

# GREEN TOWNSHIP BOARD OF ADJUSTMENT MINUTES

Regular Meeting of October 3, 2013

@ 7:05 PM, Board Chairman, Gene Bambara CALLED THE MEETING TO ORDER, then led members in reciting the PLEDGE OF ALLEGIANCE followed immediately by his reading the OPEN PUBLIC MEETING STATEMENT.

ROLL CALL: The Board Secretary – Desiree L. Dunn called the Roll finding Eugene "Gene" Bambara; Matthew Fox; Sharon Mullen; William "Bill" Neilan; Jason Reinbold; Michael Roller and Carmine Torella in attendance. Also present: Board Attorney - Lyn Paul Aaroe.

## MOTION TO EXCUSE ABSENT MEMBERS:

Board Secretary confirmed that Michael Muller and Lou Tommaso had notified her of their absence.

- Fox so moved. Neilan seconded. VOICE VOTE: All members present voted "aye" in the affirmative. No abstentions. No objections. Motion carried.

## MOTION TO APPROVE MINUTES (from June 6, 2013)

Corrections: Neilan - delete "s" from his name.

- Fox moved to approve. Neilan seconded. VOICE VOTE: Mullen - ABSTAINED. All other members present voted "aye" in the affirmative. No objections. Motion carried.

## ORDINANCES:

### **A. #2013 - 10: Revised Planning Board & Board of Adjustment Applications & Checklists -**

Revised document and supporting documents, to date, presented to the Board of Adjustment before it proceeds to the Planning Board for review and determination of consistency with the Master Plan.

**NO BOARD ACTION TAKEN.**

RESOLUTIONS: None

OLD APPLICATIONS: None

## NEW APPLICATIONS:

#1) BA 1314: Stenziano / Baudoin - Amended "c" Variance (former #ZB 304) "CLOSET ADDITION"  
Property: Bl. 20, L 6 (190 Pequest Road)

a. Determination of Completeness - Chairman introduced application. Board asked about the date of former application. Board reviewed documents. Board Attorney and Chairman elaborated. Found the drawings and narrative sufficient, including the mark up provided of the former application #ZB 304. Chairman entertained a motion of Completeness.

- Fox so moved. Reinbold seconded. ROLL CALL VOTE: Reinbold - YES; Mullen - YES; Neilan - YES; Fox - YES; and, Bambara- YES. NO abstentions (Alternates excluded from vote due to quorum). No objections. Motion carried.

b. Public Hearing - Applicants, Vincent Stenziano and Eleanor Baudoin were sworn in @7:20 PM and WERE asked to elaborate and explain the application, including a description of alternatives to the "c" variance requested. Stenziano explained that closet space is all that his home needs. There were closets in application #ZB 304 for an addition, but he no longer wants the proposed structure. Chairman suggested the resolution clearly state that the closet will be in place of the addition. Board questioned why a new application was needed. Board Attorney explained that they had 1 year to build and it expired requiring a new application. Board Secretary explained that right or wrong, she charged lesser fees / escrow because she interpreted it as an Amended application yet assigned the new number to relate to the new accounting system. Board

members asked for an explanation of zoning schedule. **Stenziano** responded that house is noncompliant. Original porch was constructed causing the existing lesser setback. 57.5 feet to replace 60.6 setback to newly constructed entry. **Board Attorney** explained that any new construction in front yard setback causes variance.

Seeing no one in the audience, the **Chairman** opened and closed the meeting for Public discussion on the matter @ 7:29 PM then entertained a motion for APPROVAL of the application.

- **Mullen so moved. Fox seconded. ROLL CALL VOTE: Reinbold - YES; Mullen - YES; Neilan - YES; Fox - YES; and, Bambara- YES. NO abstentions (Alternates excluded from vote due to quorum being met). No objections. Motion carried.**
- **Motion entertained to allow the Board Secretary to SEND A LETTER TO THE ZONING OFFICER PRIOR TO MEMORIALIZATION ALLOWING THE ISSUANCE OF A ZONING PERMIT. Neilan so moved. Mullen seconded. ROLL CALL VOTE: Reinbold - YES; Mullen - YES; Neilan - YES; Fox - YES; and, Bambara- YES. NO abstentions (Alternates excluded from vote due to quorum being met). No objections. Motion carried.**

Discussion: Applicant thanked the Board Secretary for assistance with the application. Suggested, however, that the Township implement less cumbersome application procedures for simple "c" variance applications. **Chairman** and **Board Attorney** explained that an improved application is pending and the statutory reasons for the variance applications - "*No such thing as minor variances.*"

## #2) BA 1313: Doggie Chalet, LLC - "d" Variance "DOG HOTEL"

### a) Determination of Completeness - ONLY \*Request Letter received 9-18-13

**Board Review** - Discussion ensued regarding the following issues and questions: Location; Color photos are better than black & white; Process that ensued following preliminary completeness review by the Board Secretary and Chairman; additional pictures were requested; Sight distance and therefore requested the Board Engineer review, but an actual site visit would still be needed; Clarification needed as to whether dogs would be in the garage and therefore sound proofing would be needed; Exact extent of existing / proposed fencing; Survey date.

**Board Attorney** described his conversation with M. Selvaggi, Esq., the applicant's attorney.

Further discussion ensued regarding the following issues / questions: Why the Hackettstown Planning Board was mentioned in the Zoning Officer's letter; Licensing required; Completeness whereby the quality of the visual materials presented was analyzed; Fencing vs. "dog-fencing"; Chain link fencing exists but new fencing is implied; Extent of tree clearing must be clarified, if any; Proximity of houses in the area and the lack of property owners' names on the map; **Chairman** polled the Board as to their determination on the question of completeness was satisfied to allow for a Public Hearing of the application; Board members said they would like to see the variance map checklist provided. Most believed application should be allowed to move forward to address deficiencies at Public Hearing on November 7th.

**Board Attorney** offered the suggestion that the Board could determine completeness with conditions in that there are no additional structures proposed. Several Board members expressed discomfort with proceeding in this manner and would like to see couple of items on the omitted checklist.

Discussion ensued regarding the aerial photos provided and whether topographic maps are required.  
Consensus: NO.

**Direction to the Board Secretary:** send application to Environmental Commission.

**Advice from the Board Attorney:** A finding of Complete does not bind the Board and waivers can be granted.

**Direction for the Board Engineer:** Request that a site inspection be conducted to check sight distances, paying special attention to the slope and looking North, as well as suitability of parking and lighting.

**Conditions to be addressed by the Applicant:**

- **Completion of the Variance Map Checklist**

- Fence details
  - Description of what's going on inside the fence area
  - Number of animals
  - Status of County Health Department approval
  - Granted- waiver of #9 of the Admin. Checklist – third party approvals
  - Clarification of the property boundary discrepancy between the survey and the tax map;
  - Granted - waiver #5 of the D Variance checklist – no new structures
  - Captioned photos requested
  - Date of photos requested
  - Granted - waiver #1 of the survey map showing surrounding properties (marginally acceptable)
  - Granted - waiver #3 of the D Variance checklist - alternative uses considered
  - List of adjoining prop. owners
- Motion granting COMPLETENESS with narratives and waivers listed and described above. Roller so moved. Neilan seconded. ROLL CALL VOTE: Torella - YES; Reinbold - NO; Mullen - YES; Neilan - YES; Fox - YES; and, Bambara- YES. No objections. Motion carried.

**GENERAL PUBLIC COMMENT:** Seeing no one in the audience, the Chairman opened and closed the meeting for General Public Comment @8:49 PM.

**OTHER BOARD BUSINESS:**

- Reports: Cross-Over Report – Bambara and the Board Attorney described the recent approval by the Planning Board of the Katherine Rodriguez / Crossed Keys application. The tent will stay during construction and relocated afterward. Resolution addressed 3 to 5 - year monitoring.

**MOTION TO ADJOURN:**

- @ 8:52 PM, Neilan moved for adjournment. Fox seconded. VOICE VOTE: All members present voted "aye" in the affirmative. No abstentions. No objections. Motion carried.

Minutes respectfully submitted by:

  
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 Desiree L. Dunn, Secretary  
 Planning Board & Board of Adjustment

***✓ Approved November 7, 2013***

ORDINANCE NO. 2013-10

AN ORDINANCE AMENDING CHAPTER XXX OF THE  
CODE OF THE TOWNSHIP OF GREEN, SUSSEX COUNTY, NEW JERSEY  
ENTITLED "LAND USE REGULATIONS" BY AMENDING  
SECTION 30-5.7 REGARDING LAND USE DEVELOPMENT  
APPLICATION COMPLETENESS CHECKLISTS

BE IT ORDAINED by the Township Committee of the Township of Green, in the County of Sussex, State of New Jersey, as follows:

Section 1. Section 30-5.7 "Completeness Checklist" of the Code of the Township of Green is hereby amended to read as follows:

- a. (No change)
- b. (No change)
- c. (No change)
- d. (No change)
- e. Pursuant to the provisions of N.J.S. 40:55D-10.3 there are herewith adopted the following Land Use Development Application Completeness Checklists:

Planning Board

1. Checklist A: Development Applications - General Information
2. Checklist B: Minor Subdivision Plat Details
3. Checklist C: Preliminary Plat - Major Subdivision
4. Checklist D: Final Plat - Major Subdivision
5. Checklist E: Minor Site Plan
6. Checklist F: Preliminary/Final Site Plan

Zoning Board

7. Checklist Form #1 - Application for Variance or Appeal
8. Checklist Form #2 - Application Checklists
9. Checklist Form #3 - Request for Property Tax Search
10. Checklist Form #4 - Request for List of Property Owners
11. Checklist Form #5 - List of Property Owners and Manner Served
12. Checklist Form #6 - Affidavit of Applicant/Affidavit of Ownership
13. Checklist Form #7 - Corporation or Partnership Form
14. Checklist Form #8 - Site Inspection Authorization/Application Fee Statement
15. Checklist Form #9 - Publication Requirements
16. Checklist Form #10 - Notice of Public Hearing
17. Checklist Form #11 - Affidavit of Proof of Service of Notice of Hearing
18. Checklist Form #12 - FAR Calculations (and Ordinance)

See Checklist Schedules Forms A through F and Checklist Schedule Forms 1 through 12 attached to and made part of this chapter.

Section 2. When Effective. This ordinance shall become effective upon passage and publication as required by law.

ATTEST:

TOWNSHIP OF GREEN  
IN THE COUNTY OF SUSSEX

\_\_\_\_\_  
Linda Peralta  
Township Clerk

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Daniel C. Conkling  
Mayor, Green Township

**Record of Vote – Introduction:**

	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Mr. Bilik	✓			
Mr. Chirip	✓			
Mr. Kurzeja	✓			
Mrs. Phillips	✓			
Mr. Conkling	✓			

INTRODUCED: 09/23/2013  
PUBLIC HEARING: 10/28/2013  
ADVERTISED ADOPTION:

ADVERTISED INTRODUCTION:  
ADOPTED: