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Township of Mansfield

- County of Burlington -
ZONING BOARD
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MANSFIELD TOWNSHIP ZONING BOARD OF ADJUSTMENT MINUTES

Tuesday, September 3, 2013

WORK SESSION

WORK SESSION MEETING: 7:00 P.M.

REGULAR MEETING

CALL TO ORDER: Meeting was called to order at 7:21PM.

FLAG SALUTE:

ROLL CALL:

Board Members: Randy Allen, James Blackwell, Robert Harrison, William Tahirak, Richard Tarantino, Ralph Wainwright and Alfred Vardalis.

Absent: James Soden and Jeanne Zalegowski

Professional Staff: Thomas J. Coleman, III, Solicitor; Charles Petrone, Solicitor; Louis Glass, Planner; Harry McVey, Planner; Mark Malinowski, Engineer; Al Litwornia, Traffic Engineer

OPENING STATEMENT:

Read by the Secretary

PUBLIC COMMENTS:

Chairman Taharik opened the public portion of the meeting.

Hearing no comment, Mr. Wainwright made a motion to close the public portion and Mr. Allen Seconded.

MATTERS TO BE CONSIDERED BY THE BOARD:

PUBLIC HEARING:

Application Number ZB13-01UV, PFMJS: Blue Sky Communities, LLC, Block 25, Lot 7.09 & Block 25.02, Lot 18:

Application for a Density and Lot Yield Variance for Residential Cluster Development and Preliminary & Final Subdivision to allow subdivision of twelve (12) single-family housing lots in Phase Two of the Legends at Mansfield Development consistent with the Preliminary Major Subdivision Approval issued by the Planning Board in 2004.

Location: Legends Lane & Belmont Circle
Zoning District: R-1 – Residential
Application Filed: April 24, 2013

Patrick McAndrew, attorney for the applicant stated that testimony had been given for phase two of the subdivision which would require a density variance. The layout is as originally proposed. Mr. McAndrew stated that he met with staff and Township officials and sent letters to the Township professionals to address issues. Also letters were sent to the residents to explain what was going to be done to resolve some of the issues.

Mr. Malinowski made a comment pertaining to a cinder path that went around storm water detention basin, this is a maintenance issue. It was recommended that the pathway to be paved because it would be easier for homeowners to maintain. The applicant stated that they would refurbish with stone and cinder but did not say they would pave.

Another item is that the basin originally was to have two aerators and it is to Mr. McAndrews understanding that they fixed one but doesn't know status of other aerator.

Mr. McAndrew testified that the applicant met with residents and proposes to address the 6 issues

Mr. Gottlieb spoke of aerator; one was a fountain in the larger basin. It was operating very well but weeds have grown because basin wasn't being maintained. The DEP requires a permit to use chemicals to reduce weeds; this will take time, most likely a few weeks. They will install the second aerator.

A letter was sent to the residents dated July 10, 2013. In the letter the applicant agreed to the 6 points with specific timetables:

1. Blue Sky will install walls?
2. Interior of community will be graded out within 90 days of approval.
- 3: Blue Sky will revitalize area around Sales Trailer within 90 days of ZB Approval.
- 4: Will revitalize and install walkway around detention basin, wants cinder path.
5. Will have top pavement and address pot holes.
6. Will limit size of homes to 4,00sf; this will remain in effect for 5 years. Will not get building permit until work is done.

Exhibit a-5- July 10th, 2013, Blue Sky letter.

Mr. Glass went over his letter dated June 13, 2013. He received response report dated August 29, 2013. The major item was the homeowners association. They have included the home owner's document and updated subdivision plan dated Aug 28, 2013.

One item changed is the main sign out of front entrance. It is the same architectural size as previous, 32 sf; and the ordinance allows 36sf. The final text and graphics will be submitted once the planner decides.

Mr. Glass referred to HO documents where they indicated that the HO document will be re-established, wanted to know what that that means.

Jeff Weinflas sworn in. Mr. Weinflas stated that the homeowners association was governed by the entity which he felt was filed with the state, but was not so they mean they will re-file or re-institute with the state.

Mr. Glass asked about open space. Mr. Weinflas testified that open space will be dedicated to homeowners association which will fund the operation as well as rest of the open space.

Mr. Glass stated that they have hired professional manager.

Assuming the board votes yes, the phase two lots become individual lots.

Open space is not being maintained because there is no HO association.

Mr. Glass questioned the missing landscaping. Since then, the applicant has installed street shade trees.

Mr. Tahirak opened the meeting for public comment.

1. Venu Nagali, 30 Belmont.

Mr. Nagali spoke about the letter to residents. He did not receive a letter.

Mr. Coons stated that he sent the letters to all e-mails he had.

Mr. Nagali said it is not clear that homeowners association exists. He questioned the documentation about the 67% of people. Mr. Nagali also spoke of the maintenance. He stated that Blue Sky does not maintaining their own lots. He wants to know what is the need for another bond and what will it cover. He asked who is making improvements today and this has not been addressed.

