

JANUARY 18, 2017

The regularly scheduled meeting of the Mansfield Township Land Use 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 meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The 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.

The new and reappointed members of the Mansfield Township Land Use Board were issued the Oath of Office for 2017.

Present: Vaezi, Hight (arrived at 7:35 PM), Mayor Watters, Hayes, Spender, Farino, Barton, Minter, Keggan, Creedon, Cruts, Petteruti.

Absent: Drazek.

Also present: William Edleston, Esquire; Drew DiSessa, P.P.

The Pledge of Allegiance was recited.

MOTION was made by **FARINO** to nominate **ALI VAEZI** as **CHAIRMAN** of the 2017 Mansfield Township Land Use Board.

SECONDED: MINTER.

Those in favor: Mayor Watters, Hayes, Spender, Farino, Barton, Minter, Keggan, Creedon, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to nominate **JOE FARINO** as **VICE CHAIRMAN** of the 2017 Mansfield Township Land Use Board.

SECONDED: HAYES.

Those in favor: Mayor Watters, Hayes, Spender, Farino, Barton, Minter, Keggan, Hight, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **VAEZI** to appoint **PATTI ZOTTI** as **Secretary/Clerk** of the 2017 Mansfield Township Land Use Board.

SECONDED: BARTON.

January 18, 2017 minutes

Page 2.

Those in favor: Hayes, Spender, Farino, Barton, Minter, Keggan, Hight, Mayor Watters, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **HAYES** to appoint **WILLIAM EDLESTON, ESQUIRE** as **BOARD ATTORNEY** for the year 2017.

SECONDED: HIGHT.

Those in favor: Spender, Farino, Barton, Minter, Keggan, Hight, Mayor Watters, Hayes, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **MAYOR WATTERS** to appoint **DREW DI SESSA, P.E.** of Pennoni Associates, Inc. at **BOARD ENGINEER** for the year 2017.

SECONDED: BARTON.

Those in favor: Farino, Barton, Minter, Keggan, Hight, Mayor Watters, Hayes, Spender, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to appoint **JOSEPH LAYTON, P.P.** of Maser Consulting as **PLANNER** for the year 2017.

SECONDED: VAEZI.

Those in favor: Barton, Minter, Keggan, Hight, Mayor Watters, Hayes, Spender, Farino, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **MAYOR WATTERS** to approve the **MEETING DATES** for the Mansfield Township Land Use Board for the year 2017.

SECONDED: VAEZI.

Those in favor: Minter, Keggan, Hight, Mayor Watters, Hayes, Spender, Farino, Barton, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **BARTON** to approve **THE EXPRESS TIMES** as the **OFFICIAL NEWSPAPER** for the year 2017.

SECONDED: HAYES.

January 18, 2017 minutes

Page 3.

Those in favor: Keggan, Hight, Mayor Watters, Hayes, Spender, Farino, Barton, Minter, Vaezi.

Opposed: None.

Abstained: None.

The Chairman appointed **Joe Farino** and **Dave Spender** as the **Financial Oversight Committee** for 2017.

MOTION was made by **VAEZI** to authorize the execution of the **2017 Professional Contracts**.

SECONDED: BARTON.

Those in favor: Hight, Mayor Watters, Hayes, Spender, Farino, Barton, Minter, Keggan, Vaezi.

Opposed: None.

Abstained: None.

MOTION was made by **MINTER** to approve the **minutes** of the **November 21, 2016** meeting, as written.

SECONDED: HAYES.

Those in favor: Hayes, Spender, Farino, Minter, Keggan, Vaezi.

Opposed: None.

Abstained: Mayor Watters, Barton, Hight.

Case #16-04, Rhodes-Sheninger Revocable Trust Resolution

Mayor Watters mentioned that DiSessa wanted a letter from the Morris Canal Commission.

DiSessa replied he had not seen any correspondence from the Commission.

Barton questioned the need for the riparian buffer if there were wetlands. Edleston replied the applicant testified there were no existing waterways in that area of the canal.

MOTION was made by **VAEZI** to approve the resolution for **Case #16-04, Rhodes-Sheninger Revocable Trust**, as presented.

SECONDED: HAYES.

Those in favor: Hayes, Farino, Minter, Keggan, Cruts, Vaezi.

Opposed: None.

Abstained: None.

Edleston indicated the meeting could be opened to the public since there were no further matters to address on the agenda.

David Norris, Esquire, and **Joseph Toscano**, representing **NJ Cars**, Route 57, introduced themselves. Norris explained there is a pre-existing resolution regarding the NJ Cars property, and they were appearing seeking clarification of the conditions cited in the resolution. Norris indicated the discussion that took place during the testimony revolved around the display cars vs employee and customer cars located outside the fence line. Norris indicated there have been violations issued regarding “vehicles” outside the fence, and it is clear that cars for sale are prohibited. Norris stated they are seeking clarification that employee and customer cars are allowed to park outside the fence.

Edleston stated it would have been preferable to approach the board after filing a formal application in order to discuss the matter. Edleston related that Mr. Norris’ client did not show up for the hearing where this matter was discussed during a formal application, and there was no one present to clarify or present testimony on their behalf. Norris replied the prior business owner testified that the sale of used cars took place prior to the business being taken over by his client. Edleston stated there is a clear unlawful expansion of the use at this point.

Several board members expressed their opinion that it was understood the customers and employees could park outside the fence, but it would have been helpful to have heard both sides of the story during the application phase.

DiSessa related there are court summons that need to be addressed, but he wasn’t the zoning official who wrote them. The court case was adjourned to the end of February stated DiSessa.

Minter stated his opinion did not include prohibition of the customer and employee cars from parking outside the fence. Minter stated his opinion concluded the “operation” of the business outside of the fence was his concern, and cited the car carriers and tow trucks as examples.

Vaezi again indicated it was difficult to judge the matter without hearing both sides, but the decision had to be made based on the testimony heard by the board.

Edleston stated that Norris’ client would have to make a formal application before the board if they wanted to present a case.

Carol Thompson, Route 57, Port Murray, stated she had spent nine years putting up with the matter, and had spent \$20,000 in an attempt to keep her property and neighborhood in a neat condition. Thompson stated the junkyard proprietors do not live in Mansfield, but her family does. Thompson stated their operation is supposed to be behind the fence, and that was clarified by deed, Superior Court, Ordinance, etc.

January 18, 2017 minutes

Page 5.

John Thompson, Route 57, Port Murray, attempted to distribute photographs of vehicles parking outside of the fence. Edleston indicated there was no formal application being heard, and no exhibits would be accepted. Thompson stated they never had a problem with the employees and customers parking outside the fence.

Mrs. Borden, Cheerio Lane, Port Murray, indicated this has been an issue for a very long time. Borden explained she did something minor at her home, but related her variance experience. Borden stated the roll backs used to be outside the fence all day, but the last three weeks it has been only customer and employee cars. Borden stated the property is not kept well.

Minter explained the Board's intent is to deal with everyone fairly, and indicated the prior resolution doesn't preclude NJ Cars from making a formal application to discuss the matter further.

Further discussion took place between Mr. & Mrs. Thompson, and Mrs. Borden, and they offered further opinions that the laws should be enforced, and the Township should do what is right and correct.

The public portion of the meeting was closed to further comments.

Under old/new business, Minter asked what matter was referred to in the Warren County Planning Department letter in the packet. Zotti replied there was no block and lot reference in the letter, but thought the matter referenced the Township of Mansfield salt shed.

DiSessa reported that he would be visiting the Yusen Logistics property to do a follow up inspection of their improvements.

Regarding The Meadows development, DiSessa stated he received a file map for Phase I to review. DiSessa indicated the applicant wants to file the subdivision map with the County, and they submitted a zoning permit application for the construction of model homes. DiSessa related the project has been held up because of the water and sewer issues.

Further discussion took place regarding the phasing, and the extra lots they might ultimately apply for. Edleston stated there might be some further negotiation once they make their formal application.

MOTION was made by **FARINO** to authorize payment by the Township Committee for the **invoices** submitted by the professionals.

SECONDED: BARTON.

January 19, 2017 minutes

Page 6.

Those in favor: Spender, Farino, Barton, Minter, Keggan, Hight, Mayor Watters, Hayes, Vaezi.

Opposed: None.

Abstained: None.

Minter asked for an update on the McKevitt/neighbor zoning matter. DiSessa indicated the neighbor appears to be operating an excavation business from his property. DiSessa stated he has spoken with the property owner, and he is willing to come to the board to address the matter.

The Chairman adjourned the meeting at 8:37 PM.

Respectfully submitted,

Patricia D. Zotti, Clerk