

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, August 11, 2016

CALL TO ORDER: The August 11, 2016 Regular meeting of the Land Use Board was called to order by the Land Use Chairman, Mr. Holzhauser at 7:06pm. He then led everyone in the PLEDGE OF ALLIGIANCE, followed by the recitation of the OPEN PUBLIC MEETING STATEMENT.

ROLL CALL: Present: Mr. Scott Holzhauser, Mr. Joseph Cercone, Mr. James DeYoung, Mrs. Sharon Mullen, Mr. Michael Muller, Mr. Michael Viersma Mr. Jeff Wilson and Mr. Rick Wilson.

Also present: Mr. Lyn Aaroe, Board Attorney, Ms. Jessica Caldwell, Board Planner and Mr. Darin Phil for Mr. John Miller, Board Engineer.

Members Absent: Mr. James Chirip, Mr. Daniel Conkling, Mr. Watson Perigo and Mr. Dennis Walker.

MOTION TO EXCUSE THE ABSENT MEMBERS: Motion made by Mr. Viersma to excuse the absent members, seconded by Mr. Jeff Wilson. No discussion. All Ayes.

MOTION TO APPROVE MINUTES: Land Use Board Minutes of July 14, 2016. Mr. Rick Wilson motioned to approve minutes, seconded by Mr. Muller. Abstain: Mr. Viersma. No Discussion. All Ayes.

RESOLUTIONS:

Resolution Memorializing the Grant of Preliminary (only) Site Plan Approval and the Grant of a Bulk Variance with respect to Rear Yard Setback sought Ancillary Thereto, Subject to Certain Conditions to Airside Inc. is attached to and made part of these minutes. Motion made by Mr. Cercone, seconded by Mr. Jeff Wilson.

Roll call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. Jeff Wilson, Mr. Rick Wilson, Mr. Holzhauser.

Abstain: Mr. Viersma.

All Ayes. Motion Carried.

Mr. Holzhauser asked if Mr. Brady had relayed the request made by Mr. Conkling at the last meeting that the resolutions be completed in a timely manner. Mr. Aaroe stated that he did, in fact, receive that information.

NEW BUSINESS:

Application: LU #1608

Escrow Status: \$5,000.000 as of 08/03/16

Owner/ Applicant: Dr. Paul Henrich

Block 1 Lot 7/7.01 – 103 Wintermute Rd, Newton, NJ 07860

Action: Completeness Review – Public Hearing – 7:12pm – 7:23pm

Mr. Dave Brady, Dr. Henrich's attorney, explained the simple lot line adjustment giving 1.9 acres, which contains a riding ring, from Mrs. Jackie Wershing to Dr. and Mrs. Henrich. The riding ring currently in this space, which is already in the county's right of way, is allowed to remain there as long as the space is maintained by Dr. Henrich. It will allow Dr. and Mrs. Henrich to have roughly 37 acres and Mrs. Wershing to have almost 8 acres. No variances were requested. After a brief discussion of the waivers requested

it was stated that they were minor and there is no reason to deny based on those issues. That report is attached to and made part of these minutes.

After a discussion on who could actually vote due to board members using Dr. Henrich's Veterinary services it was decided that Mr. Muller, Mr. Viersma and Mr. Holzauer needed to recuse themselves.

A motion was made to approve waivers by Mr. Cercone seconded by Mr. Rick Wilson.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Mullen Mr. Jeff Wilson, Mr. Rick Wilson

All Ayes. Motion Carried. Abstentions: Mr. Muller, Mr. Viersma, Mr. Holzauer

Motion was made to deem application complete by Mr. Cercone and seconded by Mr. Rick Wilson

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Mullen Mr. Jeff Wilson, Mr. Rick Wilson

All Ayes. Motion Carried. Abstentions: Mr. Muller, Mr. Viersma, Mr. Holzauer

Motion made to grant minor subdivision/ lot line adjustment made by Mr. Cercone and seconded by Mrs. Mullen.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Mullen Mr. Jeff Wilson, Mr. Rick Wilson

All Ayes. Motion Carried. Abstentions: Mr. Muller, Mr. Viersma, Mr. Holzauer

Minutes from the August 4 site visit meeting were read and a motion was made to approve those minutes by Mr. Muller and seconded by Mr. Jeff Wilson. No discussion. All Ayes. Abstentions: Mr. Muller, Mr. Viersma, Mr. Holzauer

It was brought to attention that certain board members were listed as present when, in fact, they were not. It was an oversight by the board secretary.

OLD BUSINESS:

New Application – Tranquil Valley Retreat Center (TVRC)

LU#1605 - Block 34 Lot 18

Decker Pond Road and Academy Lane, Andover, NJ 07821

Action: Public Hearing – 7:28pm -

Mr. Viersma excused himself due to lack of attendance at the prior meeting.

Mr. Aaroe explained that the meeting at 6pm was now being brought to public record and that the information will be given on the record. Mr. Holzauer asked each of the board members to provide comments about the site visit:

- Mrs. Mullen is concerned more bathrooms are needed in the proposed expansion and more paved parking near the gym.
- Mr. Muller believed he saw a significant amount of wetlands and it should be detailed on the EIS.
- Mr. Holzauer stated that he was overwhelmed by the potential for the site. He is concerned about the emergency services access and overall safety of the site as well as the limited amount of paved parking.
- Mr. Jeff Wilson is concerned about the amount of bathrooms as well as the ingress/egress of the proposed building. He believes there are wetlands, and questioned whether the embankment at the end of the pond is strong enough to handle the gravel road that currently runs over it. He stated he has an issue with the lack of parking and the circulation and flow of the roads on the property.
- Mr. DeYoung asked about emergency services being notified of these large events.

Mr. Aaroe brought up the parking situation and Mr. Stiles, attorney for the applicant Mr. Stiles, Attorney for TVRC, stated TVRC

had an offer and would like to speak with him privately for a few minutes. A brief recess was taken at 7:37pm. The meeting resumed at 7:49. Mr. Walker arrived at 7:43pm.

Mr. Tom Bodolsky, engineer for the applicant, was reminded he was still under oath from the last meeting.

Mr. Bodolsky explained the following as concessions to the board:

- Fourteen more paved parking spaces would be added by expanding an existing parking area in the vicinity of the gym. Another item would be to identify and design banked parking for a total of 500 spaces but would show it incrementally in 100, 200 and 500 “cells” in an area that is to be somewhat flexible for them.
- Should there be the need to use that banked parking, the resolution would be worded so the town could come back to TVRC and say “you need to pave 200 spaces” at any time it was found they were needed.
- A resolution condition that if there is a change of use on this property, or if it is sold, it will automatically trigger an evaluation of proposed parking of those banked parking spaces.
- Mr. Aaroe stated those were the words he needed to hear as far as TVRC conceding to have certain language put into the resolution to state if there was a change of use and/or a new owner that an evaluation of parking would take place.
- The future use or owner would be bound by this condition. There will be a site plan needed for the future owners.
- To permanently post no parking signs on one side of Academy Lane.
- To provide an event sign plan for large events which require additional signage subject to review by the board.
- Mr. Aaroe explained that Mr. Bodolsky has committed to a revised sight plan given the information that was just stated.
- Mr. Holzhauer would like to have all porta johns shown on the revised site plans.
- Mr. Bodolsky said he didn’t think the board should have a say in the amount of porta johns on site that it should be left up to the common sense of the applicant.

Mr. Phil suggested since the expansion is so large maybe TVRC should find somewhere to build more bathrooms. There’s a point where if the porta johns are there all summer then maybe its time to build new bathrooms.

A condition of approval is that they obtain all the other permits required by the state. Mr. Phil didn’t think there was anything in the building code that someone can build this huge building and then not have enough bathrooms to handle the amount of people using it.

Mr. Aaroe asked where the manner of discharge is for the treatment plant. Does it discharge into the open water or are porta johns the solution.

- Mr. Ramon Merle was reminded he is still under oath. He stated a pipe from the pump discharges into the leach field with seven branches. It runs underneath the ground /road.
- Every 3 months it is tested.
- Mr. Aaroe explained there is the need to identify the area of the leach field so there is no parking constructed over it that site.
- Mr. Bodolsky stated that the banked parking spaces may be on the other side of the building and not even close to the leach field. Mr. Merle confirmed parking area D which is near the leach field has never been used. It is only there is if needed.
- Mr. Holzhauer is concerned with parking area E that uses the road behind the pond which he believes is not designed to manage heavy vehicles.

After a discussion in which bathrooms segued into parking, the following was stated:

- Mr. Walker asked for exact numbers in each parking area.

- Mr. Sapphire, the architect for the applicant, stated if they showed banked parking on the new plan those numbers would be on The 140 on the lane would be reduced by half and site D will be taken off as an option.
- Mr. Sapphire stated any issues in question, as regards to a conflict with natural or wetland areas, will be removed from the plan. He believes 56 parking spaces more than satisfies the need for the site 363 days per year.
- Mrs. Mullen stated her concern for the parking spaces for the pool and the gym for regular day to day activities. She reminded the board that TVRC wants to use the pool and gym for outside groups such as sports teams in the winter. TVRC explained, again, that there are no spectator areas in the pool or the gymnasium.
- Mr. Bodolsky stated that if there was an overload of parking and they began to use the grass for day to day activities then that would be a trigger for the banked parking spaces on the site plan.
- Mr. Aaroe explained a resolution condition would state there is no proposed public spectator/bleachers and if that changes then the bank parking would be looked at.
- Mr. Muller asked about the 14 newly conceded spaces. Mr. Sapphire explained the 14 paved spaces would fit near an area of an existing lot. The board questioned how far those spaces were from the gym or the pool and TVRC explained it was near the pool/gym just not directly in front.
- Mr. Muller asked why they couldn't use a space closer to the pool that looked like it would be a perfect area to put more spaces. Mr. Sapphire explained the initial 14 proposed spaces was the most cost effective option.
- The board does not feel those spaces are close enough to the gym/pool.
- Mr. Aaroe stated the applicants have consistently said that the parking will not change and the codes for the amount of parking needed is ridiculous. There is great deal of territory between the large amount of parking as per code and the small amount the currently exists on the site and since the board can't pick an arbitrary number, he would like to see the applicant find a number of spaces they believe are appropriate. Maybe 14 is enough but unfortunately there is no credible basis for this number.
- Mr. Muller stated that he thinks existing site conditions have been the basis for the number of parking spaces instead of the use itself and he does not agree with that. He would like the applicant to say 14 is a good number because of X, Y and Z not because it was convenient.
- Mr. Sapphire said if we were just building the pool the need would be about 36 spaces. This parking lot is currently 56 spaces and it is always empty. If the soccer team is practicing the parking lot is still empty because most of the parents drop their kids off and leave. Mr. Merle said he has never seen more than 25 vehicles parked in front of the gym even in the winter.
- Mr. Phil questioned how many cars usually come in and out of the facility. Mr. Merle stated about 10-12 vehicles per practice in the gym. Mr. Merle invited the board members to drive by at any time in the winter to see for themselves.
- Ms. Caldwell asked TVRC if the gym is twice as large with potentially twice as many kids shouldn't there be more parking? Mr. Merle stated there was only one team in the area that had more than 40 kids.
- Mr. Holzhauer asked about the other "regular" meetings? Elders and Deacons Retreats are only once a year with about 300.
- Mr. Sapphire explained the parking space requirement is about 1/3 of the occupancy and that there are only a few instances a year that they go over the parking spaces. There are 300 campers there currently that all came by bus.
- Mr. Holzhauer asked about the route the buses use when the campers are taken back to the campsite and if it is a full circle. Mr. Merle responded that the road goes over by the pond and out again the same way after they have dropped off. There is a small bridge on a different route to the camp site but the buses would not fit and therefor are unable to use it.
- Mr. Phil then asked if they meandered through the parking lot area near the gym to get to the back of the property. Mr. Merle stated they did, he showed the board the bus route to the campsite. The buses come one at a time, not all together.

- Mr. Phil asked why the road that follows through the grounds isn't standard design width. It is only 20 feet wide and should be 24 feet wide for two way traffic and there are multiple issues throughout the site.
- Mr. Sapphire conceded that the area TVRC will be reconstructing will go to 24 feet wide.

Mr. Holzhauser asked Ms. Caldwell to explain her thoughts on the project and what she found at the site visit:

- TVRC is saying it has an intermittent use and representing that it still is but now they are building a permanent structure and still treating it like a temporary type use.
- She isn't seeing enough bathroom facilities, circulation brought up to standard, parking put into place. It raises concerns in the long term perspective.
- They claim they will not use it more but things creep in. The gym is now twice the size so you have the potential for twice the number of teams.
- There is never a site that comes to the board that says don't do anything and if there's a problem we will come back to you. Now is the time to address some of these issues.
- We were trying to ask the applicant to present something reasonable because we aren't asking them to have 1100 parking spaces. She was looking for TVRC to come back to the board and say this many spaces are reasonable and this is why...with the addition of the building there may be more use and therefore we may need more parking.
- This a D variance so public health, safety and welfare are an issue. It's important the board makes sure this site is safe for access, parking and for getting people in and out.
- She believes there have been issues with emergency services in the past even though the applicant claims there have been none. These matters need to be brought to the forefront to make this a safe sight.

Mr. Lou Caruso, of the Allamuchy Green First Aid Squad (AGFAS) was given the oath.

Mr. Caruso gave his comments regarding the TVRC site access and previous calls to the facility during large events:

- It bothers them to hear 5000 people at an event when there are only 3200 in the town.
- AGFAS has 20 people on the first aid squad, we cover 3 towns and are volunteer. We do not have the resources to handle the big events. Even the county doesn't have the resources to handle if something big happens. He would have to call Sussex and Warren counties to get the amount of resources needed.
- He clarified that TVRC has medical tents but if people have to go to the hospital AGFAS has to take them. If someone calls 911 the call goes to Totowa and after a lengthy amount of time due to the inability to find the actual town location, AGFAS can't even find them once they get there because of the amount of people on the site.
- Academy Lane is a disaster. AGFAS had two calls there recently during big events and people on the lane would not move, even with the sirens and lights blaring. Someone had to actually get out of the ambulance to move the people in the street. It becomes a block party due to everyone picnicking
- There has to be a way to have attendees get to AGFAS directly and not have it go through the 911 system. It takes too long.
- Mr. Caruso clarified that TVRC did have guards posted to deal with traffic but they couldn't keep the crowd under control.
- Mrs. Mullen suggested parking only on one side of the lane. Mr. Caruso responded by saying it wasn't the cars because they are parked up past the trees, it was the people. •Mr. Merle conceded, in the best interest of the community, they would eliminate parking on the lane all together. They would put up No Parking signs on the lane and direct cars into a different lot. Mr. Aaroe stated that concession would be in the resolution. Mr. Caruso was happy with that agreement.
- Mr. Walker, Board member and firefighter in the Green Township Fire Dept. (GTFD), stated the road through the facility

was small and it was difficult to maneuver with the fire truck, they have had to go through the grass around other cars to get to their destination. Parking has been an issue with even smaller events and public safety is a big factor. Signage would help.

•Mr. Merle stated some people park in places they are not supposed to and Mr. Walker said that is because there are no signs. Mr. Merle said there are signs but they were moved to mow the lawn.

Mr. Holzhauer asked for public comment. There were no comments.

Mr. Aaroe asked Mrs. Linda Peralta, Green Township clerk/administrator, if there was an ordinance being drafted or in place with respect for large events held within the town. Mrs. Peralta's response was as follows:

- A resolution was adopted at the last Township Committee meeting requiring an outdoor public event where participants are expected to be 300, or exceed 300, will need to notify the state police, county OEM, the local fire dept., the first aid squad and the township clerk. This is in addition to any food permits that may be required.
- This ordinance is across the entire township, the concern is with multiple large events happening simultaneously in the town and not enough personnel to handle an emergency. The residents of Green would be ignored while emergency services are handling large events.
- It is her belief the Township Committee is looking at other potential legislation for these big, outdoor events.
- An incident with food poisoning a few years ago had AGFAS call in mutual aid from 2 other towns. Sixteen people had to go by ambulance to the hospital. (That food poisoning incident was not the 7th day Adventist kitchen it was a family with spoiled food.)
- Mrs. Peralta believes this is a huge safety issue with the current facility as well as with the proposed building. Mr. Merle specified there were about 1200 people there the day of the 16 food poisonings, a very small percentage. What if the same percentage got sick with 5000 people in attendance?
- According to Mr. Caruso, any issues with 20 people or more would be devastating because the squad can only handle about 6 people.

Mr. Holzhauer did not think the board is in any position to grant any type of approval tonight based on the remaining issues. There is no concrete site plan, he hoped this was, at least, valuable to have a better understanding. There are multiple uses of the facilities and meetings of various sizes and he would like to have some nexus for a number of proposed paved parking spaces.

Mr. Holzhauer summed up the entire discussion and said that he thought there were a lot of issues still on the table. The majority of which are safety concerns, everything from the size of the roads to signage to the bus traffic over the earthen dam to the exit by the pub.

Mr. Muller said that any proposed banked parking can't be in a regulated area where it could never be built and storm water management needs to be considered for any future paved parking. He did not believe the use of the GeoWeb is enough for the site plan based on what he saw at the walk through. Mr. Muller proceeded to explain GeoWeb is a planning tool on NJDEP website that shows general wetlands, sometimes it is accurate and sometimes it is not. You can't necessarily rely in it and he is choosing not to in this situation based on the site visit. If TVRC is going to prepare a site plan the board could "sink their teeth into" some of these areas need to be demarcated on the plan so we can be shown without a shadow of a doubt that it is permissible. Mr. Holzhauer asked if Mr. Muller worked for the DEP and he responded by saying he does not but he does do sub- consulting that deal with wetlands.

Mr. Holzhauer reminded the board that Mr. Miller had concerns about the Environmental Impact Statement but deferred to Mr. Phil in Mr. Millers absence. Mr. Phil stated we do have to watch the wetlands on the site and that he would imagine TVRC would plan their design around those natural areas so they do not encroach upon them.

Mr. Aaroe explained that there were 3 variances to vote on. Since they needed all 3 to move forward and the board is not ready to vote on all 3, he suggested TVRC come back at the next meeting and submit revised site plans to address all issues that have been put on the table tonight.

After a lengthy discussion about the number of parking spaces TVRC would have to have to be considered by the board Mr. Holzhauer asked each board member their thoughts:

- Ms. Caldwell would like to see signage that show fire lanes and “no parking” areas
- Mr. Phil believes with the number of athletes that will be using the facility there should be more parking. Fire safety is an issue especially in the winter when the snow is piled up on the sides of the lots and road. He believes 100 would be adequate for now.
- Mr. Cercone asked if there could be “No Parking Tow Away Zone” signs on the main lane into the facility. Mr. Merle agreed. He asked if there a way TVRC could go to the state or the county to hire actual security for the event instead of using the scouts from the congregation. Mr. Merle said there would be signs put up in the no parking areas.
- Mrs. Mullen feels the 100 number is good for now and suggested they could expand the parking lot near the proposed pool.
- Mr. Muller agrees with Mrs. Mullen and TVRC could kill two birds with one stone by putting the parking area in front of the proposed pool area because it also allows fire access to the pool.
- Mr. Walker, as a fireman, likes the idea of it near the pool as well because of the firetruck access. He believes 150 is a better number. It would also help for the ambulance in case someone got hurt in the pool.
- Mr. Jeff Wilson said the numbers are arbitrary so he would like to look at average attendance across all the events and possibly take one third of that. Mr. Merle stated the campers come by bus so they should not count. Mr. Holzhauer agreed they should be separated out.
- Mr. DeYoung was surprised how many calls there have been to that site. He believes 100 is a good number to start. His concerns are for the emergency services. The town does not do a 5k run anymore due to all the emergency personnel needed to run it, extra security for the roads, engineer approved safety plans, etc. He does not feel it is an unnecessary request to make sure the site is safe.
- Mr. Rick Wilson thinks using attendees for a base number is a smart choice.

Mr. Holzhauer explained, as a tax assessor, he is supposed to look at the potential of a building and not necessarily what it is functioning at currently which is why parking and safety are concerns.

Mr. Aaroe suggested an emergency services plan to Mr. Merle to educate his staff for their large events. Possibly number the sites or tents so things move more smoothly.

Mr. Bodolsky confirmed with the board that they were still looking for the banked parking and the board agreed. He questioned if coming back with a concept plan would be acceptable. The board agreed to see a concept plan at a TRC meeting and go from there.

Mr. Muller stated there should be concrete evidence and jurisdictional resources on TVRC's concept plan. The Board would not be able to move forward unless that information is listed.

Applicant was granted a time extension, not necessarily unlimited but since TVRC is now in control they need to let us know when they will be ready. We will carry the application the next meeting on September 8th and then carry again if needed.

Motion was made to carry the TVRC application to September by Mr. Cercone and seconded by Mr. Muller
Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. Walker, Mr. Jeff Wilson, Mr. Rick Wilson, Mr. Holzhauer
All Ayes. Motion Carried.

- **CORRESPONDENCE** - None
 - **CHAIRMAN'S REPORT** - None
 - **ATTORNEY'S REPORT** - None
 - **SECRETARY'S REPORT**
- Letter to Mayor Phillips announcing Mr. John Miller's Retirement. He is hoping Mr. Darin Phil will be his replacement.
 - NJ Planning Official Cards were handed out to Board members.

Motion to adjourn by Mr. Mr. Cercone and seconded by Mrs. Mullen. No discussion. All Ayes.
Meeting was adjourned at 9:35pm

Respectfully Submitted:

Kim Mantz
Land Use Board Secretary