

# GREEN TOWNSHIP LAND USE BOARD MINUTES

## REGULAR/REORGANIZATION MEETING, January 9, 2020

**CALL TO ORDER:** The January 9, 2020 Regular/Reorganization meeting of the Land Use Board was called to order by the Land Use Attorney, Mr. David Brady, at 7:03pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. David Brady.

**OATH OF OFFICE:** Given to reappointed members of the Board. The following members were given the oath: Mr. Chirip, Mr. Cercone, Mr. DeYoung, Mr. Lynch and Mr. Perigo.

Mr. Wilson had a question about Mr. Lynch's term. Kim explained the term is 2 years but Mr. Lynch is stepping into an existing term so that is why it does not look correct on the agenda.

Mr. Brady explained he is starting a new practice with the Boards he represents that the Professionals get sworn in at the Reorganization meeting for the entire year.

**ROLL CALL:** Present: Mr. Joe Cercone Mr. James Chirip, Mr. Jim DeYoung, Mr. John Lynch, Mrs. Sharon Mullen, Mr. Watson Perigo, Mr. Rick Wilson and Mr. Scott Holzhauser.

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

Members Absent: Ms. Rosa Alves, Mr. Dan Conkling, Mr. Michael Muller

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

### **Nominations for Chairman of the Land Use Board:**

Mr. Brady opened the floor for nominations for Chairman. Mr. Perigo nominated Mr. Scott Holzhauser for Chairman of the Board. This nomination was seconded by Mr. Cercone

Mr. Holzhauser accepted the nomination. Mr. Brady closed nominations.

Roll Call Vote: Mr. Cercone Mr. Chirip, Mr. DeYoung, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.

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

Mr. Holzhauser read his Oath of Office for Chairman.

Mr. Holzhauser, Chairman, Presiding.

### **Nomination for Vice Chairman of the Land Use Board:**

Mr. Holzhauser opened the floor for nominations for Vice Chairman.

Mr. Cercone nominated himself for Vice Chairman of the Board. This nomination was seconded by Mr. Wilson

Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. R. Wilson and Mr. Holzhauser.

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

Mr. Cercone read his Oath of Office.

**REORGANIZATION RESOLUTIONS:**

Motion was made to appoint Mr. David Burton Brady as the Land Use Board Attorney by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Motion was made to appoint Mr. Cory Stoner as the Land Use Board Engineer by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Motion was made to appoint Ms. Jessica Caldwell as the Land Use Board Planner by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Motion was made to appoint Kim Mantz as the Land Use Board Secretary by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Motion was made establishing the regular meeting schedule from January 2020 through February 2021 by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Motion was made to designate the official newspaper by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Motion was made to establish an Application Deadline Schedule by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Motion was made to memorialize a resolution making Mr. Holzhauser Chairman of the Land Use Board by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Motion was made to memorialize a resolution making Mr. Cercone Vice Chairman of the Land Use Board by Mr. Chirip and seconded by Mrs. Mullen.  
Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Mr. Stoner and Ms. Caldwell were sworn in for the upcoming year by Mr. Brady.

**MOTION TO APPROVE MINUTES:**

Land Use Board Minutes of October 10, 2019.

Mr. Lynch motioned to approve minutes and was seconded by Mr. Cercone. No Discussion. All Ayes.

Abstentions: Mr. Chirip, Mrs. Mullen and Mr. Wilson

**RESOLUTIONS:**

Application: LU#1903

Owner/Applicant: Louis Tommaso

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

Mr. Brady spoke to Mr. Tommaso by phone. Mr. Tommaso explained the county has said to go back to the state, have them make the decision and the county will follow their lead. The applicant has called the state numerous times and has not gotten a response. Mr. Brady explained he may have the applicant come in to explain this process because of how much time has passed. The Land Use Board may have to adopt the resolution with conditions the applicant obtains the approval.

**OLD BUSINESS: None**

Mr. Chirip recused himself as he is currently doing business with the applicant’s attorney.

Before Mr. Chirip left, he asked if the Board had any questions on the Medical Marijuana Ordinance. Mr. Brady explained when it came through the first time, he had sent recommendations to the Township Committee (TC). The TC only made one change and passed the ordinance. Recently, the other recommendations have been considered and put into a new ordinance. The language had changed enough that the TC felt it should be introduced again and was done so at the January 2, 2019 meeting. Mr. Brady went through the updated version and has no issues. The only changes were the recommendations initially made by the Land Use Board (LUB) although there were some items that were left out.

Mr. Brady did have one minor adjustment of the wording on page 2 letter L. Mr. Chirip had no objections to that change and neither did the LUB members. Mr. Brady will send this minor change in a letter to the TC before their next meeting.

Mr. Brady also mentioned a few of the other items that were not included:

1. The LUB had suggested 10 acres minimum, but the TC went with 15.
2. The LUB had suggested landscape buffering around the entire property. The TC is not as detailed.
3. The TC stated it needed to be organically grown where the LUB was not as concerned about that.  
Mr. Chirip explained the USDA had additional regulations for the marijuana being organically grown so the TC felt it would help make it even more restrictive and hold it to a higher standard.
4. The LUB recommended a gatehouse into the facility but the TC did not include this. Mr. Chirip explained since the security cameras are on 24 hours a day, 7 days a week with state and federal departments having access to view the video at any time, the TC didn’t think it was necessary to add a gate house. Mr. Holzhauser stated that even though it is not required in the ordinance the LUB could still request it if an application came before the Board.
5. The LUB has suggested 200-foot setbacks on all sides and a 100-foot deep naturally landscaped wooded buffer in addition to the 200-foot setback. The TC said it should be 400 feet from the road with a 100-foot landscaped buffer adjacent to the road. It also stated a landscape buffer shall be required between the building and any dwelling unit if there is not an existing natural buffer. Mr. Chirip stated the TC has already looked at the available lots and most of them already have natural buffers in place.

The TC felt if the minimum of 15 acres was to help restrict the area to a few possibilities instead of it potentially popping up anywhere within the AI-10 zone. He also explained the Township has no intentions of selling the airport property, if a company were to apply for that property, the Township would like to maintain control of it and lease it to the applicant.

6. The TC committee also included any facility needed to be 1000 feet from any school building and required a back up generator to maintain systems during a power outage.

Mr. Chirip stated it was still a conditional use and any application would still have to come before the Land Use Board.

A motion was made to recommend to the TC that ordinance 2020-01 be adopted with one small revision by Mr. Perigo and seconded by Mr. DeYoung.

Roll Call Vote: Mr. Cercone, Mr. Chirip, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.

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

Mr. Chirip left the meeting at 7:26pm.

### **NEW BUSINESS:**

Application: PB#1305/#1305B

Owner/Applicant: Pequest 202 LLC

Block 22 Lot 2.02 – 287 Pequest Rd.

Ms. Megan Ward, the attorney's applicant, began by introducing the applicant, Mrs. Katherine Rodriguez, and the applicant's engineer, Allen Campbell. Mrs. Rodriguez and Mr. Campbell were sworn in by Mr. Brady.

Mr. Campbell began with a brief explanation of where the project is and that their timeline is about 3-4 months out from being finished. He also explained there have been minor tweaks along the way, but he has worked with Mr. Stoner on those, all of which will be included in the final site plan.

Exhibit 1-A labeled: Site/Circulation Plan for block 22 lot 2.02, originally dated: June 2005 and most recently revised: December 11, 2019. The project areas for tonight's application are circled in red.

Exhibit A-2 labeled: Detail for Amended Site Plan for block 22 lot 2.02, originally dated December 2019. The project areas are in blue.

Mr. Campbell began with Exhibit A-2 and the dumpster areas. He explained where the current proposed dumpster location (truck turn around), as listed on the exhibit, was 12 feet wide but now they would like to make it 24 feet wide. There will be some regrading and a slight increase in impervious coverage but not significant. This could also be used for any future plans as a 24-foot-wide corridor with the newly acquired adjacent property. If there is development or additional farming that takes place behind the banquet hall this would already be in place and they would like to do it sooner rather than later.

Most of the utility components are in place: septic tanks, generators, transformers, water tanks in the ground for fire protection, water lines and propane tanks. This change provides additional provisions for dumpsters once the building is up and running so they can adapt the locations as needed and all dumpsters will have enclosures to shield from the public.

Mr. Stoner reminded the Board there is no final site plan approval and all the changes will be on the final as-built plan

Mr. Wilson asked about the optional dumpsters and the space between. Mr. Campbell explained if the applicant used the 24-foot-wide proposed dumpster area for a future roadway the dumpsters would be relocated so there is enough room for vehicles to pass through.

Ms. Ward stated as transformer pad was added adjacent to the generator and the refrigerators were added near the northwest corner. These were field changes done through the Mr. Stoner.

Mr. Stoner explained the grade on the site drops about 6 feet from the front to the back so these additions are naturally shielded due to the change in elevation.

Mr. Brady asked for clarification for the location of the grease dumpster. Mr. Campbell said the possible location right near the generator pad but it will be determined once operations begin.

Mr. Campbell went on to talk about the large tent and the desire to replace it with a mostly glass conservatory. Referring to Exhibit A-2, the applicant is proposing the construction of a vestibule between "The Farm House" to a conservatory that is very close to the same footprint and elevation of the existing tent. The vestibule, with a glass ceiling, would be approximately 30'x28' and would extend out towards a new building close to the same size as the tent which was 60'x70'.

Mr. Campbell presented Exhibit A-3 labeled: Cross Keys Estate which includes four renderings of the possible building design. This design allows for a substantial amount of glass which helps bring the natural outdoor setting into the building. The lower roof will most likely be all glass, but the upper roof may be black, simply for maintenance and climate control reasons. The actual design has not yet been decided upon, so the applicant is asking for some flexibility in the design as long as the size remains very close to the previously approved tent.

Mr. Campbell spoke about the retaining wall that is noted in the renderings. Initially, the wall was proposed as straight, it has since been changed to have a natural curve with a beautiful stone staircase from the upper elevation to the lower patio area. This change was also made through Mr. Stoner. Mr. Campbell explained on the retaining wall side of this proposed building, there may or may not be an area that is used for storage and utilities. This may be a 5 foot bump out or something of similar size but it is still yet to be determined. This new building and vestibule area would not affect the impervious coverage and would not need a variance.

