

GREEN TOWNSHIP LAND USE BOARD MINUTES
REGULAR MEETING
May 9, 2024
Green Township Municipal Building

CALL TO ORDER: The May 9, 2024 Regular meeting of the Land Use Board was called to order by the Land Use Vice Chairman, Mr. Rick Wilson, at 7:02pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. Wilson

ROLL CALL: Present: Mr. Robert Cahill, Mr. Joseph Cercone, Mr. Jim DeYoung, Mr. Samuel Diaz, Ms. Kate Douglass, Mrs. Jenny Kobilinski, Mr. John Lynch, Mr. Jason Miller, Mrs. Sharon Mullen, Mrs. Margret Phillips, Mr. Rick Wilson

Also present: Mr. David Brady, Board Attorney, Mr. Cory Stoner, Board Engineer, Mrs. Jessica Caldwell-Dykstra, Board Planner and Ms. Kim Mantz, Board Secretary

Members Absent: Mr. Scott Holzhauser

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

MOTION TO APPROVE MINUTES:

Land Use Board Minutes of March 14, 2024

A motion was made to accept the minutes with corrections by Mrs. Phillips and seconded by Mr. Cercone

Comments: Corrections included deletion of extra words, punctuation and an answer heard by Board Members but not on the recording.

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 June 13th meeting

RESOLUTIONS: None

OLD BUSINESS: None

NEW BUSINESS:

Mr. Wilson requested switching the order of the applications due to the nature of the applications. Both applicants agreed.

Mr. DeYoung and Mrs. Phillips recused themselves at 7:08pm

This application began at 7:09pm.

Application: LU#2410

Owner/Applicant: Patrick and Patricia DeClesis

Block 98 Lot 5 - 91 Mackerly Road, Newton, NJ 07860

Action: Completeness and Public Hearing

Mr. Patrick DeClesis and Mrs. Patricia DeClesis were sworn in by Mr. Brady.
Mr. Stoner reviewed for completeness.
His comments were that all information submitted was sufficient for completeness.

A motion was made to deem application LU#2410 complete by Ms. Douglass and was second by Mr. Cercone.
Roll call vote: Mr. Cahill, Mr. Cercone, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mr. Miller, Mrs. Mullen and Mr. Wilson.

No Discussion. All Ayes. Abstentions: None

Mrs. Caldwell-Dykstra began explaining the deck being converted into a sunroom required a setback variance as well as one for building coverage. This house is in the R1 single family residential zone. There is a pre-existing non-conforming set back of 38.7 ft which will stay the same. On the rear yard where the variance will occur, there is an existing 71-foot set back to the existing residence. The deck is existing and there's a 59-foot setback to the deck. The rear yard requirement is 75 feet. Once they enclose the deck becomes part of the principal structure and now the 59 feet is now the setback, this triggers the rear yard setback variance. For building coverage, the maximum building coverage of the zone is 20%, they are currently at 22.2% and closing the porch bumps it up to 23.13%.

Mr. DeClesis stated they wanted to have another room where we can spend time and still get that feel from being outside with the windows but minus the bugs. This will also make for nicer patio space below since the rain will not come through.

Mr. Wilson confirmed this Sunroom will be the exact same footprint at the existing deck.

Mr. Lynch asked if it was ground level or 2nd story and Mr. DeClesis stated it was 2nd story.

Mrs. Mullen asked if it would be used in the winter and Mr. DeClesis said it will not have any heat, so it depended on the weather.

Mr. Brady confirmed the patio underneath was existing.

Mr. Diaz asked if an architect designed this room and Mr. DeClesis stated it was submitted with the application.

Mrs. Caldwell -Dykstra asked if their home was keeping with the surrounding neighborhood. The applicants said yes. She was concerned with the undersized lot but does not appear to negatively impact the neighborhood since there is no one behind them.

Mr. Stoner believes it has minimal impact as to stormwater run-off.

Mr. Brady stated the proof of publication was in order.

Mrs. Douglass made a motion to approve these variances for Application LU#2410 and it was seconded by Mr. Diaz.
Roll call vote: Mr. Cahill, Mr. Cercone, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mr. Miller, Mrs. Mullen and Mr. Rick Wilson.

No Discussion. All Ayes. Abstentions: None

This application ended at 7:19pm

Mr. DeYoung and Mrs. Phillips rejoined the meeting at 7:20pm.

Application: LU#2402/2105

Owner/Applicant: 50 Stuyvesant, LLC

Block 34 Lot 21 - 50 Stuyvesant Road, Andover, NJ 07821

Action: Completeness and Public Hearing

Mr. Brady stated Proof of notice was given and found to be satisfactory.

Mr. Stoner stated the applicant did not submit the following items:

Item #3 – A certification from the Municipal Clerk that all Assessments are paid to date

Item #8 – A Letter of Interpretation form the NJDEP

Item #9 – Copy of the letter of transmittal indicating documents which have been submitted to the Sussex County Planning Board for its consideration.

Item #26 - The location and results of soil logs. Percolation tests or permeability tests?

Item #28 - Location of existing man made and natural features within 200 feet of the property.

Item # 29 - Topography within 200 feet of the subject property.

Item #30 - Identification of all soils on the subject property.

Item #31 - Environmental impact statement.

Item #37 - Stormwater management plan provision.

Item # 41 - Buffer zones and landscaping plan, including the size, location, and species and quantity of any trees and Shrubs.

Mr. Stoner has no objection to the Board waiving those items for the purpose of completion. The Board can always ask for items if they choose to during the hearing.

A motion was made by Mrs. Kobilinski to deem application LU#2402/2105 complete and was seconded by Mr. DeYoung.

Roll call vote: Mr. Cercone, Mr. DeYoung, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mr. Miller, Mrs. Mullen, Mrs. Phillips and Mr. Wilson.

No Discussion. All Ayes. Abstentions: None

Mrs. Caldwell-Dykstra began explaining her report.

She had questions on the number of seats compared to the number of parking spaces, outdoor dining conditional use, ratio of indoor to outdoor seating, parking and loading, outdoor amplified music, hours of operation and lighting. These will all be addressed during testimony.

Mr. Brady clarified that this application is an “after the fact” type situation in that everything the applicant is coming to the Board for is already existing. Some of these things were done and put into place during covid which was a strange time for restaurants.

Mr. Alexander Rinaldi from Salny, Redbord and Rinaldi, Attorney for the Applicant, began with a brief description of the application. We have a long-standing relationship with the Township of Green and this restaurant has been in town for a very long time. Mr. Brady swore in the applicant and owner, Mr. Michael Turner.

He stated the original patio wasn't enough sustain their business because it only had 40 seats. The Applicant added the second patio after hearing the Governor's speech telling restaurants to do what they had to do to stay in business. There was an existing parking lot in the back had broken concrete in it, so they poured a new slab over

the top. The existing deck in the back was extended during COVID as well. There was a walk-in cooler added many years ago, as well as the barn roof being refinished.

There are 150 seats inside the building and 52 parking spaces. The applicant is allowed 156 seats with 52 parking spaces, otherwise they would need a parking variance. There are 35 to 40 spaces outside on the patio. Although the total of the indoor and outdoor seats exceeds the parking spaces allowed, the applicant has agreed to not seat more than 156 people at a time. This will become a condition of approval, so a parking variance is not needed.

My Brady swore in Mr. Eric Snyder, Planner for the Applicant, who has been before the Board on multiple occasions and was considered a professional in good standing.

Mr. Snyder started by explaining that they did not want to buffer the patio and restaurant from the agricultural fields across from Stuyvesant Rd which has very low traffic, almost no traffic at all. There are also no neighbors to shield from. The view is actually something that helps sell the patio because it's so beautiful. There is no negative impact from this patio. The added patio in the back is now listed on the site plan as employee parking as it is no longer needed.

Mr. Wilson asked what the volume of traffic was for Stuyvesant Road and Mr. Turner said about 3 pick up trucks per week and two of them are Larry Freeborn's. Mr. Wilson requested the lack of traffic be part of the record.

Mrs. Kobilinski asked about the plowing or farming of the fields as well as spreading fertilizer. Mr. Turner and Mr. Freeborn work together to make sure it doesn't impact the patio seating.

Mr. Lynch asked since the patio was in use for almost nine years was a setback required when the patio was first built, or is it the fact that it's used for outdoor dining?

Mr. Snyder responded by saying he wasn't sure that the front yard setback was something that was taken into account, which is why it is being brought up tonight as a brand new issue.

Mrs. Stoner added that the 2015 zoning permit whether it was right or wrong was issued to construct the outdoor patio and the applicant is here to just memorialize this conditional use variance. Mr. Stoner reiterated the site plan amendments and wanted to remind the applicant that they will still need construction permits for various items.

Mr. Turner confirmed the wood deck would be used only to store patio furniture and would not be used for seating.

Mr. Snyder explained the addition to the barn in the back was done prior to Mr. Turner purchasing the property. This building is used for storage and horses. The required set back is 25 feet but the current set back is 6.8 feet, but no one has ever objected. This also needs to be memorialized as a variance. There was an old survey that showed the set back was 23 feet originally.

Mr. Stoner also stated that some of the conditional use conditions is the installation of a wall or buffer, but it was explained why they do not want the buffer due to the beautiful scenery. The applicant will be installing a split rail fence to delineate the where the patrons are required to stay and for safety.

Mrs. Caldwell-Dykstra also asked about amplified sound. Mr. Turner the only sound outside was conversation, there is no music. Hours of operation for the zone are 8:00 AM to 11:00 PM. Mr. Turner stated The Pub opens at 12:00 PM and is usually closed by 10pm during the week and by 11pm on the weekends. The lighting outside consists of antique type string lights but provide enough light for safety.

Mr. Wilson asked if the split rail fence was for decorative purposes or safety And, Mr. Snyder said, mostly for safety. He then asked about lighting near the fence and Mr. Turner said there would be lighting near the fence.

Mrs. Phillips wasn't sure if it was an ABC regulation but asked if some kind of buffer is required to keep people from the outside from just walking on to the patio. Mr. Brady stated he did not think that was an ABC. Regulation but that the split rail fence should be sufficient.

Mr. Wilson opened and closed the public portion of the meeting as there was no one in attendance to comment.

Mr. Brady listed the conditions of approval:

1. No more than 150 guests will be seated at any given time based on the parking regulations.
2. The rear concrete area is not going to be used for seating, it is going to be used for employee parking purposes.
3. Construction permits are needed for the deck and porch area.
4. Deck and porch area are only used for storage.
5. Split rail fence to be installed to delineate patio from outside area and parking lot.

All above conditions must be met by September 1, 2024.

Mr. Diaz made a motion to approve application LU#2402/2105 with conditions listed above and it was seconded by Mr. Lynch.

Roll call vote: Mr. Cercone, Mr. DeYoung, Mr. Diaz, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mr. Miller, Mrs. Mullen, Mrs. Phillips and Mr. Wilson.

No Discussion. All Ayes. Abstentions: None

Mr. Wilson noted there was no public to open the public comments portion of the meeting.

Mrs. Caldwell Dykstra explained the Township Committee approved the budget to redo the master plan and that we received a grant from the Highlands Council which will cover the cost of the complete land use element. She would like to get the master plan committee together to begin the process as soon as possible.

Kim spoke about how she is working on a revised, simpler application for residential variances. For example, a resident coming in for something simple like a fence shouldn't have to fill out a 36-page application. She will continue to work on it and then send it to the professionals to make sure everything is covered. After the professional's approval she will bring it to the Board for review.

Mrs. Caldwell Dykstra gave a brief overview of the new COAH regulations and that we must have a Housing Element and Fair Share Plan adopted by July of 2025 as part of our Master Plan.

A motion to adjourn was made by Mr. Lynch and seconded by Mr. DeYoung. The meeting was adjourned at 8:21pm.

Respectfully Submitted:

Kim Mantz, Land Use Board Secretary

Date approved: