the board.

Simoff indicated that once approval was received from the Planning Board, they would then go to the Township Committee for an extension of the water/sewer service area, and then to HMUA. Simoff stated that a letter of intent has already been sent to the HMUA.

Mannon stated that the applicant should begin at the Township Committee level, and not use this approval as leverage. Lavery replied that it was within his clients rights to proceed with this board first, and to seek a conditional approval subject to HMUA providing water.

Mace and Simoff further discussed the water issue.

**MOTION** was made by **BALDWIN** to accept the extension as granted by Case #04-16, Abram Simoff/MBAK Assoc. LP, and carry the matter to the October 17, 2005 meeting, without further notice.

**SECONDED: WATTERS.**

Those in favor: Watters, Lunghi, Marchioni, Baldwin, Mannon.  
Opposed: None.  
Abstained: None.

Hazen returned to the board.

**Case #05-09, Hackettstown Municipal Utilities Authority**

Present for the applicant: James Broschious, Esquire; Bruce Smith; Thomas Grau, P.E.

Broschious explained that the application was for improvements to an HMUA well site. Broschious stated that the application fell under the capital review section, and further explained that the matter had been the subject of a court proceeding. Broschious stated that the applicant was appearing under protest, and that the matter should have been dealt with last year. Broschious explained that there was no real formal review, but the hearing was an opportunity for the board to comment on the plan.

Mace indicated that his office never received the September 22, 2005 plans. Mace agreed that the issue was basically a maintenance issue, and didn't see a problem with the plan. Mace further indicated that the plan would be reviewed within the next week, and if something major came to light, he would contact the applicant. Mace stated that he was very familiar with the plan, and didn't anticipate problems.

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Broschius explained that HMUA was taking over the Diamond Hill Water system as ordered by the Court. Broschius stated that the object was to make sure that the well was compliant, and not subject to contamination as in the past. Broschius stated that there is a small budget remaining for landscape and buffering, and they would like it to be subject to the consent of the neighbors directly across the street from the well site.

Smith stated that the neighbors had been spoken with, and he indicated that landscaping would be offered.

Broschius clarified that no generator would be installed at this point, and it was understood that they would have to return to the board for a future generator.

Smith and Grau were sworn in by Edleston. Grau explained that the upgrade to the well was imposed on HMUA by way of an Administrative Court Order, and certain improvements and requirements were mandated. Grau explained that HMUA has connected several pipes to the system already, thus correcting the water deficiency. Grau stated that the applicant now has to make required DEP improvements at the least possible cost, bringing the system to today's current standards. Grau explained that there is a drainage easement on the site, and it will be preserved by the location of the building. Grau further explained the site details.

The hearing was opened to the public.

Paul Tarlowe of 40 Brookside Avenue asked questions.

Tim Ryan of 36 Brookside Avenue stated that he would like to see the project move forward.

**MOTION** was made by **BALDWIN** to approve the requested front yard variance for Case #05-09, Hackettstown Municipal Utilities Authority.

**SECONDED: LUNGHI.**

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

Opposed: None.

Abstained: None.

**MOTION** was made by **BALDWIN** to approve the capital improvement project for Case #05-09, Hackettstown Municipal Utilities Authority, agreeing that it is consistent with the Master Plan, and subject to Mace's office agreeing with the current plan, and the landscaping being agreeable with the neighbors.

**SECONDED: LUNGHI.**

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

Opposed: None.

Abstained: None.

The Chairman called for a brief recess at 8:45 PM.

The meeting reconvened at 8:55 PM.

Present: Mannon, Baldwin, Watters, Lunghi, Hazen, Marchioni.

Absent: Barton, Myers, Vaezi.

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

**Case #04-17, S. Renee Richmond**

There was no one present to represent the application.

**MOTION** was made by **MANNON** to authorize the secretary to contact the applicant and ask if they plan to attend the October meeting. If they plan to attend the October meeting, the application will be on the agenda for completeness only.

**SECONDED: LUNGHI.**

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

Opposed: None.

Abstained: None.

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

**SECONDED: LUNGHI.**

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

Opposed: None.

Abstained: None.

Mannon noted that several audience members were present for this case, and the application should be re-noticed after the completeness determination.

**Case #05-06, Pasta Grill**

Present for the applicant: James Broscious, Esquire.

Broscious explained that he was looking to get the application deemed complete, and would notice for the next meeting. Broscious explained that the Pasta Grill received a zoning permit and a building permit to expand their business. The business added ten additional seats, renovated the interior, and added some outside improvements.

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Mace indicated that the permits never should have been issued. Mace stated that a TCO was issued subject to the applicant appearing for site plan approval. Mace stated that many waivers were being requested as the parking exists, the restaurant exists, and nothing has changed regarding the traffic, EIS, etc.

**MOTION** was made by **BALDWIN** to deem the application for Case #05-06, Pasta Grill complete, and to grant the waivers as requested.  
**SECONDED: LUNGHI.**

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

**MOTION** was made by **BALDWIN** to adjourn the meeting at 9:25 PM.  
**SECONDED: LUNGHI.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

  
Patricia D. Zotti, Secretary