

NOVEMBER 21, 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, 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 approve the minutes of the October 17, 2005 meeting, as written.

SECONDED: LUNGHI.

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

Opposed: None.

Abstained: Mannon.

MOTION was made by **BALDWIN** to carry Case # 04-16, Abram Simoff/MBAK Assoc. LP to the December 19, 2005 meeting.

SECONDED: MYERS.

AMENDED MOTION was made by **BALDWIN** that the applicant must re-notice for the December 19, 2005 meeting.

SECONDED: MYERS.

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

Opposed: None.

Abstained: None.

MOTION was made by **MANNON** to carry Case #04-12, Eduardo & Edith Chua to the December 19, 2005 meeting.

SECONDED: LUNGHI.

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

Case #04-17, S. Renee Richmond

Present for the applicant: Kurt Ligos, Esquire; Joseph Messina, Land Surveyor

MOTION was made by BALDWIN to deem the application for Case #04-17, S. Renee Richmond complete, and to place the application on the December 19, 2005 agenda for public hearing.

SECONDED: MYERS.

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

Opposed: None.

Abstained: None.

Regarding the motion carrying Case #04-12, Eduardo & Edith Chua, **MOTION** was made by **MANNON** to deem the former motion carrying the matter to December null and void as several members should have abstained, and further stating that the matter should be carried to the December 19, 2005 meeting.

SECONDED: VAEZI.

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

Opposed: None.

Abstained: Hazen, Myers, Baldwin, Lunghi.

Case #05-10, Kohl's Department Stores, Inc.

Present for the applicant: David Ramsey, Esquire; Mike Dipple, P.E.; Jim Dowling, P.P.; Bill Lewis, AIA; John Pavlovich, P.E.

Ramsey stated that the applicant was applying for an amended preliminary and final site plan as well as two variances. The variances were for the two loading spaces where three were required, and the 1,377 parking spaces where 1,451 were required.

Entered as Exhibit A-1 – Sheet C-04 site plan color rendering

Ramsey explained that the application consisted of a ^{31,822}~~2,000~~-square foot addition to the existing former A & P store. The two loading docks and trash compactor toward the front of the store would be eliminated. A number of improvements in keeping with Kohl's prototype would be made to the front of the building, and the expansion would encroach somewhat on the present driveway.

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Further details of the proposed expansion were related by the applicant. The discussion revolved around such details as Fire Department approval, parking, crosswalks, etc.

Pavlovich explained that traffic counts were done at other Kohl's stores, and given industry standards, the proposed parking is sufficient.

Marchioni suggested a paver walkway be installed to the Wal Mart parking lot for overflow parking.

MOTION was made by **BALDWIN** to grant the parking space variance for Case #05-10, Kohl's Department Stores, Inc.

SECONDED: MYERS.

Barton asked if the retail space being proposed would be the same as the A & P store. Dipple replied that Kohl's would actually use more than the A & P, because it is more product intensive.

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

Opposed: None.

Abstained: None.

There were no questions or comments from the audience at this point.

Mace stated that a full review of the site wasn't done, because the site is relatively new, and the application is considered an amendment.

Lewis explained that he was charged to work within the confines of the existing building, and bring Kohl's identity to the project. Lewis explained the aesthetic changes that would be made to the building.

There were no questions or comments for the witness.

MOTION was made by **BALDWIN** to grant amended preliminary and final site plan approval for Case #05-10, Kohl's Department Stores, Inc. subject to HMUA approval, and Fire Department review of the fire hydrant relocation.

SECONDED: MYERS.

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

Opposed: None.

Abstained: None.

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MOTION was made by **LUNGHI** to approve the bulk variance for Case #05-10, Kohl's Department Stores, Inc. for the two loading dock spaces where three were required.
SECONDED: BARTON.

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

Opposed: None.

Abstained: None.

The Chairman called for a brief recess at 8:55 PM.

Upon reconvening at 9:10 PM, roll call was taken.

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

Case #05-06, Pasta Grill

Present for the applicant: James Broscious, Esquire; Vince Iannelli.

