

**JUNE 19, 2006**

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, Myers, Vaezi.

Absent: Barton.

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 May 15, 2006 meeting.

**SECONDED: HAZEN.**

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

Opposed: None.

Abstained: None.

Zotti announced that Marchioni listened to the tapes of the May 15, 2006 meeting.

The resolution for Case 306-02, Alan & Barbara Typinski was tabled to later in the meeting.

Edleston announced that Case #04-16, Abram Simoff/MBAK Assoc. LP would not appear at this meeting, and they would re-notice for their next hearing.

**Case #06-05, NYK Logistics (Americas) Inc.**

Present for the applicant: Joel Kobert, Esquire; William Gleba, P.E.; Dennis McNemar, General Manager

Baldwin recused himself from the application.

Kobert explained that a letter had been submitted requesting the matter be adjourned until such time as the right-of-way situation was solved. Kobert explained since the last meeting the applicant was issued a stop work order for the installation of a blower system, and they felt it best to appear before the Board to discuss the matter.

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Kobert stated the applicant thought only an electrical application was necessary for the blower, but was informed that was not the case.

Entered as Exhibit A-1 – set of five photographs

McNemar explained the work that was done regarding the installation of the blower/vacuum system that removes material from rail cars. McNemar explained that the system is currently used for one customer operating at three cars per day, but the peak usage could be up to seven rail cars per day. McNemar explained the system was removing sugar blend product and one rail car equaled four tractor trailer loads.

Mace indicated that the applicant would have to comply with municipal standards regarding noise, which is more stringent than state standards. Mace asked various questions regarding the equipment installed, and discussed the noise decibel levels. Mace indicated that additional information was needed on the equipment, and performance tests should be run.

McNemar stated the sound deadening equipment could be installed almost immediately, and stated that 6" foam panels would be used.

William Read of 95 Harts Lane expressed concern over the company's proceeding with change, time and again, without any permission from the Township. It is Read's belief that the operation will eventually be a 24-hour operation. Read explained that he had experience with the type of blower being installed, and explained how they could reduce the impact to the neighborhood. Read maintained that the noise level is presently unacceptable.

Brenda Sams invited Mace to sit on her front porch where the noise level is unacceptable. Sams stated she filed complaints with the Warren County Board of Health and the DEP. Sams requested that unloading of the rail cars cease until the Township noise standards are met.

Bonnie Read expressed concern over the noise levels at her property, and asked for clarification of the fine to be levied against the applicant. Read stated the matter should be solved at the Board level, and the applicant shouldn't be allowed to operate until the matter is solved.

Terry Sams of 100 Hart's Lane stated it is the blower exhaust that is causing the problem, and they shouldn't be allowed to operate until it is solved.

Edleston asked questions regarding how long the system had been in place, and the status of the operation with the Zoning Office. Edleston also asked what would happen with the client's commitment if the operation were to be shut down.

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McNemar stated the inability to operate would impact the client greatly.

Kobert asked for the applicant to be given ten days within which to remedy the situation, and if after that time they have not complied, shut them down.

Edleston stated there is a hardship on the applicant, although it is a self-created hardship.

McNemar explained how much product was available to still off-load. Mace indicated there needed to be enough product so that the proper tests could be run.

**MOTION** was made by **MANNON** to grant amended site plan approval for Case #06-05, NYK Logistics (Americas) Inc. subject to the Township noise requirements being met, sufficient material remain on site in order for the proper noise level tests to be completed by the Township Engineer, non-compliance would require a complete stop work after ten days.

After further comments by the audience, **MANNON** amended his motion to include no material should be off-loaded until the blower enclosure is constructed, and the tests have been completed.

**SECONDED: LUNGHI.**

Kobert stated that the applicant would enclose the structure, test and meet the Township requirements.

Further discussion took place regarding the impact on the neighbors.

**MOTION** was made by **MANNON** to grant amended site plan approval for Case #06-05, NYK Logistics (Americas) Inc. subject to the applicant immediately remedy the blower exhaust to alleviate the noise to the satisfaction of the Township Engineer, leave enough product on site in order to test the noise levels at the property line, applicant's engineer to obtain a copy of the municipal noise Ordinance, proceed with the blower enclosure, no additional product to be delivered to the site until after the municipal noise standards are met, hours of operation to be 9:00 AM to 5:00 PM during the temporary time frame, no weekend operation until the structure is certified, the Township Engineer to re-test the noise levels at his convenience within the next month.

**SECONDED: WATTERS.**

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

Opposed: None.

Abstained: None.

The Chairman called for a brief recess at 9:50 PM.

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Upon reconvening at 10:00 PM, the roll call was taken.

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

Absent: Barton.

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

**MOTION** was made by **BALDWIN** to approve the resolution for Case #06-02, Alan & Barbara Typinski.

**SECONDED: HAZEN.**

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

Opposed: None.

Abstained: None.

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

Present for the applicant: Larry Kron, Esquire; Joseph Messina, P.E.

Mannon stated the revised plans were only received tonight, and the board generally doesn't proceed without a review letter from the engineer's office.

Kron maintained there were three minor changes, and two other matters should be discussed.

Mace stated that he checked the speed at the site, and 35 MPH was the acceptable speed. Mace stated the hearing shouldn't go forth until the applicant supplies a driveway application, and there are issues regarding the right-of-way.

**MOTION** was made by **MYERS** to deny the application, without prejudice, until the driveway application is received.

**SECONDED: HAZEN.**

Edleston asked the applicant if they wanted a continuance to the July meeting.

Kron stated that his client agreed to a one-month continuance.

Myers and Hazen withdrew the motion and second.

**MOTION** was made by **BALDWIN** to accept the one-month continuance for Case #04-17, J. Renee Richmond, and for a letter so stating to be sent to the board by the applicant. Edleston stated the application should be listed first on the July agenda.

**SECONDED: MYERS.**

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

Opposed: None.

Abstained: None.

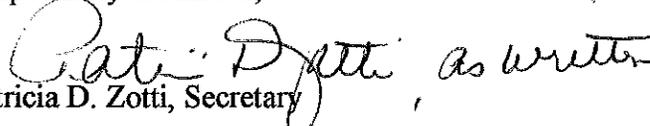
Mannon reported that he attended a Highlands meeting hosted by the County, and it was his opinion that the specialists from the State didn't appear to know all the answers as yet.

**MOTION** was made by **BALDWIN** to adjourn the meeting at 10:20 PM.

**SECONDED: LUNGHI.**

Voice vote: ALL IN FAVOR.

Respectfully submitted,

  
Patricia D. Zotti, Secretary