

# GREEN TOWNSHIP LAND USE BOARD MINUTES

## REGULAR MEETING, July 12, 2018

**CALL TO ORDER:** The July 12, 2018 Regular meeting of the Land Use Board was called to order by Mr. J. Wilson, Vice Chairman, at 7:01pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

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

**ROLL CALL:** Present: Mr. Joe Cercone, Mr. Jim DeYoung, Mr. John Lynch (arrived at 7:05pm), Mrs. Sharon Mullen, Mr. Michael Muller, Mr. Watson Perigo, Mr. Dennis Walker, Mr. Jeff Wilson and Mr. Rick Wilson.

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

Members Absent: Ms. Rosa Alves, Mr. Jim Chirip, Mr. Danny Conkling, and Mr. Scott Holzhauer.

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

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

Land Use Board Minutes of June 14, 2018.

Mr. R. Wilson motioned to approve minutes with a typo correction and was seconded by Mr. Walker. All Ayes. Abstentions: None

**RESOLUTIONS:** None

### **OLD BUSINESS:**

Mr. J. Wilson announced that the Botticelli/Tuhy application (LU#1801) will be carried to the September 13<sup>th</sup> meeting without further notice.

### **NEW BUSINESS:**

Application: LU#1802

Owner/Applicant: Bob Viersma & Sons, Inc.

Block 33 Lot 4 – 50 Airport Road

Action: Completeness Review - Public Hearing

Eligible to Vote: All present

Mr. Stoner started by going through the requested waivers. The applicant requested the following waivers:

1. Submission of an LOI - Mr. Stoner does not feel it is necessary for this application.
2. Sussex County Planning Board – Mr. Stoner feel this can be waived for completeness only.
3. Soils and perc tests – no objection
4. Environmental Impact statement – no objection
5. Stormwater management plan – no objection
6. Landscaping plan – can be waived unless the Board feels there is something that is necessary.

7. Lighting plan – can be waived unless the Board feels there is something that is necessary.
8. Grading plan – no objection

A motion was made by Mr. Muller to grant all waivers requested by the applicant. It was seconded by Mr. Perigo.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Muller, Mr. Perigo, Mr. Walker, Mr. J. Wilson and Mr. R. Wilson

All Ayes. No Discussion. Motion Carried.

Abstentions: None

Ms. Megan Ward, attorney for the applicant, introduced Mr. Kevin Viersma, applicant and Mr. Allen Campbell, engineer and planner for the applicant.

She began with a brief overview of the property and the changes that have occurred since the 1970's.

Relief was granted in 2008 for:

The Viersma residence is located on the property and was a conforming use at the time it was constructed but after a zoning change to AI/10 it became non-conforming.

There is a contractor's yard that required a D1 variance because a contractor's yard is not listed as a permitted use anywhere in the town and it is also second principal use on the property. There was also a D2 variance for an expansion of a non-conforming use due to a subdivision of lots to be distributed to the Viersma Sons.

The applicant is looking for the ability to construct a fabric tension structure over an existing concrete pad to shelter and protect equipment.

Ms. Ward does not believe a use variance is required for this application.  
Mr. Campbell and Mr. Viersma were sworn in by Mr. Brady.

Ms. Ward clarified that the contractor's yard will remain exactly the same size it is now. There are hubs set by survey in the ground to mark the strict boundaries. Mr. Campbell confirmed this. He stated that you cannot see the contractor's yard from the road or the cemetery.

Mr. Campbell stated that if they are not expanding their 3.3 acres contractor's yard use and everything else will remain the same he does not understand why a D1 variance should be required.

Mr. Brady feels it is a D variance. He believes "if you take a non-conforming use that's outside and you construct a structure for that non-conforming use it intensifies the use". The structure is roughly 7,000 square feet and 20 feet tall and is being used for a non-permitted use. This is an expansion/intensification of a non-conforming use.

Ms. Caldwell stated a D1 variance is very specific to the original application so any time there is a significant change the applicant has to come back.

After a brief discussion and a few Board questions about the color, size and whether or not the structure will be seen from anywhere there was a vote to decide.

A motion was made to require a D Variance by Mr. R. Wilson. It was seconded by Mr. Cercone.  
Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Muller, Mr. Perigo, Mr. Walker,  
Mr. J. Wilson and Mr. R. Wilson.  
All Ayes. No Discussion. Motion Carried.  
Abstentions: None

Mr. Campbell gave some basics on the proposed structure:

- It is 75' X 100' and +-28 feet high.
- 200' across from the right of way line.
- It is located in the center of the contractor's yard.
- 300' from the rear yard.
- There is a 20 foot rise from Airport Road that contains vegetation and then it falls back down to about the same elevation which is the same elevation as the contractor's yard. This structure is sufficiently buffered from the public, surrounding properties and the cemetery.
- The applicant meets all requirements.

Ms. Ward clarified that the equipment being stored in the contractor's yard is similar if not the same as equipment using for agricultural purposes. She stated the property is comprised of cornfields and a woodland management area as well. There is an ongoing agricultural use on this property. She went on to briefly describe how this property and the family business is consistent with the master plan.

Mr. Campbell stated he believed there was no negative criteria for this proposal.

Mr. Viersma stated the fabric for the structure would be white or tan.

Mr. Brady asked what the sides consisted of and Mr. Viersma stated it would be a poured concrete wall because it is stronger than concrete block. The driveway side of the structure will be open and the other end will be closed. The proposed structure will not cover the entire concrete pad.

Mr. Brady confirmed there was no lighting in the structure.

Mr. J. Wilson opened and closed the public portion of this application.

Mr. Brady reiterated the letter was needed from the Sussex County Planning Board.

A motion was made to approve this application by Mr. Perigo. It was seconded by Mr. Muller  
Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mr. Lynch, Mrs. Mullen, Mr. Muller, Mr. Perigo, Mr. Walker,  
Mr. J. Wilson and Mr. R. Wilson.  
All Ayes. No Discussion. Motion Carried.  
Abstentions: None

**PUBLIC COMMENT:** None

• **ATTORNEY'S REPORT** – None

• **CHAIRMAN'S REPORT** – None

• **CORRESPONDENCE** – None

• **SECRETARY’S REPORT** –None

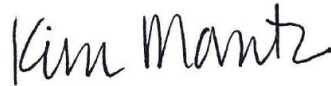
• **PROFESSIONALS REPORT**

Ms. Caldwell stated the master plan committee was moving right along and they would have something to present in the fall.

Mr. Stoner announced the paving was going to begin on Mackerly Road and the trail bid was awarded to start clearing.

A Motion was made by Mr. Perigo to adjourn the meeting at 7:51pm and seconded by Mr. Muller.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: 8.9.18