Mace stated that a review letter was done on this application, and most of the variances and waivers being requested by the applicant are pre-existing. Mace explained that the most noticeable change to the site is the realignment of the egress to meet the light at the Mansfield Commons drive, which is in compliance with DOT requirements.

Broschious explained that a zoning permit was granted to expand the floor space. The addition was virtually built before being served with a notice that a site plan was necessary. Broschious stated that they were seeking several waivers. Broschious stated that the question arose as to if there was ever a site plan since the building is very old.

Baldwin asked if the lower parking lot will be paved, and Iannelli replied that it would.

Further discussion was held regarding parking, lighting, number of seats, drainage, etc.

Mace indicated that some of the waivers being requested should be supported by testimony from an engineer. Broschious replied that the change is de minimus, and should be treated as such. Lunghi agreed with Broschious, and further stated that a permit was issued by a Township employee and the board should support the thriving business. Edleston agreed that the applicant should comply wherever possible, but shouldn't have to meet all of the standards.

There were no comments or questions from the public.

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MOTION was made by **LUNGI** to approve waiver numbers 6,7,8,9,and 10 from Dodge's letter of 8/3/05 for Case #05-06, Pasta Grill.

SECONDED: BARTON.

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

MOTION was made by **LUNGI** to approve the preliminary and final site plan application for Case #05-06, Pasta Grill subject to lighting verification by the Township Engineer.

SECONDED: MYERS.

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

Case #05-11, Fujiyama Japanese Restaurant Concept Plan

Present for the applicant: John Abromitis, Esquire; Greg Vanderydt, P.E.; Mr. Kim

Lunghi and Baldwin recused themselves from the application.

Abromitis explained that the restaurant currently holds 54 seats, and they wanted to expand to offer 126 seats, an increase of 72 seats. Abromitis stated that the owner wanted to offer a party/banquet room on the lower level of the building.

Vanderydt explained that variances would be necessary for the side yard setback, parking stall width and length, and parking lot isle width. Vanderydt explained that customers are currently parking in the Shop Rite parking lot and crossing Route 57. The applicant is proposing to expand the parking to 42 spaces, thus allowing the 126 seats.

Further discussion took place regarding the details of the concept plan: parking spaces and lot, grading of the site, involvement of the adjacent river and its restrictions, etc.

Vaezi stated that it was his opinion that he would not like to see the adjacent property buffer disappear. There would basically be pavement from lot to lot.

Barton indicated that the remainder of the Township is in the Highlands, and this area of the Township is where the development will take place. At this point, what is a few feet, asked Barton.

Hazen didn't want to see the parking stall reduced in width.

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Watters suggested that the number of seats would have to be reduced.

Abromitis thanked the board for their input, and stated that his client would take the comments under advisement.

Lunghi and Baldwin returned to the board.

A discussion was held regarding the budget for 2006.

MOTION was made by **MANNON** that based on the information forwarded by the Township Committee a 4% increase over the 2005 budget should be made for 2006, and forwarded to the Committee.

SECONDED: BARTON.

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

Opposed: None.

Abstained: None.

The review of the Mansfield Township Board of Education Long Range Facility Plan was deferred to the December 19, 2005 meeting.

Watters asked if the board was aware of the letter and article on the Borealis property. Mace indicated that the article said that Borealis was having difficulty getting their approvals through the Highlands Committee.

A brief discussion was held regarding the Highlands restrictions, and the fact that the State wouldn't have the funds to reimburse the Township if their industry moves elsewhere. It was determined that Edleston should write a letter to that effect to the DEP, and copying all of the legislators.

MOTION was made by **BALDWIN** to authorize Edleston to write a letter to the DEP expressing displeasure over the restrictions and their impact on the Township's industrial properties, and to send a copy of the letter to all State legislators.

SECONDED: WATTERS.

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

Opposed: None.

Abstained: None.

MOTION was made by **BALDWIN** to adjourn the meeting at 10:30 PM.

SECONDED: BARTON.

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Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Secretary