Exhibit A-4 labeled: Crossed Keys Estate which includes renderings of 4 different elevations of the proposed conservatory. The height of this is well within the height ordinance with a height of 21' 6". The roof will look like a peak roof but may be arched inside which would add an additional 6-8 feet in height. This decision has not yet been made. Even with the arched trusses inside and the additional height it is still within the ordinance range.

Mr. Campbell went on to explain there will still only be one event at a time, the new building would not change this condition. This structure would now be used year-round instead of just May 1 through December 1 like the tent and the restrooms would be located in "The Farm House", there will be no restrooms in the new building.

The need for parking does not increase because they are still at the same number of people (200) for any one event, the amount of the current parking spaces far exceeds the requirement.

Mr. Holzhauser asked what the number of parking spaces was based on.

Ms. Caldwell explained the number of spaces was based on employees and number of seats allowed per event.

Mrs. Mullen asked about the limit on time for the noise coming from the tent. Music and noise under the tent had to cease by 9:00pm, this condition would no longer apply because this structure will now have walls and be able to better contain the noise.

Ms. Ward stated in 2017 there was a question as to whether the tent would be considered an additional use, but the Board did not determine a need for a use variance and the Board determined the seasonal tent was an accessory use and structure to the banquet hall. It will no longer be an accessory use or structure with this proposed conservatory, it will be one principal use and structure.

The banquet hall has all the parking plus extra. During events at the banquet hall the parking at the bed and breakfast will be part of the overall parking and the applicant will be making improvements to the existing tent parking which can be used for additional overflow parking if needed. The center aisle is valet parking so it is very efficient.

Mr. Stoner believes the parking is sufficient. There is no change in stormwater management, impervious coverage or impact with widened turnaround. The retaining wall change from straight to curved poses no issue. His only concern is the size of the conservatory with all the possible variations but as long as the Board is flexible with it, he has no problem.

Mr. Brady confirmed the applicant is looking for flexibility with the proposed building size and storage areas, the applicant agreed. Mr. Holzhauser stated he had no issue with Mr. Stoner reviewing the final size and designs for the Board, so the applicant does not have to come back before the final site plan review. Mr. Stoner will approve the changes and if there are substantial changes, he will recommend the applicant comes back to the Board.

Ms. Caldwell reported any previous "issues" such as the time restrictions on noise, impacts to the neighborhood, or a possible use variance have been cleared up. No variances are triggered with this structure going on the patio. Parking is adequate. Dumpsters need to be screened but there is no question that will be done due to the nature of the venue.

Mr. Holzhauser asked about staff numbers for a 200-person event. Mrs. Rodriguez said it depended on whether it was a sit-down dinner or a buffet style. She said for a sit-down dinner it would take about 15 servers. Ms. Caldwell added there are 15 identified employee parking spaces with an additional 8 spaces.

Mr. Holzhauser opened the public portion of the application, there was no one present other than the applicant so he closed the public portion.

Mr. Brady will need to go back through the resolutions to add new conditions and pull out items that no longer apply.

A motion was made to approve the amended site plan with conditions as stated by Mr. Brady by Mr. Wilson and seconded by Mr. DeYoung.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Perigo, Mr. Wilson and Mr. Holzhauser.

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

Mr. Campbell requested to begin construction on the footings before the approval was memorialized with the resolution. Mr. Campbell explained they would like to get the footings in the ground now, put the tent back up for the season and then when the tent permanently comes down in November begin construction on the conservatory. The Board did not have a problem with them beginning the process. Mr. Stoner doesn't have any issues with this but would like it recognized in the resolution.

Mr. Stoner said the applicant can come back for the final site plan for the original building and show the proposed structure on that plan to get the CO for the banquet hall. Then before they get the CO for the conservatory, they would have to come back to the Board with a final as built.

Application PB#1305/1305B ended at 8:21pm

**Announcement of Standing Committees:**

Technical Review Committee – Mr. Holzhauser, Mr. Muller, Mr. Perigo, Mr. DeYoung and Mrs. Mullen as an alternate.

Ordinance/Master Plan Committee – Mr. Holzhauser, Mr. Wilson, Mrs. Mullen, Mr. Muller and Mr. Cercone as an alternate

Personnel Committee – Mr. Holzhauser, Mr. Chirip, Mr. Cercone, Mr. Wilson and Mr. Lynch as an alternate

- **ATTORNEY'S REPORT** – Mr. Brady explained that all applications were through the “Planning Board” and nothing in regard to zoning so there is no Annual Zoning Report for 2019
- **CHAIRMAN'S REPORT** – None
- **CORRESPONDENCE** – None
- **SECRETARY'S REPORT** – Jeff Wilson's resignation letter was read by Kim.
- **PROFESSIONALS REPORT** –

A Motion was made by Mr. Perigo to adjourn the meeting at 8:28pm and seconded by Mr. Cercone.

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

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: 2.13.2020