

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, June 8, 2017

CALL TO ORDER: The June 8, 2017 Regular meeting of the Land Use Board was called to order by Mr. Holzhauer, at 7:13pm. He then led everyone in the PLEDGE OF ALLIGIANCE, followed by the recitation of the OPEN PUBLIC MEETING STATEMENT.

ROLL CALL: Present: Mrs. Marie Bilik, Mr. Joseph Cercone, Mrs. Sharon Mullen, Mr. Watson Perigo, Mr. Mike Viersma, Mr. Dennis Walker, Mr. Jeff Wilson and Mr. Rick Wilson and Mr. Scott Holzhauer.

Members Absent: Mr. Chirip, Mr. Conkling, Mr. DeYoung, and Mr. Muller

Motion was made to excuse the absent members by Mr. J. Wilson and seconded by Mr. Viersma.
No Discussion. All in Favor. Motion Carried.

Also present: Mr. Lyn Aaroe, Board Attorney and Mr. Daren Phil, Board Engineer and Ms. Jessica Caldwell, Board Planner.

MOTION TO APPROVE MINUTES:

Land Use Board Minutes of May 11, 2017.

A motion was made by Mr. R. Wilson to approve the minutes and was seconded by Mr. Perigo.

No Discussion. All in Favor. Motion Carried

RESOLUTIONS:

Application: LU#1614

Owner/Applicant: Gary and Lucy Shamy/Brian Shamy

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

Action: Memorialize approval of Bulk and Driveway variances.

Mr. Aaroe explained there was a revision to this resolution and said it could be approved subject to that revision but it was established that the resolution the Board voted on was, in fact, the revised copy.

A motion was made by Mrs. Bilik to memorialize the approval for Shamy at 13 Willow Terrace. It was seconded by Mr. Viersma.

Roll call vote: (eligible) Mrs. Bilik, Mr. Viersma and Mr. Holzhauer

No discussion. All in Favor. Motion Carried.

OLD BUSINESS: None

NEW BUSINESS:

Application: LU#1704

Owner/Applicant: Michael Turner and Melissa Johansson

Block 35 Lot 8 – 57 Decker Pond Road

Action: Approval of permitted use to a permitted use

•Mr. Aaroe explained this was a proposal to change the bank building on Decker Pong Road to a liquor store. There will be no alterations to anything outside including parking, lighting and signage. The existing sign will be re-lettered with the new name. Only repairs/alterations will occur inside the structure and there will be no kitchen and no cooking.

- Mr. Daren Phil explained the building will have no increase in flow and the system is fine. The septic is grandfathered under the prior approvals.
- Ms. Caldwell stated the applicant has had the system checked and it is in operational condition.
- Mr. Aaroe explained the applicant is looking to get approval without submitting a site plan based on the fact that no changes are going to occur at the existing site. It was the recommendation of the Board's professionals and the TRC that the approval be granted since nothing will be accomplished by reviewing a site plan because nothing has changed.

A motion was made by Mr. Walker to approve the permitted use for 57 Decker Pond Road. It was seconded by Mr. J. Wilson. Roll call vote: Mrs. Bilik, Mr. Cercone, Mrs. Mullen, Mr. Perigo, Mr. Viersma, Mr. Walker, Mr. J. Wilson, Mr. R. Wilson and Mr. Holzhauser. No discussion. All in Favor. Motion Carried.

Application: LU#1705

Owner/Applicant: Ambrosia Real Estate of North Jersey LLC

Block 17 Lot 9 – 73 Pequest Road

Action: Completeness Review/Public Hearing

- Mr. Holzhauser announced no new applications after 9pm and no new testimony after 10pm as stated on the agenda.
- Ms. Holly Schepisi of Huntington Bailey, LLP, attorney for Ambrosia Real Estate of North Jersey, LLC, explained the applicant is seeking use variances to permit the operation of the property located at 73 Pequest Road as an inpatient substances abuse facility which will make use of the existing home and build a structure for residences of approx. 40 beds as well as certain bulk variances to permit overnight parking and less parking spaces as required under township ordinances.
- Ms. Schepisi presented a brief statement concerning the behavior of a select group of residents towards the owner of 73 Pequest, the applicant and herself.
- She then went on to say that she had provided all the proofs of notice.
- Mr. Aaroe began to speak about a potential notice issue when Mr. Jason Rittie of 25 Fox Hollow Way, who is only representing himself, approached the Board.
- Mr. Rittie believes there should have been notice given for Lot 10 as well as the one given for Lot 9. There was one resident on the Lot 10 list that was not on the Lot 9 and a waiver was obtained from her the day of the meeting.
- Mr. Rittie presented a statement about the validity of the notice to Lot 9 because there are multiple variances not just the one listed in the original notice.
- Ms. Schepisi argued there is only one principal use on this property and that she disagrees with her notice being defective.
- Mr. Aaroe suggested proceeding with the hearing to listen to what is going to be presented. He does not know how the Board could determine a defective notice without hearing testimony to decide if it is defective or not.
- Mr. James Fox, of Morris, Downing and Sherred, LLP, who represents the Greenfield Action Committee comprised of residents of Green Township, believes Mr. Aaroe's approach is incorrect. He also agrees with the defective notice. He requested, as well, as Mr. Rittie, that the Board have the applicant re-notice.
- After a discussion pertaining to the validity of the notice the consensus was to have the applicant re-notice for both lots and all variances and return to the Board at the July 13th meeting. A brief recess was granted to Ms. Schepisi to consult with her client.

A recess was taken at 7:51pm for Ms. Schepisi to discuss options with her client.
The meeting resumed at 8:04pm.

Although Ms. Schepisi and her client still strongly believe there is no need for an additional D variance, she will re-notice and come back to the July meeting. The applicant is not waiving their rights as the testimony goes forward as far as the additional D variance is concerned. If the Board decides at some point during the testimony the additional variance is not required then the applicant would ask that they don't have to seek both D variances.

Ms. Schepisi requested that any other lawyers representing other residents or groups come forward. The Board agreed and stated those attorneys would need to disclose their client list to the Board.

A motion was made to carry the application to the July 13, 2017 meeting by Mr. Perigo, it was seconded by Mr. J. Wilson.

Roll call vote: Mr. Cercone, Mrs. Mullen, Mr. Perigo, Mr. Viersma, Mr. J. Wilson, Mr. R. Wilson and Mr. Holzhauer.

No discussion. All in Favor. Motion Carried.

Mr. Aaroe made a suggestion to waive the public comment due to the public departing after the Ambrosia application was carried to July.

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

A Motion was made by Mr. Viersma to adjourn the meeting at 8:11pm and seconded by Mr. Perigo.

All Ayes. No Discussion. Motion Carried.

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date Approved: July 13, 2017