

GREEN TOWNSHIP LAND USE BOARD MINUTES  
REGULAR MEETING  
December 12, 2024  
Green Township Municipal Building

**CALL TO ORDER:** The December 12, 2024 Regular meeting of the Land Use Board was called to order by the Land Use Chairman, Mr. Scott Holzhauser, at 7:05pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. Holzhauser

Timothy Smith was not in attendance to read his Oath of Office.

**ROLL CALL:** Present: Mr. Joseph Cercone, Mr. Samuel Diaz, Ms. Douglass, Mrs. Jenny Kobilinski, Mrs. Sharon Mullen, Mrs. Margaret Phillips, Mr. Rick Wilson, Mr. Scott Holzhauser  
Also present: Mr. David Brady, Board Attorney, Ms. Jessica Caldwell, Board Planner, Mr. Cory Stoner, Board Engineer and Ms. Kim Mantz, Board Secretary  
Members Absent: Mr. Robert Cahill, Mr. Jim DeYoung, Mr. John Lynch, Mr. Jason Miller

A motion was made by Mr. Wilson to excuse absent members and was seconded by Mrs. Mullen  
All Ayes. No Discussion. Motion Carried. Abstentions: none

**MOTION TO APPROVE MINUTES:**

Land Use Board Minutes of August 8, 2024

A motion was made to accept the minutes with corrections by Mr. Wilson and seconded by Mrs. Mullen  
No Discussion. All Ayes. Abstentions: None

**Notice of adjournment:**

Application: LU#2309

Owner/Applicant: SAKS Properties, LLC

Block 35 Lot 8 – 57 Decker Pond Road, Andover, NJ 08721

**Action: None – this application has been moved to the January 9, 2025 meeting at the Green Township Fire House at 7pm.**

**RESOLUTIONS:**

Mr. Paul Gleitz, Conflict Planner

The CFO requires a resolution in order to pay Mr. Gleitz for his time serving as our Conflict Planner on the SAKS Properties Application at the meeting held in March. We only just received his invoice.

A motion was made by Mrs. Phillips and was seconded by Mr. Cercone to memorialize the services of Paul Gleitz as Conflict Planner.

Roll Call vote: Mr. Cercone, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mrs. Mullen, Mrs. Phillips, Mr. Wilson, Mr. Holzhauser

All Ayes. No Discussion. Motion Carried. Abstentions: none

**OLD BUSINESS:** None

**NEW BUSINESS:**

Application: LU#2423

Owner/Applicant: Alexis & Ashley Obolensky

Block 46 Lot 10 - 13 Crescent Road, Andover, NJ 07821

Action: Completeness and Public Hearing

Application LU#2423 began at 7:08pm

Mr. Brady stated he was provided with proof of publication and he found it to be in order.

This was originally considered a minor subdivision, but the requested variances triggered a major subdivision.

Mrs. Phillips recused herself due to the D variance for density.

Ms. Caldwell briefly explained the D5 variance.

Mr. Stoner stated the following items were requested waivers as listed in his report dated December 4, 2024:

Item #8 – LOI - A Letter of Interpretation from the NJDEP indicating the absence of freshwater wetlands or indicating the presence and verifying delineation of freshwater wetlands.

Item #31 - Environmental Impact Statement.

Item #36 - Construction details of all improvements.

Item #40 - Site profile for all proposed driveways and intersections.

Item #41 - Buffer zone and landscaping plan including the size, location, species, and quality of any tree and shrub.

Item #42 - Prior to submission of a preliminary plat or application of a subdivision approval, all proposed lots shall be marked with corner stakes and flags and elsewhere as necessary to determine the boundary of all lots by visual inspection.

Item #43 - After approval, 2 drawings shall be filed with the clerk and one digital copy.

Item #56 - Two copies of an as built.

Item #62 - A description of the alternative uses for the property that were considered.

Mr. Stoner believes based on review of the information submitted, all the above items can be temporarily waived for the purpose of hearing the application. If the Board requests a specific item, it can be listed as a condition of approval.

A motion was made by Mr. Cercone to grant the requested waivers and deem application LU#2423 complete. It was seconded by Ms. Douglass.

Roll Call vote: Mr. Cercone, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mrs. Mullen, Mr. Wilson, Mr. Holzhauser

All Ayes. No Discussion. Motion Carried. Abstentions: none

Mr. Alexis Obolensky, Applicant, was sworn in by Mr. Brady.

Mr. Don Dyrness or Main Street Custom Homes in Succuasunna was sworn in by Mr. Brady.

Mr. Stewart, Applicant's Engineer, was sworn in by Mr. Brady.

Mr. Obolensky gave a brief description of why they would like to put the addition on their home at 13 Crescent Road. He stated they are going to be adding a 2-car garage with a mud room and pantry on the 1st floor and a master bedroom, master bathroom and a second bedroom upstairs. They will be removing the two bedrooms downstairs to create a large living area.

Mr. Obolensky explained that there were two adjacent lots behind their property that were close to the edge where they wanted to build the garage. They contacted the woman who owns the properties and entered into an agreement and they have now acquired those two properties. The applicant is proposing to enlarge their current lot and take the other two lots and combine them into a buildable lot for a total of 2 lots from the original 3.

He then went on to explain his understanding of the D5 use variance and how this subdivision would actually be better because it would be only two houses and two septic, as opposed to three houses and three septic. Mr. Obolensky also believes the addition of one home would not be detrimental to the neighborhood. He continued by explaining the C variance in which he believes he would be improving the lots because the subdivided lot would be larger.

Ms. Caldwell briefly explained the density variance. Mr. Obolensky stated he believed that even with the new lot being half an acre, it is still about the same size, or even larger, in some cases, than the lots in that neighborhood. This proposal would also help modernize the Applicant's home there is no garage, no basement and no attic for any kind of storage.

Mrs. Mullen asked that even though the lot is merged as one right now, would the Applicant still need a variance. Mr. Stoner stated the Applicant would still need a variance for the front yard setback. Mrs. Mullen stated that this property is still substandard even though 3 lots have been merged to one. She disagrees with dividing to two proposed substandard lots to make them even more undersized.

Mr. Dyrness submitted exhibit A101 which is the proposed floor plan with pictures. He proceeded to explain the photos of the existing home and the proposed addition. The First floor would contain a new garage, pantry and mudroom. The center walls, closets and doorways would be removed to open up the living area. The second floor would include Master bedroom, master bathroom, 2 walk in closets and a new guest bedroom. The bedroom count does not change. The two bedrooms from the first floor will be moved to the second floor. The garage will be a slab on grade and the pantry and mudroom would be flush with the first floor. The total square footage of the addition is about 860 sq ft and the existing home is about 1550 sq ft.

Mr. Fred Stewart, the Applicant's Engineer, reviewed his qualifications and the Board found him acceptable to proceed.

He briefly explained each lot. Lot 10 fronts on Crescent Road and has an existing home on it. Lot 11, which is a corner lot, fronts on Crescent Road and Willow Terrace and Lot 12 also fronts on Willow Terrace. This was originally a minor subdivision, but because variances were needed, it triggered a preliminary and final major subdivision. The applicant would like to combine lots 11 and 12 and then relocate the lot line with Lot 10 about 23 feet to the east and that will take care of the side yard for the addition.

Lot 10 has five pre-existing non-conforming conditions. Lot area is 0.382 acres where 1.5 acres is required. The density is 0.382 acres where 1.5 acres is required, the width at the street line is 100 feet and it requires 112 feet. The width of the setback line requires 190 feet, we have 100 feet. Also, the front yard setback requires 60 feet where there is 49.6 feet to the corner of the existing home.

Lot 11 has three pre-existing non-conforming conditions. Lot area is 0.331 acres where 1.5 acres is required. The density is 0.331 acres where 1.5 acres is required, the lot width at setback line is 99.75 feet and it requires 190 feet. Lot 12 has four pre-existing non-conforming conditions. Lot area is 0.275 acres where 1.5 acres is required. The density is 0.275 acres where 1.5 acres is required, the width at the street line is 80 feet and it requires 112 feet. The width at the setback line is 80 where 190 feet is required.

Mr. Stewart pointed out all of the properties in the neighborhood are all similar in size and shape to this proposed lot. A home, driveway, well and septic can fit on this undersized lot.

The lot area for the proposed lot 10.01, formally lot 10, would increase from .383 to .450 acres and proposed lot 11.01, formally lots 11 and 12, will now be .538 acres. There are still variances needed for proposed lot 10.01 which are similar to the ones for lot 10 but by adding the extra land it decreases the intensity.

If the proposed lot 11.01 remained as two lots, there would still be variances needed. Lot 11 would require 4 variances and lot 12 would require 3. The building envelopes exhibit was submitted as A102. This diagram shows that if the lots stayed the same the areas are very small, which require additional variances on both lots to build. Both lots 11 and 12 were vacant and owned by the same family but separate people. The Applicant acquired the properties about 3 months ago for a total of about \$15,050 and there were two separate deeds.

The Applicant stated it was not his intent to build a home on the vacant lot as of now, his focus is on the addition.

There was a brief recess called at 7:53pm called by Mr. Holzhauser to have a discussion with Mr. Brady regarding the upcoming changes to the Master Plan.

The meeting resumed at 7:58pm.

Mr. Brady explained to Mr. Obolensky that the reason for the recess was to discuss the upcoming Master Plan review. He stated there is the possibility of a proposed lot size change in the Lake Tranquility area and that this change could alter the intensity of the variances requested in order for him to subdivide. Mr. Brady suggested the applicant may want to ask for a continuation and come back after the Master Plan has been adopted.

Mr. Holzhauser opened the meeting up to the public.

Mr. Doug Van Brunt of 18 Crescent Road was sworn in by Mr. Brady.

Mr. Van Brunt started by saying he applauds his neighbors for trying to better their home and property, but he disagrees with the subdivision portion of the application. He believes this will over populate an already crowded area and would cause more wear and tear on the roads and more traffic. There would be more stress on the aquifer and increased construction traffic and noise.

Mr. Obolensky addresses Mr. Van Brunt by saying he understands where Mr. Van Brunt is coming from, but his proposal is only for 1 additional house.

There was an additional brief recess called at 8:07pm to allow the Applicant time to hold a discussion with his Professionals.

The meeting resumed at 8:14pm.

Mr. Obolensky returned from the recess by stating he would like to take the subdivision off the table and only proceed with the variance needed for the proposed addition on the entire, combined lot.

Mr. Obolensky requested the Board continue to hear the application with only the variances for the addition on his combined lot so he can proceed with construction permits.

After a brief discussion about whether the Board can proceed with only the addition, Ms. Douglass suggested we move forward to help the Applicant. Mr. Brady stated Mr. Obolensky needs to amend the application to remove the subdivision.

Mr. Stoner stated there needs to be additional conditions such as:

Verification of sufficient septic.

New maps showing full lot.

Driveway permit and driveway information need to be added to the variance plan.

Zoning permit

Revised variance plan subject to Professionals review

Filing of the Deed to officially merge all lots.

Mr. Holzhauser opened the meeting up to the public. Mr. Van Brunt stated this was in line with his original proposal when he spoke last time. He was hoping the lot would not be subdivided and it would just be the addition. He said this is more consistent with what is currently in the neighborhood with the exception of one house.

Mr. Brady confirmed the application is being amended to only seek approval for the bulk variances associated with the addition to the house. The conditions of this approval are:

A new variance plan and zoning chart.

Driveway permit.

County to verify this bedroom size.

Merger deed to get filed.

Mr. Obolensky has withdrawn the major subdivision portion of this application but has the right to come back in the future to file an application to subdivide his lot.

The applicant agreed to the conditions and will provide all the necessary documents.

Mr. Brady asked Kim if the applicant could submit construction permits and could begin construction without the resolution. Kim responded that as long as it is OK with the Board and it is on record, that they can start with construction permits.

Mr. Brady explained the appeal process and how there are 45 days from the day the resolution is published which provides a risk for the Applicant if the construction process is started before that appeal window is up. Mr. Obolensky understood the risk.

A motion by Mr. Diaz to approve amended application LU#2423 with the conditions listed above. It was seconded by Ms. Douglass.

Roll Call vote: Mr. Cercone, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mrs. Mullen, Mr. Wilson,

Mr. Holzhauser

All Ayes. No Discussion. Motion Carried. Abstentions: none

Application LU#2423 ended at 8:28pm

Mr. Holzhauser gave a brief description of the Master Plan meetings throughout the year and what they looked at in the Revision of the Master Plan.

Ms. Caldwell introduced her associate Mr. Nick Meurer who has helped with this process. She stated the Master Plan Committee had 3 goals while putting together the Master Plan:

1. Review and update the goals and objectives of the Master Plan
2. Review the land use districts to see if they still were applicable today.
3. To address various ordinance changes.

She explained there will also be a reexamination report which is required every 10 years. It offers the opportunity to update ordinances since there have been many ordinance changes since our last reexamination. This will be a companion document to the Master Plan. The Farmland Preservation Plan was done recently and the last Master Plan Reexamination was done in 2018. The Committee also looked at the Sussex County Open Space Plan which contained information about the trails and parks within the Township.

Ms. Caldwell then began to review the Master Plan by going through her report dated December 12, 2024, which is attached to and made part of these minutes.

After Ms. Caldwell read number VIII, Proposed Land Use Districts, item C, she explained that although this change would lessen the amount required to build, subdivisions would not be allowed if it were a steep slope or flag lot. Mr. Meurer stated the average lot size at Lake Tranquility is about .3 acres. Mrs. Mullen disagreed with this change because she does not want to see people dividing their land off which would continue to overcrowd the lake area.

Mrs. Caldwell explained how they looked at the ordinances and the current definitions. Some of the definitions are unclear and need to be updated. Mr. Holzhauser explained it is easier to prohibit specific retail services or other uses rather than state what is permitted since if it isn't permitted it is considered prohibited.

Mrs. Mullen stated she is absolutely opposed to the proposed zone change in Lake Tranquility. She believes this is way too small of a lot size and is worried about people dividing their land up which would continue to contribute to the overcrowding at the lake. There were a couple of Board Members who do not believe this will be an issue including Mr. Holzhauser and Mr. Diaz. Ms. Douglass stated that she believes we need rateables that are reasonable in town to help with the increase in taxes. Mr. Holzhauser explained the Committee looked at the new proposed lot size as being helpful to the residents.

This item was discussed further and as a result, Ms. Caldwell will extend the study and report back with the exact number of lots that could potentially be subdivided.

The Reorganization meeting was briefly discussed and the contracts for the professionals. A request for proposal is going to be sent to Mr. Paul Gleitz for Conflict Planner.

Mr. Wilson had some comments on the draft of the Master Plan.

He questioned how goal No.11 would be carried out. Ms. Caldwell stated this is a fairly standard goal in the requirement in Municipal Land Use Law that you look at neighboring communities, but she would look to possibly "soften" it a little to make it more aspirational.

He also asked about the contradiction in the housing stock statement. One says most of the housing stock was constructed before 1980 and then it states it was between 1980 and 1999.

On page 32, it states Byram Township is in Morris County.

On page 43, it says 16.3 sq miles with 97.5 % (260 acres) and he believes that number is off. It should read 2.5%. He also asked how much of Green Township is in the Highlands area. Ms. Caldwell stated that Green Township is 100% in the Highlands Region but only a small portion of Green Township is in the Highlands Preservation Area.

On page 44, it only says 693.8 and he believes it should state "acres" after that number.

He asked about a 30,000 sq foot warehouse and he feels that it is very large. Mr. Holzhauser said that it actually isn't very large and is appropriate for the town. Towns have been dealing with requests for 800,000 sq foot buildings.

The plan is to adopt the Master Plan at the Reorganization meeting in January.

Mr. Holzhauser opened the public portion of the meeting. Mr. Van Brunt asked when the public hearing would be for the Master Plan. He disagreed with the proposed lot size change stating it would make the most dense area in the Township even more dense. He said the preexisting homes built in the 50's and 70's are smaller homes and people building homes today want bigger homes on bigger lots. He said he moved here because he wanted trees so he wouldn't have to see his neighbors. He does not want more houses.

After another discussion regarding this proposed lot size change, Mr. Holzhauser requested Ms. Caldwell send the findings out in an email.

Mr. Holzhauser asked if the Professionals had any other items they wanted to talk about regarding the last year. Mr. Stoner explained that a drainage study will be conducted within the next year to assess the issues at Lake Tranquility.

A motion to adjourn was made by Mr. Diaz and seconded by Ms. Douglass. The meeting was adjourned at 9:42pm.

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: January 9, 2025