

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, February 8, 2024

CALL TO ORDER: The February 8, 2024 Regular meeting of the Land Use Board was called to order by the Land Use Chairman, Mr. Scott Holzauer, at 7:00pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. Holzauer

ROLL CALL: Present: Mr. Joseph Cercone, Mr. Sam Diaz, Ms. Kate Douglass, Mrs. Jenny Kobilinski, Mr. John Lynch, Mrs. Sharon Mullen, Mr. Rick Wilson and Mr. Scott Holzauer

Also present: Mr. David Brady, Board Attorney, Mr. Cory Stoner, Board Engineer and Ms. Kim Mantz, Board Secretary

Members Absent: Mr. Mr. Robert Cahill, Mr. Jim DeYoung, Mr. Jason Miller and Mrs. Margret Phillips

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 January 11, 2024

A motion was made to accept the minutes by Mr. Wilson and seconded by Ms. Douglass

No Discussion. All Ayes. Abstentions: None

RESOLUTIONS:

Application: LU#2315

Owner/Applicant: Airside Inc.

Block 114 Lot 1 – Andover-Brighton Road (County Route 606), Andover, NJ 08721

Action: Memorialize Approval

A motion was made to memorialize the approval of the application by Mrs. Kobilinski and was seconded by Mr. Cercone.

Roll Call Vote: Eligible to vote: Mr. Cercone, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mrs. Mullen, Mr. Wilson, Mr. Holzauer

Mr. Brady gave a brief description of the need for this report.

Green Township Land Use Board Annual Zoning Report

Action: Memorialize Report

A motion was made to memorialize the Annual Zoning Report by Ms. Douglass and was seconded by Mrs. Kobilinski

Roll Call Vote: Mr. Cercone, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mrs. Mullen, Mr. Wilson and Mr. Holzauer

OLD BUSINESS: None

NEW BUSINESS:

Application: LU#2309

Owner/Applicant: SAKS Properties, LLC

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

Action: Completeness, Interpretation, Public Hearing

Mr. Diaz recused himself at this time.

Mr. Jason Rittie, Attorney for the Applicant, began with a brief explanation of the application.

Mr. Rob Simon then introduced himself as the Attorney for Andrew and Renee Seaman at 8 Kennedy Road.

Mr. Brady explained there was a conflict that came to his attention that afternoon with a potential issue regarding Jessica Caldwell Dykstra serving as a planner for this application. After a conference call between Mr. Rittie, Mr. Simon and Mr. Brady, it was decided that the best way to go forward was that Jessica would not serve as the Planner for this application. Application LU#2309 was not heard at this meeting.

Mr. Brady explained the process of the next meeting to everyone in the audience:

Mr. Brady stated he has another potential Planner to take Mrs. Caldwell Dykstra's place. Application LU#2309, SAKS Properties, LLC, will be heard on March 14th at 7pm at the Municipal Building. He explained for those in the audience who are within 200 feet and received written notice, that there will be no written notice again or notice in the newspaper because the new date was announced at this meeting. He indicated "the batting order", announcing that the first item of the meeting will be completion which is purely a Board issue and means it's whether or not the applicant has submitted everything that we require in our checklist. Applicants can request waivers from those requirements and the Board gets a recommendation from our professionals about whether certain items can be waived or not.

Next, the Board will deal with two" legal issues" and that is the interpretation of whether or not this is a strip mall and whether or not this is a convenience store. The strip mall issue is purely definitional which is going to involve legal arguments by Mr. Rittie and Mr. Simon. The convenience store issue may have testimony, cross examination and some counter testimony. If it's ruled use variances are needed, the applicant will have to prove those variances and give testimony. If the use variances are not needed, then the meeting will continue with the site plan.

The audience will get a chance to participate, but at certain points, that participation will be limited to questions only. He went on to explain, if someone wants to ask a question of a witness, they will come up, give their name and address, be put under oath and ask their questions. At a later point, participants will have the opportunity to give testimony and make comments.

Mr. Brady then asked if anyone from the public had any questions.

Mr. John Bugay of 3 Fieldview Road had a question, so Mr. Brady told him to come up to the front to show how the process works. Mr. Bugay asked if when the audience is allowed to give testimony at a later point does that mean a later point in next month's meeting or at a later meeting? Mr. Brady stated that it depends how long the meeting goes. The meetings generally start at 7pm and stop at 10pm. If someone is in the middle of the testimony, we let them finish. He went on to say he can't predict the public comments and testimony and that it is usually the last thing that occurs in a hearing like this, so it could be on the 14th of March or it could be on a subsequent date.

Mr. Holzhauer explained that this is all part of the application and the decision on the application is not made until all aspects have been completed including the public comment. Mr. Bugay also asked about the plans and if there was

anywhere for the public to access them. Mr. Brady stated the entire application is available in Kim's office to review and copies can be made using an OPRA request which is the Open Public Records Act. Everyone in the audience left at this point.

There was a discussion about moving the meeting to the fire house. The capacity of the meeting room is 73 and there were 53 chairs set up, all filled, with some people in the hallways. There were an additional 11 people between the Board, and the Professionals and that did not include the Applicant's Professionals. The March 14th meeting will be moved to the Fire House providing it is available.

Mr. Holzhauser mentioned there were specific lots missing on the submitted plans. Mr. Stoner will reach out to the applicant to have them explain or correct this issue prior to the next meeting.

There was a brief discussion regarding the Conflict Planner, Paul Gleitz and what should be sent to him, the notice for the venue change and the protocol for a Board member missing a meeting but wanting to take part in the April meeting. Kim will burn a CD for the Board Member and she will have to sign off that she listened to it.

Mrs. Mullen asked about the 7th Day Adventist pool and what the rules were. Kim stated she believed the resolution said teams could practice there but no team could hold a meet. There isn't enough area surrounding the pool to hold meets.


Mr. Holzhauser suggested the checklist be changed to only have a certain number of copies of any stormwater management plan be submitted. He does not feel, and the Board agreed, that each Member needs one.

Mr. Holzhauser opened the public comment as one person had entered late. He stated he was here for the "strip mall" application and Mr. Holzhauser explained it was going to be heard at the next meeting on March 14th and would most likely not be in this room.

- **ATTORNEY'S REPORT** – None
- **CHAIRMAN'S REPORT** – None
- **CORRESPONDENCE** – None
- **SECRETARY'S REPORT** – Kim spoke about the Master Plan and that there is a possibility we have received a grant to pay a partial or the full amount as long as there is a climate element. Mr. Holzhauser had suggested waiting until this large application is over to see if anything might be changed as a result of the outcome. There are issues with sheds at Lake Tranquility so that needs to be addressed.
- **PROFESSIONALS REPORT** – None

A Motion was made by Mr. Lynch to adjourn the meeting at 7:45pm and seconded by Mrs. Mullen. All Ayes. No Discussion. Motion Carried. Abstentions: none

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary
Date approved: 3.14.24