

# GREEN TOWNSHIP LAND USE BOARD MINUTES

## REGULAR MEETING, July 14, 2016

**CALL TO ORDER:** The July 14, 2016 Regular meeting of the Land Use Board was called to order by the Land Use Chairman, Mr. Holzhauer at 7:00pm. He then led everyone in the PLEDGE OF ALLIGIANCE, followed by the recitation of the OPEN PUBLIC MEETING STATEMENT.

**ROLL CALL:** Present: Mr. Scott Holzhauer, Mr. Joseph Cercone, Mr. James Chirip, Mr. Daniel Conkling, Mr. James DeYoung, Mrs. Sharon Mullen, Mr. Michael Muller, Mr. Watson Perigo, Mr. Jeff Wilson and Mr. Rick Wilson.

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

Members Absent: Mr. Michael Viersma and Mr. Dennis Walker.

**MOTION TO EXCUSE THE ABSENT MEMBERS:** Motion made by Mr. Conkling to excuse the absent members, seconded by Mr. Chirip. No discussion. All Ayes.

### **RESOLUTIONS:**

Approval of Kimberlee Mantz to Land Use Board Secretary.

Motion made by Mr. Conkling, seconded by Mr. Chirip

Roll call Vote: Mr. Cercone, Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, M. Perigo, Mr. Jeff Wilson, Mr. Rick Wilson, Mr. Holzhauer.

All Ayes. Motion Carried.

**MOTION TO APPROVE MINUTES:** Land Use Board Minutes of June 9, 2016. Mr. Cercone motioned to approve minutes, seconded by Mr. Rick Wilson. No Discussion. Abstain: Mrs. Mullen and Mr. Conkling. All Ayes.

### **OLD BUSINESS:**

Resolution Memorializing Eisenmenger Approval attached to and made part of these minutes.

Motion made by Mr. Cercone, seconded by Mr. Jeff Wilson

Roll call Vote: Mr. Cercone, Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, M. Perigo, Mr. Jeff Wilson, Mr. Rick Wilson, Mr. Holzhauer.

All Ayes. Motion Carried.

Mr. Conkling mentioned that Mr. Lyn Aaroe needs to get resolutions in in a timely manner, Tuesday before meeting is not acceptable. