

**GREEN TOWNSHIP BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING, February 5, 2015**

CALL TO ORDER: @ 7:33 PM, the Board Chairman, Eugene Bambara **CALLED THE MEETING TO ORDER** and then led everyone in recitation of the **PLEDGE OF ALLEGIANCE**. He then read the **OPEN PUBLIC MEETING** statement.

ROLL CALL: The Acting Board Secretary, Patty DeClesis called the Roll finding Eugene Bambara, Louis Tommaso, Matthew Fox, Sharon Mullen, Michael Muller, Michael Roller, Carmine Torella and Dennis Walker in attendance. Also present: Lyn Aaroe, Esq.; John Miller, P.E. and, Jessica Caldwell, P.P.

OATHS OF OFFICE FOR REAPPOINTED / NEW MEMBERS: None

MOTION TO EXCUSE ABSENT MEMBERS: None

MOTION TO APPROVE MINUTES: *from December 4, 2014*

Changes requested: None

- Fox so moved. Walker seconded. ROLL CALL VOTE: Bambara – YES; Tommaso – YES; Fox – YES; Mullen – YES; Muller – ABSTAINED; Roller – YES; Torella (*who said he arrived after Roll Call on 12-4-14*) – YES; and, Walker - YES. No objections. Motion carried.

MOTION TO APPROVE 2014 ANNUAL REPORT: *As provided by Board Attorney.*

DISCUSSION: Board Attorney explained. Board Chairman entertained a motion to approve and forward to the Town Committee.

- Muller so moved. Mullen seconded. VOICE VOTE: All eligible members present voted “aye” in the affirmative. No abstentions, No objections. Motion carried.

OLD / PENDING APPLICATIONS:

1. #BA 1405: Alles, Jayne & Charles – “c” Variance; Bl. 45, L. 18 (33 Shore Road)

DISCUSSION: Ken Fox, Architect & Planner representing the applicant, presented his qualifications to the Board and was duly accepted. Described his role on behalf of the applicant. He presented and offered details regarding the following:

Exhibit – A-1, modified floor plans;

Exhibit A-2, modified site layout; Exhibit A-3, modified street lakeside view; and,

Exhibit A-4, Photo display of neighborhood and adjacent homes.

He described modifications made in response to Board and neighbors’ concerns and the different neighborhood studies conducted – footprint comparisons, overall square footage, number of stories, and existing garages. He discussed the studies made finding that the proposed house is similar, “roughly in the middle” of homes in the neighborhood. He attested to case law supporting the granting of this variance since it is fairly typical to the neighborhood. Neighborhood comprised of mainly small homes, most with garages. Presented that no negative impact on neighbors or neighborhood. Attested to case law requiring no substantial negative impacts. Attorney questioned whether similar analysis had been conducted regarding the 10 ft. setback. He answered in the affirmative and described his estimates of primarily 10 to 15-ft. setbacks, as well as similar grades, i.e. very steep driveways on the lake side. Discussion ensued regarding planner’s drawing of driveway profile versus engineer’s drawing and described details. Said they’d be willing to put electric heat at the beginning of driveway to mitigate icy conditions. Board questioned driveway access, house styles requiring built-in garages below livable space, like bi-levels, and 2-story homes. @8:06, Fox sworn in for testimony given and to proceed. Jeff Carreaga, P.E. attested to still being under oath. Carreaga questioned about septic location. Carreaga described mandatory setbacks for same due to flood hazard area. He described his efforts with the DEP to allow different options for septic, grading, and house size including garage, allowed by permit. Limited to 5,000 sq. ft. Discussion ensued and Fox described how a bi-level wouldn’t work because of septic system placement in front. Carreaga described how all various options were explored. Described changes made, to date: driveway; retaining wall; changes to grade to catch

storm water; side yards and decking. Board questioned riparian buffers. Discussion ensued. Discussion ensued regarding riparian buffer permits, and level of disturbance to occur.

Miller and **Caldwell** asked if they had comments. **Miller** stipulated details from his report. **Carreaga** answered in detail. Board questioned whether a guide rail would be installed. **Carreaga** answered in the affirmative. Said they added a turn-around area at the top of the driveway. **Caldwell** stipulated that a variance is required from the buffer area and the type of variance now sought. **Fox** explained that that it is a building lot with certain constraints and the Board has the ability to grant those variances due to accommodations presented to make it fairly typical to the neighborhood. Board expressed concerns about site suitability and whether or not application has reduced the deficiencies to the greatest extent possible and if grading is to blame, can 300 ft. buffer be shown on the plan. Discussion ensued regarding driveway access into garage and specifics regarding setbacks and possible different slopes. Board questioned minimum distance from the septic system and different house styles. Explanations given. **Carreaga** testified that 6 or 7 house styles were investigated, however, the DEP regulations limited options to this one as the best house style to consider. **Fox** read applicable Case Law.

Miller expressed that he was satisfied with submission, to date. **Caldwell** reiterated planning variance requirements: side yard, 2 minimum lot widths, and minimum lot area. @8:36 PM, the **Chairman** opened the meeting to Public Comment on the matter and asked each participant to identify themselves and be sworn in.

1. **Claud Deltieure, son of adjacent neighbor** – Objection remains the same. Side yard still too small. Believes wrong design. Original choice of the house itself is causing their one concern with setback. Questioned the width of driveway. Board discussed the constraints explored to date and mentioned parallels with existing setbacks that they themselves have with other neighbors.
2. **Josel Delte, adjacent neighbor** – questioned width of home and compared house styles – one-level vs. two level.
3. **Kim Hart, neighbor on other side of boat launch** – Expressed that shouldn't be a building lot. Also concerned with overall elevation of home and not wanting it to look down on her home. Details given that this style minimizes the overall height. Discussion ensued where Board expressed that the house would be similar to the Hart home. Other concern was leaving some type of buffer to protect their rural view. Also questioned the well placement and septic placement. Discussion ensued regarding existing trees on adjacent lots. Testified that her previous variance involved a second story addition with no additional disturbance to the neighborhood.
4. **Claud Deltieure - Does 10 ft. setback involve a door and/or overhang.**

With no further comments offered, the Chairman closed the meeting to the Public.

Miller stipulated conditions needed with driveway, added drainage calculations, soil erosion application, grading, etc. etc. Discussion ensued regarding whether the Board was satisfied or wanted the application carried another month. General consensus of the Board was to review and visualize final plan. Attorney requested that the Allesses grant extension of time to allow further deliberation just in case it has exceeded the 120 days since application. Mr. & Mrs. Alles responded in the affirmative.

- @ 9:05 PM, Chairman moved that the case be carried to the March 5th meeting in that revised plans be provided at least 10 days prior. Stipulated that full set of site plan and architectural plans showing side view would be provided. Tommaso seconded. ROLL CALL VOTE: Bambara – YES; Tommaso – YES; Fox – YES; Mullen – YES; Muller – YES; Roller – YES; Torella - YES; and, Walker - YES. No abstentions. No objections. Motion carried.

@9:09 PM, the Chairman called a short break. @9:17 PM, the Chairman resumed.

NEW APPLICATIONS:

1. #BA 1501: Cellco / Verizon Wireless – “d” Variance – Cell Tower. / Bl. 5, L. 2.02 (140 Shotwell Road)
 - Muller recused himself from the Board and left the dais due to conflict of interest.

DISCUSSION: David Soloway, Esq. represented the applicant. Described that the applicant has no expectation to have the Public Hearing that evening.

a. **COMPLETENESS DETERMINATION:**

DISCUSSION: Miller itemized the following waivers noted in his January 29th Report.

- a. **Delineation** to be addressed later at the Hearing where it will be determined whether an LOI would be needed.

- b. **Scale.** He recommended granting that waiver.
- c. **Showing easements.** Soloway explained that none exist. Lease Agreement discussed. Miller agreed can be waived.
- d. **Physical features within 200 feet of property.** Recommended not granting said waiver. Soloway said originally thought it would require a survey.
- e. **Topography within 200 feet of property.** Miller recommended LIDAR Photography and explained how it can be obtained.
- f. **Site profiles at driveway** – Miller expressed concern with County waiver needed during construction. Soloway requested it be waived for Completeness pending Sussex County Planning review and approval.
- g. **Landscape plan** – no landscape plan to be provided because site surrounded by trees.
- h. **Storm water management.** – Recommended waiver of drainage details at this time.
- i. Building corner not provided.
- j. **Board of Adjustment Site Plan Checklist** – Plan scale and location of septic and fields can be waived.
- k. **EIS** will describe karst topography. Will have to provide a Phase 2 analysis. Can be waived for completeness only.

Caldwell stipulated her report. Pre-existing commercial buildings on site. Property taxed commercial. She said as well that aerials needed. Board questioned use of buildings. Variance requested from structure and tower. Preference for municipal lots and there are two in the vicinity. Soloway will address the matter. Described how both were investigated and found not possible. The **Chairman** polled the Board for further concerns / comments.

- **@9:47 PM, he entertained a motion for COMPLETENESS with further information to be provided, as per Miller’s report. Fox so moved. Roller seconded. ROLL CALL VOTE: Bambara – YES; Tommaso – YES; Fox – YES; Mullen – YES; Muller – ABSTAINED; Roller – YES; Torella - YES; and, Walker - YES. No abstentions. No objections. Motion carried.**
- **Fox so moved to GRANT WAIVERS requested and stipulated in Miller’s January 29th Completeness Report. Roller seconded. ROLL CALL VOTE: Bambara – YES; Tommaso – YES; Fox – YES; Mullen – YES; Muller – ABSTAINED; Roller – YES; Torella - YES; and, Walker - YES. No abstentions. No objections. Motion carried.**

At Soloway’s request, the **Chairman** entertained a motion to carry the case to March 5th with no need for further notice.

- **Walker so moved. Fox seconded. ROLL CALL VOTE: Bambara – YES; Tommaso – YES; Fox – YES; Mullen – YES; Muller – ABSTAINED; Roller – YES; Torella - YES; and, Walker - YES. No abstentions. No objections. Motion carried.**

OTHER BOARD BUSINESS:

- Cross-Over Report – Briefly discussed PB 1414: White application involving the realignment of the drainage easement on the Stone Meadows’ lot. Some discussion ensued.

MOTION TO ADJOURN:

@9:52 PM, Walker so moved. Mullen seconded. VOICE VOTE: All members present voted “aye” in the affirmative. No abstentions. No objections. Motion carried.

Minutes Respectfully Submitted by:

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

✓ APPROVED April 2, 2015