Mr. McAndrew stated that the letter indicated 6 things they will do as conditions of approval. They are developers of phase II, not Phase I

2. Sukhd Bhardwaj, 36 Belmont.

Mr. Bhardwaj stated that the current lots are not mowed and the pond is horrible. Why aren't they taking care of the lots they have. They never cleaned up. It looks horrible. Mr. Bhardwaj stated that he would rather pay than have more neighbors. He said the applicant said they will only clean up if they get approval.

3. Ken Hersh, 13 Legends Lane.

Mr. Hersh stated that things have changed over the past 7 years. Things are improving. The real issue is that someone should be there 24/7. No one is watching. Mr. Hersh felt his cinder path will turn to grass and weeds needs asphalt which will last. Mr. Hersh stated that he would like things in working condition. There are some positives. They aren't perfect but they are making improvements.

4. Rewal Thind 34 Belmont Circle

Mr. Thind spoke of aerators in pond. He stated that there are supposed to have 2 large fountains. Not much money spent on property over the past 7 years. Rather have greenery rather than the 12 lots. Shouldn't change zoning from three acres to one. He doesn't think he got email.

Mr. Coons stated that the engineering calls for aerators, not fountains.

5. Tim Morelli 19 Belmont

Mr. Morelli stated that he is the newest member of community and feels that Mr. Gottlieb does build a good house. Mr. Morelli testified that he has lived here for a year. Wants to see a beautiful community. Wants the house and land and community to be beautiful. Mr. Morelli feels that the builder just needs some guidance from the Township. Make sure everything is documented and laid out in professional manner.

6. Mark Adaego, 18 Belmont Circle.

His house is surrounded by vacant houses and he is surrounded by weeds. Mr. Adaego has asked the applicant to clean it up to no avail. Would like to trust mike but they don't. Mr. Adargo stated that he has had to re-do his landscaping.

Mr. Coons stated that they never agreed to do more than 10 feet off the curve. That is all they have ever done and all they proposed to do. They have agreed to do this before they can build.

7. Kul Phogat, 15 Legends Lane,

Mr. Phogat feels that we need to make sure they keep up with the commitments. There was nothing for entrance way. If we give him permission to build, which is going to make sure he commits. Mr. Phogat stated that he is not happy with fountain and the new one doesn't work either. He makes money there. The best thing that happened was the trees. What holds him responsible to his commitment to do quality work? Mr. Phogat wants him to be responsible for what he undertakes.

8. John McKenna, 12 Belmont Circle,

Mr. McKenna stated that he is opposed to Phase II. He moved here 7 years ago. Blue Sky will come and go. Mr. McKenna stated that promises have been broke over and over. He asked ZB to require improvements made before lots.

Mr. Wainwright made a motion to close the public portion and Mr. Allen Seconded.

Mr. Weinflash took position on behalf of Blue Sky that they are not developer of phase I. Blue Sky would try to do whatever they can do, they are trying to complete the community. They will mow the lawns if the Township says so.

Mr. McAndrew stated that they have taken care of some things and, going forward, they will do everything before they can get building permit.

Mr. Allen made a motion to approve the use variance for density and Mr. Tarantino Seconded

Voted in the Affirmative: Randy Allen, James Blackwell, Robert Harrison, William Tahirak, Richard Tarantino, Ralph Wainwright and Alfred Vardalis.

Condition of Preliminary and Final subdivision: and variance to permit one additional sign.

1. Re-affirm that homeowners association is re-established and the required 67%.
2. Conditions have to be satisfied before building permit is issued.
3. Re-establish and confirm the Homeowners Association in writing within 30 days from DCA.
4. Applicant work with board professionals to make sure required bonds are established.
5. All of the lots owned by the owner be mowed within 7 days and continue to be maintained.
- 6 Subject to Mr. Glass' letter dated June 13, 2013 and Mr. Malinowski's letter dated June 27th, 2013 letter.

Mr. Allen made a motion to approve the preliminary and Final and Mr. Tarantino Seconded

Voted in the Affirmative: Randy Allen, James Blackwell, Robert Harrison, William Tahirak, Richard Tarantino, Ralph Wainwright and Alfred Vardalis.

APPROVAL OF MINUTES: July 1, 2013 and August 5, 2013

**Mr. Allen made a motion to approve the minutes from the July 1, 2013 and August 5, 2013 meetings as presented and Mr. Tarantino seconded.
Motion passed with a unanimous voice vote.**

BILL LIST:

**Mr. Allen made a motion to approve the bill list and Mr. Wainwright Seconded.
Motion passed with a unanimous voice vote.**

**Mr. Allen made a motion to go into closed session at 9:02PM and Mr. Wainwright seconded.
Motion passed unanimously with a voice vote.**

RESOLUTION NUMBER 2013-10-18

Resolved that pursuant to Section 8 of the Open Public Meetings Act, the public shall be excluded from that portion of the meeting involving discussion of Personnel & Litigation.
Further Resolved that discussion of such subject matter in executive session can be disclosed to the public when the matter has been resolved.

NEXT SCHEDULED MEETING: Monday, October 7, 2013

MOTION FOR ADJOURNMENT:

**Mr. Allen made a motion to adjourn at 9:07PM and Mr. Tarantino seconded.
Motion passed unanimously.**

Submitted by: Sheri L Hannah, Secretary