

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, May 9, 2019

CALL TO ORDER: The May 9, 2019 Regular meeting of the Land Use Board was called to order by Mr. Jeff Wilson, vice chairman at 7:02pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. J. Wilson.

ROLL CALL: Present: Ms. Rosa Alves, Mr. Joe Cercone, Mr. Jim Chirip, Mr. Dan Conkling, Mrs. Sharon Mullen, Mr. Watson Perigo, Mr. Jeff Wilson and Mr. Rick Wilson

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

Members Absent: Mr. Jim DeYoung, Mr. John Lynch, Mr. Michael Muller and Mr. Scott Holzauer

Motion was made to excuse the absent members by Mr. Chirip and seconded by Mrs. Mullen.

No Discussion. All in Favor. Motion Carried.

OATH OF OFFICE: Ms. Rosa Alves read her Oath of Office for a change in the alternate order. Ms. Alves went from Alternate #4 to Alternate #3.

MOTION TO APPROVE MINUTES:

Land Use Board Minutes of April 11, 2019.

Mr. Conkling motioned to approve minutes with the correction mentioned by Kim and was seconded by Mr. R. Wilson.

No Discussion. All Ayes for those eligible to vote. Abstentions: Mr. Perigo

RESOLUTIONS:

Application: LU#1902

Owner/Applicant: Forest Flats, LLC

Block 31 Lot 1.05– Airport Road, Andover, NJ 07821

Action: Memorialize approval

Mr. Brady stated he had spoken with Megan Ward, the applicant's attorney, Allen Campbell the applicant's engineer and Mr. Stoner. There were a few changes, they are the following:

1. First page: they will make a change that shows they are going to construct a structure that will have a 72,000 square foot footprint. The mention of the mezzanine was taken out.
2. Page 3 paragraph 9: Regarding the specific amount of trucks, it was subject to change based on the change in the market was added.
3. Paragraph 1 under Conditions, numbers 5 and 9: standard procedures states prior to commencing land disturbance or construction the applicant is required to do certain things. The applicant requested "land disturbance" be removed. The applicant already has a soil erosion permit and the work has already started. Mr. Brady and Mr. Stoner did not want to automatically put them in violation with this resolution, so they agreed to delete "land disturbance". Mr. Brady stated they cannot start any construction until they have met all standard conditions. They have a soil erosion for the main roadway area and individual permits for each of the 8 sites.
4. Paragraph 10: Mr. Brady stated he had given Kim, the Land Use Secretary, the right to determine if a change was material or non-material but he changed that to read the township engineer.

5. Paragraph 16: Mr. Brady changed it to read "Waste from the water filtration system shall not be disposed of in the septic system or spread on the property and all such waste shall be disposed of in compliance with all state and federal regulations".
6. Condition number 9: Mr. Stoner asked to remove the word "prior" with regard to signing of the approved site plans.

Mr. Cercone questioned who would be policing the waste on the property. If the applicant would be caught spreading waste, then it would be a violation of the approval and it would go to the zoning officer. Mr. Conkling questioned what they were doing with the waste. Mr. Stoner suggested that his office would check during construction that everything is being done correctly. Mr. Conkling asked what happens with any fish fatalities. Mr. Chirip suggested everything is regulated by the state.

Ms. Alves asked if there were any USDA inspections.

After a brief discussion number 16 will now read "Aquaculture waste" in addition to "water filtration waste".

The professionals will ask the questions raised out of the discussion and the applicant will come back to the Board if the answers require it.

A motion was made to memorialize the approval as amended made on April 11, 2019 by Mr. Chirip and was seconded by

Mr. R. Wilson.

Roll Call Vote (eligible): Mr. Cercone, Mr. Chirip, Mr. Conkling, Mr. J. Wilson and Mr. R. Wilson

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

OLD BUSINESS: None

NEW BUSINESS:

Application: LU#1903

Owner/Applicant: Louis Tommaso

Block 19 Lot 7– 143 Creek Road, Andover, NJ 07821

Action: Completeness and Public Hearing

Application LU#1093 began at 7:20pm

Mr. Tommaso, the applicant and Mr. Matthew Fox, the applicant's engineer were sworn in and placed under oath by Mr. Brady.

Mr. Fox started by saying the applicant has filed for a minor subdivision.

Mr. Stoner explained there were only two items that were not provided:

1. The actual copy of the Letter of Interpretation (LOI) from the DEP indicating the absence or presence of wetlands delineation of the freshwater wetlands. The environmental information is located on the plans so Mr. Stoner does not feel it is an issue.
2. The Environmental Impact Statement.

Since there is no proposed lot development, he believes neither document (item no. 8 and no. 31 of the checklist) is needed for this application.

A motion was made to deem application LU#1903 complete by Mr. Conkling and seconded by Mr. R. Wilson

Ms. Alves, Mr. Chirip, Mr. Conkling, Mrs. Mullen, Mr. Perigo, Mr. J. Wilson and Mr. R. Wilson

All Ayes. No Discussion. Motion Carried. Abstentions: Mr. Cercone

Mr. Fox went through his qualifications for the Board. The Board felt he was qualified.

This property was subdivided back in 2008 and the previous owner had created a severable exception.

This means a specific area of a farm, that is under Farmland Preservation, can be dedicated to being subdivided later.

After a brief explanation of what was submitted with the application he stated this was just a perfection of the lot lines. The wetlands information with the file number are shown on the plans and there is no proposed disturbance.

He explained that the lot lines were adjusted slightly because Mr. Tommaso felt like he was cutting the front lawn too close to the existing house. Although the applicant maintained the exact lot area of 91,388 square feet, the lines were moved 40 feet over on the side to the right of the house and about 15 or 20 feet in the back, behind the house. The applicant believes this is a minor correction because the exact area was maintained.

Mr. Conkling asked about the Riparian Buffer with regards to the Pequest River and Mr. Fox stated it is 150 feet on either side. If the Pequest River is changed to a C1 river then the buffer would go to 300 feet on either side. After the impending changes take effect the entire Pequest River could require a 300-foot buffer on either side. To Mr. Fox's knowledge the buffer is still 150 feet.

Mr. Conkling also asked if the house is removed in the future and a new one is built would they have the land to do so if the Riparian Buffer is changed to 300 feet.

Mr. Fox said the buffer would go to about where the fence is currently which would allow for enough building area. There are no plans to tear the house down at this time. No building can be placed on lot 7 because it is Farmland Preserved.

This property initially started as lot 7. It was then broken up into lots 7, 7.01, 7.02 and 7.03. Lot 7.01 was given to the township. Lot 7.02 has a 2-acre non-severable exception, so it cannot be sold off. Mr. Tommaso stated all these lots are preserved with only 2 building lots. The one the applicant is subdividing off and one additional which cannot be severed off.

Ms. Caldwell asked about the access to this new lot.

Mr. Fox explained there is a parking area in the front near the road. He said there was no plan to add a driveway because of the steep grade (about 5 or 6 feet) where the existing parking spaces end. The land is available for a driveway, but it would involve extensive amounts of grading and retaining walls. The applicant also looked at parking behind the fence but because of the orientation of the lot lines the driveway would have to go through the Township park property and would require an access easement.

The three parking spaces are non-conforming and a portion of it in the road. The applicant could expand the parking area, so the cars would be out of the right-of-way for emergency vehicles and DPW equipment. The demand for the parking area will not increase because no development is allowed on this lot.

Mr. Perigo stated for the 32 years he has been on the DPW they have never had an issue with this parking area. Also, in the 90's there was a fire and the fire department had no trouble reaching the house to put the fire out. He does not see a need to change anything except that the town may have an issue with it being in the right-of-way.

Ms. Caldwell stated in the future it could be done if a new owner would like a driveway which means they would have to get a driveway permit.

Mr. Brady suggested that a condition may be the driveway will need to be upgraded if the existing house is torn down and a new one put up. The "driveway" would have to be brought up to current standards.

Mr. Stoner said he thinks it should be noted the parking area is allowed to stay in the current condition.

Mr. Stoner asked about how the severable exception was defined in the original Farmland Preservation. His concern is whether the lot is to remain as it was initially recorded or are the lot line changes acceptable to the Farmland Preservation Office even though the area is the same. Mr. Stoner has no issues with the changes, but the applicant

and the professionals will need to verify the lot line adjustments are acceptable with the Farmland Preservation agreement.

If the change wasn't acceptable and had to go back to the original metes and bounds of the severable exception, then there would be no area for a possible driveway in the future.

The applicant will set up a meeting with the Farmland Preservation Office to gain their approval or denial of this lot line adjustment.

A motion was made by Mr. Conkling to allow the attorney to draft a resolution of approval with conditions and seconded by Mr. R. Wilson.

Roll call vote: Ms. Alves, Mr. Chirip, Mr. Conkling, Mrs. Mullen, Mr. Perigo, Mr. J. Wilson and Mr. R. Wilson

Discussion on the conditions of approval to include: If the house is expanded or replaced the driveway has to be installed to code.

The change in the lot lines is approved by the Farmland Preservation Office and if not, then it is moved back to the original lines.

All Ayes. Motion Carried. Abstentions: Mr. Cercone

Application LU#1903 ended at 8:06pm

Discussion of Ordinances:

There are two ordinances that were introduced at the last Township Committee meeting and are on referral to the Land Use Board for comments and recommendations. The remaining ordinance on ECHO Housing is a draft.

1. Introduced: Uses permitted in the Agricultural and Residential Zone –

Ms. Caldwell began by saying this ordinance came from a suggestion from the Land Use Board after the reevaluation of the Master Plan. Public and private schools, hospitals and large facilities were a potentially intensive use to be allowed and were taken out as permitted uses in the residential zone. This ordinance is consistent with the Master Plan.

Mr. Brady suggested adding a slight change as to why these large commercial uses are not appropriate due to life safety issues such as septic, well and traffic problems and the need for first responders. Instead of saying development of "all commercial uses" it should read "large commercial uses".

He used a lawyer's office as a commercial use that would not impact the area.

As the discussion continued, it was suggested the word "all" should be removed and information as to why these facilities are not permitted like traffic, water and septic issues along with the need for first responders be added.

A motion was made by Mr. Chirip to recommend adoption of this ordinance with further clarification of the introductory language and that it is consistent with the Master Plan and seconded by Mr. Cercone.

Roll call vote: Ms. Alves, Mr. Chirip, Mr. Conkling, Mrs. Mullen, Mr. Perigo, Mr. J. Wilson and Mr. R. Wilson

2. Introduced: Sign Illumination –

This ordinance was also a recommendation of the Master Plan Reexamination Subcommittee.

The suggestion was the hours of sign illumination would be consistent with the hours of operation of the business. In section 4, Ms. Caldwell suggested changing "ground mounted" to just "ground" because that is what they are called in the ordinance. She also suggested removing blade signs because they are not permitted. She believes some standards should be in place for applicants that come before the Board. There should be regulations for brightness at night, number of messages, etc.

Mr. Brady suggested removing the word "flood" in front of the word "light" in section F1 and should read "lights used for illumination"

Mr. Cercone asked if anyone is grandfathered in with this new ordinance. Mr. Brady responded that everyone who currently has a sign is grandfathered in. Mr. Cercone then asked about a temporary sign that could be

used as a promotion. It is believed that those temporary signs would fall under this sign ordinance. Any business that would like to put in a sign needs to obtain a zoning permit and that may trigger a visit to the Board with a minor site plan depending on what they are looking to construct.

A motion was made by Mr. R. Wilson to recommend adoption of this ordinance subject to the modifications discussed and that it is consistent with the Master Plan and seconded by Mr. Cercone.

Roll call vote: Ms. Alves, Mr. Chirip, Mr. Conkling, Mrs. Mullen, Mr. Perigo, Mr. J. Wilson and Mr. R. Wilson
All Ayes. No Discussion. Motion Carried. Abstentions:

3. Draft - ECHO Housing –

This ordinance was sent to the Land Use Board for discussion and recommendations, it has not been introduced yet.

ECHO housing is the idea of having aging parents to come to live with their children. These are small, temporary “houses” that are brought in and used as needed.

After a discussion, it was suggested the Ordinance Subcommittee will meet to determine if this ordinance is even needed as there are many things to consider, such as utilities (mainly septic), taxes and most importantly lot size. Although the lots are big enough in most of the township, the lots at the lake are much smaller and could present a problem.

Mr. Brady said the professionals identified about 50 different items that would need to be addressed. This draft ordinance is going to the Ordinance Subcommittee and will be discussed later if necessary. Mr. Conkling stated he had been involved in land use for 30 years in town and can only remember one instance where this was needed.

Mrs. Mullen suggested making sure the definitions of who can live in these units is clear.

As of now, if an applicant came in it would be considered in front of the Board on a case by case basis.

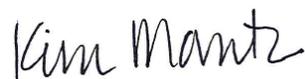
Mr. J. Wilson opened the public comment but there no one present. He then closed the public comment.

- **ATTORNEY’S REPORT** – none
- **CHAIRMAN’S REPORT** – none
- **CORRESPONDENCE** – none
- **SECRETARY’S REPORT** – none
- **PROFESSIONALS REPORT** – none

A Motion was made by Mr. Conkling to adjourn the meeting at 8:40pm and seconded by Mr. Chirip.

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

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: 6.13.19