

# GREEN TOWNSHIP LAND USE BOARD MINUTES

## REGULAR/SPECIAL MEETING, March 16, 2017

**CALL TO ORDER:** The March 16, 2017 Regular/Special meeting of the Land Use Board was called to order by Mr. Holzauer, at 7:03pm. He then led everyone in the PLEDGE OF ALLIGIANCE, followed by the recitation of the OPEN PUBLIC MEETING STATEMENT.

**ROLL CALL:** Present: Mr. James Chirip, Mr. Danny Conkling, Mr. James DeYoung, Mr. Scott Holzauer, Mrs. Sharon Mullen, Mr. Michael Muller, and Mr. Mike Viersma

Also present: Mr. David Brady (sitting in for Mr. Lyn Aaroe), Board Attorney and Mr. Daniel Kaufman, (sitting in for Mr. Daren Phil), Board Engineer and Ms. Mika Apte (sitting in for Ms. Jessica Caldwell), Board Planner.

Members Absent: Mrs. Bilik, Mr. Cercone, Mr. Perigo, Mr. Walker, Mr. Jeff Wilson, and Mr. Rick Wilson

Motion was made to excuse the absent members by Mr. Chirip and seconded by Mr. Viersma.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

### **MOTION TO APPROVE MINUTES:**

Land Use Board Minutes of January 12, 2017.

A motion was made by Mr. Chirip to approve the minutes from the January 12, 2017 Reorganization meeting and seconded by Mr. Muller.

No Discussion. All Ayes. Motion Carried. No Abstentions.

### **RESOLUTIONS:**

Application – Crossed Keys

PB#1305 - Block 22 Lot 2, 2.02

289 Pequest Road, Andover

Action: Memorialization of Durational Adjustment

A motion was made by Mr. Chirip to memorialize the Resolution for the Durational Adjustment for Crossed Keys. It was seconded by Mrs. Mullen. Roll call vote: Mr. Chirip, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. Holzauer

All Ayes. No discussion. Abstentions: Mr. Conkling and Mr. Viersma. Motion Carried.

### **OLD BUSINESS:**

Application: LU#1613

Owner/Applicant: Stephen Shears and Amanda Breem

Block 46 Lot 14 – 8 Willow Terrace, Andover, NJ 07821

Action: Completeness review and public hearing

Shears/Breem application began at 7:06pm and ended at 7:43pm

•Mr. Conkling opened with a question to Mr. Hantman, the applicant's attorney, about the buy/sell letter. He asked if they received any response from the adjoining property owners and Mr. Hantman stated they did not. Mr. Shears confirmed this fact under oath.

- Mr. Kaufman and Ms. Apte both announced there were no issues and everything was complete on their end.

A motion was made by Mr. Conkling to deem the Shears/ Breem application complete and was seconded by Mr. Muller.

Roll call vote: Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. Viersma, Mr. Holzauer

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

- Mr. Hantman started by reminding the Board that there was already an approval on this property many years ago and since there was no construction on the lot within one year it needs to be heard before the Board again. Initially, this was two lots that has since been combined into one lot.
- There are looking to construct a single family home on this lot which is 1.39 acres in a 1.5 acre zone. This lot is one of the largest in the area by far. The lot has a strange configuration with 2 different road frontages, one on Willow Terrace and on Crescent Road. The front lot which has the road frontage on Willow Terrace is the one the home will be constructed on and the remaining area in the back of the lot that fronts Crescent will remain vacant of any buildings.
- Mr. Stephen Shears, applicant, was sworn in by Mr. Brady. Mr. Shears testified to the position and style of the proposed home and that it would be consistent with the surrounding homes. Mr. Shears confirmed that there was no response to the buy/sell letters that were sent to the adjoining property owners.
- Mrs. Mullen asked Mr. Shears to clarify it was a three bedroom home with an office and he did.
- Miss Amanda Breem, applicant, was sworn in by Mr. Brady. She presented Exhibit A-1 is a representation of the size of the lots of the surrounding properties and the styles of the homes. This is to show the style of the proposed home is consistent and the lot size is substantially larger than the surrounding lots.
- Mr. Hantman provided the aerial photographs and a blow up of what was submitted (Exhibit A-2) to the Board.
- Mr. Conkling asked if there was a septic permit and Mr. Kaufman explained there was but it has since expired. Mr. Hantman asked that the septic permit would be a condition of approval. The soil logs were done in November of 2017.
  
- Mr. Kimble, applicant's engineer, was sworn in by Mr. Brady. Mr. Kimble testified to the February 6, 2017 report by Suburban that is attached to and made part of these minutes. He said he was overdesigned for the drywell and septic and well approvals with be obtained when needed. He confirmed the soil test holes were done in November of 2017. He will address the soil erosion plan and driveway permits with the town when necessary. Sight distances are 150 feet for one side and 250 feet for the other. The sight distance requirements are 240 feet in either direction.
- Mr. Kimble believes the 150 feet in one direction is sufficient and a waiver can be sought for this. Mr. Kaufman agreed. All other outstanding notes will be addressed. Mr. Kaufman stated that all the issues that have not been addressed would not be an issue for approval.
- It was determined from a question by Mr. Conkling that any breaking of rock that is done will not be done by blasting or jack hammering. Other, alternative methods must be used.

Mr. Holzauer opened public portion of the application. No one was present. Mr. Conkling made a motion to close the public portion and it was seconded by Mr. Chirip.

All Ayes. No discussion. Abstentions: None. Motion Carried.

- Mr. Brady noted before a motion was made that the applicant has agreed to get a septic permit, they will comply with items 5, 7, 9, 11 and 12 from the engineers report. There will be no blasting or jack hammering.

A motion was made by Mr. Chirip to grant a waiver for the sight distance requirements on the driveway as deemed appropriate by the engineers. It was seconded by Mrs. Mullen.

Roll call vote: Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. Viersma, Mr. Holzhauser  
All Ayes. No discussion. Abstentions: None. Motion Carried.

A motion was made by Mr. Chirip to grant approval of the variance with conditions. It was seconded by Mrs. Mullen.

Roll call vote: Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. Viersma, Mr. Holzhauser  
All Ayes. No discussion. Abstentions: None. Motion Carried.

Application: LU#1614

Owner/Applicant: Gary and Lucy Shamy/Brian Shamy

Block 47 Lot 19 – 13 Willow Terrace, Andover, NJ 07821

Action: Public Hearing

Shamy application began at 7:44pm and ended at 9:09pm

Mr. Joe Golden, the applicant's engineer, and Mr. Brian Shamy, the applicant, were sworn in by Mr. Brady. It was determined that Mr. Golden is qualified to give testimony as the planner and engineer.

Mr. Golden stated the following about the property at 13 Willow Terrace:

1. The lot size is .375 acres where 1.5 acres is required.
2. There are multiple front and side setback variances along with the lot width as well.
3. The buy/sell letter was sent out to the adjoining property owners and nothing was heard in return from either of them.
4. Mr. Shamy stated that he went to a licensed appraisal company (414 Zone Appraisals) to get the appraisal and submitted a copy of it as Exhibit A-1 which is attached to and made part of these minutes. The appraisal came in at \$70,000 for the lakefront property.
5. Mr. Shamy and Mr. Golden have been before the township Board of Health for the alternate bed in regards to the septic system. It had been redesigned multiple times to be compliant with the requests of the Green Township Board of Health and was ultimately approved. It is an Eco Bio-Kinetic septic system, an advanced treatment system that has a built in aerator which allows dispersion of the discharge to be spread out over a larger area in the bed. This system is in lieu of having a second bed. If this system should fail then they can make adjustments to allow it to go to a trickle system and disperse back into the ground.
6. They had DEP approvals but have since expired. It is understood they will need to apply for them if approved and are requesting this to be a condition of approval. The flood area issue had been resolved with Mr. Miller last year.
7. Mr. Miller requested they removed all rock that is excavated from the driveway. Mr. Shamy has agreed to that
8. There are approximately 13 trees scheduled to be removed. They would like to leave as many trees as possible to create a natural buffer.
9. There is a question about the limit of disturbance. The only issue would be them driving on the property.
10. Mr. Phil has approved the dry well and drainage calculations but would like to see the cross section for the swale to make sure the water is diverted away from the neighbors' homes correctly.
11. They understand they will need to obtain all permits required.
12. Soil logs are done. They actually went back in to dig larger holes to make sure no extra rock was disturbed.
13. Basic flood test was done as well.

•Sheet 1 of 3 identified as Green Township Variance Plan in color is marked as Exhibit A-2.

•Mr. Golden spoke about the sight distances, which was done by a licensed surveyor, 450 feet on one side 235 feet on the other. There is still 177 feet down Sunset Drive as well.

•Mr. Viersma asked Mr. Golden to clarify the colors on the map as the Board does not have color on their map. Mr. Golden stated

the blue is the living space, the proposed and surrounding homes, the darker gray is the garage and the lighter gray is the driveway. He did not show the garages or the driveways on the surrounding homes. The blue is about a 1900 square foot footprint for the living space and the garage is about 525 square feet. Total of about 2400 square feet total including the garage.

- Exhibit A-3 is a picture of an aerial view of the Lake Tranquility so you can see the footprints of the homes in the area. Exhibits A-4 and A-5 are different map views from the county GIS website of the lot sizes throughout the lake area. Shamy's lot is just a little smaller than the other existing lots throughout Lake Tranquility. The lot is small but there are many others that are small as well. Exhibit A-5 is a closer view of A-4.
- Exhibit A-6 is another aerial view of the lot.
- Exhibits A-7 and A-8 are pictures of the property taken when the soil logs were being done. Exhibit A-7 is a view from the lake towards where the house will be located with no leaves on the trees. The rock and trees are higher near the road and it will create a natural buffer for the house. Exhibit A-8 is a picture from the same location with leaves on the trees. Mr. Golden stated there was an access road that goes along the one side of the property. There is a rock shelf near the road and the construction of the garage will not affect it. The grade of the driveway is only 4% that will increase to 6% near the ??? (inaudible). This will help with drainage and the entire system is overdesigned for the 100 year storm.
- Mr. Golden explained there was a gore area on the property which is a piece of property between two other properties that no one owns. There is an approximately 2 foot wide area that runs from the street to the lake on the easterly side of the property. This property contains a shared well which now belongs to the other property owner. The Shamy's will put in their own well on their own property and are not making any claim to that gore area and they are willing to let the neighbor have it without any issues. They do not want to go through all the title work and surveys to figure out who actually owns it. All plans that were drawn did not take the gore area into account, if the gore was taken into account there would be about 11 feet on that side instead of 8 feet.
- Mr. Shamy spoke of a formal agreement with the neighbors, Mr. and Mrs. Eggleston, the well is shared with. After a few years of litigation an agreement was made and the well now belongs to the Eggleston's.
- Mr. Kaufman stated they have no issues on the engineering portion of the application.

Mr. Golden referred to Ms. Caldwell's report of December 2<sup>nd</sup>. She spoke about the C1 bulk variances needed due to the odd, pie shape of the property with the lakefront "alcove" area. Mr. Golden referred to the master plan and how the town's master plan talks about no lot will not create an excess burden on your resources. He believes this will not be an issue due to the special septic system that will be part of this lot.

- Mr. Holzhauser asked about the maintenance on the septic system. Mr. Golden responded by saying there is a maintenance contract. It will include an alarm on the system along with yearly inspections and put into the deed that it has to be maintained so there is no question going forward.
- Mr. Golden spoke about some items in the master plan including maintaining property values and opportunities for houses for local residents and to preserve the value of residential properties. He believes that the dwelling that is proposed this will actually increase the property values in the area because it is a new home.
- The impervious coverage proposed for this lot is 14.08% where the master plan says no more than 15%.
- Mr. Golden believes less than 10% of the lots in Lake Tranquility are 1.5 acres or more.
- They will be leaving the maximum number of trees for the least amount of negative impact.
- No trees taken out for the home and only a few for the septic. They would be happy to do some plantings if the board requested it.

Ms. Apte asked if Mr. Golden knew what the footprint area was of the surrounding lots and buildings. Mr. Golden submitted Exhibit A-9 which is a bigger blow up of the county GIS map that.

- Setbacks for this zone are 60 feet in the front and they are at 51.5 feet. Side yard setbacks are 25 feet on either side. This proposed home will be 24 feet on one side and 8 feet on the other.
- Ms. Apte is concerned with how the home will fit into the surrounding area, it should not look monstrous next to the others.
- Mr. Golden does not feel the home is any different from the rest of the surrounding homes.

- Mr. Holzhauser stated he is a concerned with the 8 feet on the one side. He believes it is a little too close to the adjoining property.
  - Mr. Golden conceded to take another look at possibly shifting the house to have the side yards have more space from the property lines but the house was only 1,900 square feet.
  - The house is 23 feet 8 inches tall.
  - Mr. Conkling believes the house is way too close to the property line and that turn around for the garage is too small as well. Mr. Golden stated that the turnaround in the driveway is the same size as it is ion a shopping mall.
  - Mr. Muller stated there was no way planting could be done along that side of the house when there is only 8 feet to the property line.
  - Mr. Shamy stated that the house has a little larger footprint because there is a bedroom downstairs because Mr. and Mrs. Shamy have trouble with the stairs.
- Mr. Holzhauser suggested possibly eliminating the garage and turn it into living space. The house would not appear to be bigger than the others in the area without the second floor. Mr. Golden reiterated that the house is only 1,900 square feet of living space so it isn't a huge house to begin with.
  - After a brief discussion the Board is still unhappy with the 8 feet on the side yard.
  - Mr. Muller questioned the grade of the driveway and if it was acceptable. It is only 6% which is ok. He also questioned the how far the riparian buffer was from the lake and Mr. Golden answered with 50 feet. The house is not within 50 feet of the lake.
  - Mrs. Mullen asked how far away the well was from the septic and the answer was 101 feet.

Mr. Holzhauser opened the public comment portion of the application.

First to speak was Mr. Brian Eggleston, and adjoining property owner. He was put under oath by Mr. Brady. He stated he contacted Mr. Gary Shamy on March 2, 2006 and asked to buy the property. Mr. G. Shamy stated it wasn't for sale. When Mr. Eggleston received the buy/sell letter from the Shamy's he thought it was very high at \$70,000 so he had his own appraisal done of the property by Tranquility Appraisal Service. This Appraisal was submitted as Exhibit E-1 which is attached to and made part of these minutes.

Mr. Eggleston would like to purchase the property for the \$35,000 his appraisal is for.

There were questions as to why the appraisals were so different. Mr. Eggleston's said \$35,000 and Mr. Shamy's said \$70,000. Mr. Shamy asked if Mr. Eggleston's appraisal took into account the lot was approved for all building permits. The owner of the lot may offer the lot to adjoining property owners for fair market value assuming the lot is buildable. After a lengthy discussion about the comparables and pricing in Mr. Eggleston's appraisal, it was determined by Mr. Brady that Mr. Shamy needs to determine what price his parents would sell the property for, Mr. Eggleston needs to determine what price he would buy the property for and come back with concrete numbers at the next meeting. The discrepancy in the appraisals is not something the Board can fix.

Mr. Eggleston was concerned about the 8 feet between the proposed house and the property line. He also commented on the well but since it has nothing to do with the Board's decision and it was already settled, it was dismissed.

Mrs. Melissa Mitchell, the other adjoining property owner was sworn in by Mr. Brady. She is concerned with the height of the house on a very small lot and that she thinks the 8 feet on the side is a problem as well. She disagrees with the appraisal done by Mr. Shamy and she believes it will only drop the property values of the surrounding homes.

Mr. Shamy responded by saying this house is supposed to be for his parents retirement home. He does not know exactly what went on between his parents and the neighbors but they are willing to do whatever they can to make everyone happy.

Mr. Golden stated the house was actually over 6 feet shorter than the ordinance requires.

The Board asked Mr. Shamy to go back to the drawing board in regards to the house configuration. Mr. Golden requested a continuation to the May 11<sup>th</sup> meeting.

A motion was made by Mr. Conkling to carry the Shamy application to the May 11<sup>th</sup> meeting with no more notice and was seconded by Mr. Chirip.

Roll call vote: Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. Viersma, Mr. Holzhauser

All Ayes. No discussion. Abstentions: None. Motion Carried.

No public portion as no one is in the audience.

### **NEW BUSINESS:**

Mr. Holzhauser gave a brief description of the land use ordinances that need to be voted on and sent back to the governing body.

A motion was made by Mr. Muller to approve the changes and send it back to the governing body and seconded by Mr. Viersma.

Roll call vote: Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. Viersma, Mr. Holzhauser.

All Ayes. No discussion. Abstentions: None. Motion Carried.

- **CHAIRMAN'S REPORT** - None
- **ATTORNEY'S REPORT** - None
- **CORRESPONDENCE** - None
- **SECRETARY'S REPORT** – None

There was a brief discussion about the Ambrosia Treatment Center after Mr. Holzhauser explained to the Board there was a TRC meeting prior to the meeting tonight. This property is at 73 Pequest Road and it is a volunteer only rehab program. There will be a site visit on the grounds on April 13<sup>th</sup> at 6:00pm directly before the next Land Use meeting to see where they are proposing the new buildings. Mr. Chirip and Mr. Conkling will not be able to vote on this application because it is a use variance.

A Motion was made by Mr. Chirip to adjourn the meeting at 9:18pm and seconded by Mrs. Mullen.

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

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary