

GREEN TOWNSHIP BOARD OF ADJUSTMENT MINUTES

Regular Meeting of June 5, 2014

@ 7:09 pm, Board Chairman, Eugene 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 Bambara, Chairman; Louis Tommaso, Vice Chair.; Mathew Fox; and, Carmine Torella (Alt. #1) in attendance. Also present, Board Attorney Lyn Aaroe.

**Secretary's Note: The Board Attorney confirmed that the four (4) members present constitute a quorum of the Board.*

OATHS OF OFFICE FOR NEW / REAPPOINTED BOARD MEMBERS: None

MOTION TO EXCUSE ABSENT MEMBERS: Sharon Mullen, Michael Muller and Michael Roller

- Fox so moved. Tommaso seconded. No discussion. VOICE VOTE: All members present voted “aye” in the affirmative. No abstentions. No objections. Motion carried.

MOTION TO APPROVE MINUTES (from May 1, 2014)

The Chairman gave everyone a chance to review the minutes again. Corrections: None

- Tommaso so moved. Fox seconded. No discussion. VOICE VOTE: All members present voted “aye” in the affirmative. No abstentions. No objections. Motion carried.

NEW RESOLUTIONS: None

ORDINANCES: None

RESOLUTIONS: None

EXTENSION REQUEST:

A. #BA 1213: DOGGONE FARM - "d" Variance Granted May/June 2013. Compliance deadline: 6-6-14.

- 6 - month Extension Request Received 5-2-14. Related correspondence and proof of subsequent \$1,000 escrow deposit provided for Board review.
- Representing the applicant: Michael Selvaggi, Esq.

DISCUSSION: Selvaggi explained request, as per his letter of June 2nd. He described how they were delayed because they've been trying to answer County Health Officer, Ralph D'Aries' concerns with their application, as well as the Fire Marshall's. He described filing an application with the County and the engagement of Wade Wander to evaluate the need for DEP permits for fencing in the wetlands. Selvaggi described Wander's insight that it is “unregulated,” therefore DEP has no jurisdiction. The Board asked for a copy of a letter from the State to that effect to which Selvaggi said he didn't have one. He asked that the Board determine the condition either satisfied or eliminated. The Chairman expressed confusion with D'Aries' letter in that it refers to requirements for a non-traditional kennel contradicting previous testimony by the applicant that D'Aries was aware of the operation and seemed to be in favor. Selvaggi described how floor plans have been provided to the County showing that living quarters have been segregated to the upstairs whereas the kennel is downstairs and the existence of a Quarantine Room. The Chairman asked for background data regarding this correspondence to which Selvaggi responded he had none. Selvaggi expressed regret that the process has taken a lot longer than anticipated but is confident that when D'Aries comes to inspect, he'll be satisfied.

The **Board Attorney** asked **Selvaggi** if the Board grants an extension would he convey to the County that you're under a time constraint. He responded that he's been hesitant to do that because it could reflect badly on the applicant as it's not clear whether shorter or longer time would prompt the County to respond. The **Chairman** polled the Board for their opinions. Discussion ensued. A Board member disagreed with Wander's assertions that the DEP doesn't have a method for determining applicability and that wrapping wire around the trees in the wetlands doesn't constitute stream encroachment. He described the method as a Letter of Interpretation (LOI). The Board member said he has a lot of concerns. **Gabby Hartman** testified that the fence is the way it's always been and the dogs are not escaping. The **Chairman** questioned whether Ms. Hartman had to be sworn in. The **Board Attorney** responded no. Another Board member asked about the contradictory tone of D'Aries letter to what the Board approved and that the County doesn't seem on board. **Selvaggi** responded that indeed the County could decide they have to comply with State kennel rules. A Board member again questioned the type of fencing and would like to see the DEP determination and not only Wander's interpretation. The **Chairman** said his concern was how the board will monitor the application going forward and suggested periodic updates. Discussion ensued. The **Chairman** entertained a motion to approve the 6-month extension with updates to be provided for the file by the 1st of every month.

- **Fox so moved. Torella seconded. Roll Call Vote: Torella - YES; Fox - YES; Tommaso - YES; and, Bambara - YES. No abstentions. No objections. Motion carried.**

B. #1405: ALLES, JAYNE - "c" Variance (33 Shore Road) - Update

DISCUSSION: The **Chairman** explained that the Township has given him an update regarding the Board of Health's granting of some waivers for the septic system. **NO BOARD ACTION TAKEN.**

OTHER BOARD BUSINESS:

- Chairman's Report – None
- Secretary's Report – None
- Zoning Official's Report - 5-9-14 Report provided
- NJ Planner - March / April, 2014 provided

ADJOURNMENT

With no further business to address, the Chairman entertained a motion to adjourn the meeting.

- **@7:59pm, Fox so moved. Torella 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 September 4, 2014**