

# GREEN TOWNSHIP BOARD OF ADJUSTMENT MINUTES

Regular Meeting of September 4, 2014

**@ 7:04 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 Chairman directed the Board Secretary – Desiree L. Dunn to call the Roll finding Eugene Bambara, Chairman; Louis Tommaso, Vice Chair.; Sharon Mullen; Michael Muller; Carmine Torella (Alt. #1); in attendance. Also present, Board Attorney Lyn Aaroe; Board Engineer John Miller.

**MOTION TO EXCUSE ABSENT MEMBERS**: Mathew Fox (7:10 PM); Michael Roller (7:09 PM)

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

**OATHES OF OFFICE FOR NEW / REAPPOINTED BOARD MEMBERS**: The Board Attorney administered the Oathes to Carmine Torella, (4-year member expires 12/2014); and, Dennis Walker, (Alternate #2 expires 12/2015)

**MOTION TO APPROVE MINUTES**: The Chairman allowed the Board a few minutes to review the draft minutes from June 5, 2014, as provided.

Corrections: None

- Tommaso so moved. Torella seconded. ROLL CALL VOTE: Torella - YES; Tommaso - YES; and, Bambara - YES. No abstentions. No objections. Motion carried.

## **NEW RESOLUTIONS:**

**A. #BA 1213: DOGGONE FARM (Bl. 25, L 2 / 221 Brighton Road) - "d" Variance.**

DISCUSSION: The Board Chairman introduced the conditional 6-month extension granted June 6, 2014 that will expire December 6, 2014. The Board Attorney further explained the Resolution.

- Fox so moved. Tommaso seconded. ROLL CALL VOTE: Torella - YES; Fox - YES; Tommaso - YES; and Bambara - YES. No abstentions. No objections. Motion carried.

## **OLD APPLICATIONS:**

**A. #BA 1405: ALLES, JAYNE (Bl. 45, L. 18 / 33 Shore Road) - "c" Variance Request for new home.**

DISCUSSION: The Chairman offered an update. Board discussed whether the application has to be carried. The Board Attorney mentioned that a letter is needed from the applicant or it must be withdrawn or re-submitted. Board Secretary directed to contact the applicant for a written status report.

## **NEW APPLICATIONS:**

**A. @ 7:14 PM**, the Board addressed **#BA 1409: RUSSO, Nicole & Michael - "c" Variance(s)**

DISCUSSION: The Board Attorney explained the process involving first a Determination of Completeness and if deemed complete, a Hearing.

**a. DETERMINATION OF COMPLETENESS (Deadline June 20th)**: Discussion regarding the pre-reviews for completeness reports generated by Bambara and Fox. Fox questioned whether the house has two front yards. The Board Attorney found it to need 2 front yard setbacks, one side and one rear. The Chairman brought up the fact that the survey is rather old - 18 years and that it was prepared for the previous owner by Mr. Miller's firm, Suburban Consulting. The Board Attorney concurred that there is no conflict, due to being remote in time and remote in ownership, thus no conflict perceived. Fox described that he made a site inspection and found no discrepancies in what was submitted and what exists on-site. The applicants approached the Board to show a drawing showing the location of the septic and well. The Board Secretary questioned of the Chairman whether they should be sworn in. **@7:23 PM**, the applicants, **Michael Russo, Nicole Russo and Steven Nagle**, their carpenter and neighbor, were all sworn in. Fox questioned whether there exists a copy of the deed. Miller mentioned that the map provided for reference does not accurately relate to the

survey. For example, tenths of feet do not mean inches. The **Chairman** asked the Board Secretary to take note of the following checklist waiver requests:

**Administrative Checklist -**

- #9: (Corporation / Partnership);
- #11: (copies of any applicable approvals);

**Variance Map Checklist -**

- # 14: (Location of wells & septic systems within 100 ft. of the property);
- # 15: (Copy of approved Septic Permit);
- #18: (Location of wetlands); and,
- #19: (grades)

The **Chairman** opened it up for Board discussion. The Board expressed concern that the survey may no longer be valid. **Miller** described customary scenarios and the chance that the Zoning Officer would require an As Built which would result in a new survey. **Board members** also questioned how the applicant was able to determine locations of neighboring wells and septic systems. The applicant responded that they relied on neighbors physically showing them. More discussion ensued regarding accurate dimensions, and lack thereof. The **Board Attorney** questioned where the measurements were taken from and whether pins exist on the property. The applicant responded that they took the measurements from the fence behind their home. The **Board Attorney** pointed out that the fence is located off property. The exact distances from the dwelling were questioned further. The applicant responded they took measurements from the street and said their understanding was that they would not have to spend money for a new survey before they were granted any variances. **Board members** advised that it wouldn't cost as much to update a newer survey for an AS Built, which would likely be required for the issuance of construction permits. The **Board Attorney** described how it is an unreliable method. Discussion ensued. **Board members** expressed reservations about accepting an inaccurate survey document. **Board members** advised having a surveyor stake out the corners of the proposed structures on a new survey. The **Chairman** entertained a motion to find the application INCOMPLETE based on the data supplied.

- **Mullen moved that the applicant be deemed INCOMPLETE. Muller seconded. ROLL CALL VOTE: Torella- YES; Roller - YES; Muller - YES; Mullen - YES; Fox - YES; Tommaso - YES; and, Bambara - YES. No abstentions. No objections. Motion carried.**

**The Chairman** advised them to update setbacks on Page 6 and consider the slanted property line and concurrent off sets. He then entertained a motion to carry the application until October meeting, without requirement for new notice.

- **Torella so moved to carry to October 2nd without further Public Notice. Muller seconded. ROLL CALL VOTE: Torella- YES; Roller - YES; Muller - YES; Mullen - YES; Fox - YES; Tommaso - YES; and, Bambara - YES. No abstentions. No objections. Motion carried.**

**GENERAL PUBLIC COMMENT:** The **Board Engineer** questioned the form for F.A.R., which he could not find in the Ordinance. The **Board Secretary** explained that the old form needed to be updated for the new application package and the Board Planner found the same discrepancy, yet provided data for the update to be used in the Interim. He advised that FAR be investigated concurrent with the Township Ordinance revisions. **@8:26 PM**, the **Chairman** noted there was no one left in the audience to offer Public Comment and thus closed the meeting for Public Comment.

**OTHER BOARD BUSINESS:**

- **Chairman's Report** – Reiterated the process of revising the Township Ordinance and invited the Board to make comments or suggestions.
- **Cross-Over Report** – None
- **Secretary's Report** – None
- **Zoning Official's Report** - July, 2014 provided.
- **NJ Planner** - May / June, 2014 provided.
- **Other - Board members** questioned Doggone Farm and the concurrent Sussex County Health Department denial. The **Board Attorney** advised to give them until Extension expires on December 6th to see if they complied. **Board member** objected to signing the Personnel Policy's Sexual Harassment form because as a volunteer he should not have to sign. Discussion ensued.

**MOTION TO ADJOURN:**

- **@ 8:37 PM**, Torella so moved. Tommaso 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 October 2, 2014***