

# GREEN TOWNSHIP LAND USE BOARD MINUTES

## REGULAR MEETING, April 13, 2017

**CALL TO ORDER:** The April 13, 2017 Regular meeting of the Land Use Board was called to order by Mr. Holzhauer, at 7:08pm. He then led everyone in the PLEDGE OF ALLIANCE, followed by the recitation of the OPEN PUBLIC MEETING STATEMENT.

**ROLL CALL:** Present: Mr. Joseph Cercone, Mr. James Chirip, Mr. Danny Conkling, Mr. Scott Holzhauer, Mr. Michael Muller, Mr. Watson Perigo, Mr. Mike Viersma, Mr. Dennis Walker, Mr. Jeff Wilson and Mr. Rick Wilson

Members Absent: Mrs. Bilik, Mr. James DeYoung, Mrs. Sharon Mullen,

Motion was made to excuse the absent members by Mr. Chirip and seconded by Mr. Cercone.  
No Discussion. All in Favor. Motion Carried.

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

Mr. Holzhauer asked for the attendance at the Site Visit.

Attendance of Board Members at Site Visit: Mr. Cercone, Mr. Holzhauer, Mr. Muller, Mr. Perigo, Mr. Viersma, Mr. Jeff Wilson, Mr. Rick Wilson (arrived late) and Mr. Dennis Walker (arrived late). Mr. Chirip was in attendance but not as a Land Use Board member.

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

Land Use Board Minutes of March 16, 2017.

A motion was made by Mr. Conkling to approve the minutes with one correction from the March 16, 2017 meeting and was seconded by Mr. Viersma.

No Discussion. All in Favor. Abstentions: Mr. Cercone, Mr. Perigo, Mr. Walker, Mr. Rick Wilson. Motion Carried

### **RESOLUTIONS:**

Application: LU#1613

Owner/Applicant: Stephen Shears and Amanda Bream

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

Action: Memorialization of Approval of Certain Bulk Variances (Minimum lot area and minimum lot width)

Mr. Conkling requested that Mr. Aaroe send the resolutions in time to be placed into the packet that goes out before the meeting.

A motion was made by Mr. Conkling to memorialize the Resolution for the Approval of Certain Bulk Variances. It was seconded by Mr. Chirip. Roll call vote: Mr. Chirip, Mr. Conkling, Mr. Muller, Mr. Viersma, and Mr. Holzhauer.

No discussion. All in Favor. Abstentions: Mr. Cercone, Mr. Perigo, Mr. Walker, Mr. J. Wilson and Mr. R. Wilson. Motion Carried.

**OLD BUSINESS:** None

Mr. Holzhauser wanted to make a note to the one person in the audience that nothing about the site visit or Ambrosia would be discussed tonight. The woman in the audience said she understood that but just wanted to observe the Board so she could learn the process.

**NEW BUSINESS:**

Application – Pittenger Minor Subdivision

LU#1702 - Block 19 Lots 10 & 13

Creek Road, Andover, NJ 07821

Action: Review Minor Subdivision

- Mr. Russell Pittenger, applicant, began by saying he wanted to bring the preliminary plat information to the Board to see what issues could arise.
- Mr. Holzhauser confirmed with Mr. Pittenger that this application isn't complete and that he wasn't looking for it to be deemed complete. Mr. Pittenger agreed, he just wanted the Board's input on his proposed plan.
- Mr. Lyn Aaroe stated Mr. Pittenger is proposing 2 separate Minor Subdivisions but he does not believe this will be the case. Mr. Aaroe believes, as well as Ms. Caldwell, that this should be a Major Subdivision but he will wait to speak about that after Mr. Pittenger gives all of his information.
- All the wetlands have been flagged (with no surprises) by Mr. Brian Cramer.
- Mr. Pittenger has changed the initial concept he brought before the Board in November.
- He believed a boundary line between two adjacent property owners would not constitute a subdivision.
- Lots 2 and 3 would be 13 acres. The remaining 6 acres would be its own lot which could be subdivided in the future. Lots 2 and 3 could not be subdivided because they are flag lots.
- Mr. Pittenger feels better selling farms instead of individual lots. All the lots are tree lined with logical breaks.

Ms. Apte stated the lot line adjustment between lots 2 and 3, according to the MLUL, is considered a subdivision. It can only be used for agricultural purposes. Mr. Pittenger quoted the town ordinances that said if no streets are created and the planning board or committee deems it to be for agricultural purposes all resulting parcels are 5 acres or larger. Ms. Apte is suggesting if it has agricultural purpose it has to be used for agricultural purpose. Mr. Pittenger questioned if a house is built then it isn't considered agricultural purpose anymore. It depends on how it is assessed.

Mr. Aaroe explained that Mr. Pittenger did his homework as far as finding one of the five exceptions in the ordinance stating agricultural purposes but he believes this subdivision probably doesn't qualify for a primary purpose of agricultural use. These lots are going to be more than 5 acres for agricultural purposes which meets the second component. Mr. Aaroe believes this is not enough to qualify because these lots will still enable development and they will be marketed for residential homes. In the end that is what will primarily be placed on them. If the Board finds these lots to be only for agricultural purposes it will have to remain that way and residential building will not be permitted. Only barns, silos etc will be permitted. Mr. Aaroe believes there is no way this cannot be submitted as a major subdivision. •

Mr. Pittenger questioned whether a house can be considered an agricultural use.

- Agricultural accessory buildings such as barns, silos etc., those which are incidental to agricultural use. The definition of an accessory building is a structure which is incidental to the main building. If you have an accessory building incidental to a main

building, then what is the main building?

- Mr. Aaroe explained a house is clearly a residential use. Whether the house is owned and occupied by someone who farms the land is immaterial. It would be considered the primary use.
- Mr. Aaroe said this is a major subdivision but there would be waivers due to the lack of new roads.
- Mr. Holzhauser explained this would all be heard at once instead of 2 separate applications for 2 minor subdivisions which will save time.

Mr. Pittenger explained that his sister, Ms. Lori Pittenger would like to merge a portion of the land into her existing lot. Mr. Aaroe explained it would be a simple lot line adjustment.

Mr. Pittenger asked about the process about obtaining the stub off of Summit Road. It is believed that the Township of Green Owns the stub and it would go to public auction for the adjoining property owners. Mr. Aaroe does not know whether he would need to purchase it, he believes Mr. Pittenger would need the rights to it but not necessarily own it. Mr. Pittenger would be responsible for building the road. If the use of this stub will be for the use of a private driveway then the Town does not want anything to do with it and the liability to maintain. These questions would be for the Township Committee and the Township Attorney.

Mr. Conkling suggested for lot 6 make it a flag lot off the corner of Creek. Mr. Pittenger said he had thought about that as well. Mr. Holzhauser stated no action was taken on that application.

Mr. Pittenger left the meeting at 7:34.

- **CHAIRMAN'S REPORT** - None
- **ATTORNEY'S REPORT** - None
- **CORRESPONDENCE** - None
- **SECRETARY'S REPORT** – Kim reminded the Board about Financial disclosure statements. Patty DeClesis has mailed the passwords and as of April 13<sup>th</sup> you can submit your information. Please check your emails.

**PUBLIC COMMENT:** Mr. Holzhauser opened the public portion of the meeting to the only person in the audience. He explained again that we do not have an official application for the Treatment Center and therefore cannot be discussed. When there is an official application then all residents in town will have a chance to give their opinions.

A motion was made to close the public portion of the meeting by Mr. Perigo and was seconded by Mr. Conkling. All Ayes. No discussion. Abstentions: None. Motion Carried.

Mr. Conkling asked about the Shamy application and it is assumed that they will be submitting revisions to be placed on the May 11<sup>th</sup> meeting.

Mr. Cercone suggested the meeting for the Ambrosia Treatment Center, whenever that is, should probably be held at the school. Mr. Aaroe suggested beginning the meeting in Town Hall and then adjourning to the school if necessary. If the building capacity at town hall is exceeded then the meeting would have to be moved to the school. All guidelines will be followed, no new testimony after 10pm, no new applications after 9pm. The Board may need to have a special meeting for one or more applications depending

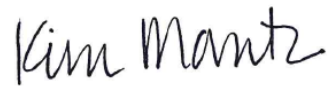
on how everything works out. Ambrosia would be considered a new application and they have missed the deadline for the May 11<sup>th</sup> meeting.

Mr. Conkling spoke about the website "Next Door Neighbor". He suggested to not comment on this site because information can be misconstrued. Any official information should come from town hall.

Mr. Holzhauer explained again, that the goal for site visit was to see the property without the leaves on the trees and to have a better understanding of what the site looks like for if/when the application comes in.

A Motion was made by Mr. Perigo to adjourn the meeting at 7:48pm and seconded by Mr. J. Wilson.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Respectfully Submitted:

A handwritten signature in black ink that reads "Kim Mantz". The signature is written in a cursive, slightly slanted style.

Kim Mantz, Land Use Board Secretary

Date Approved: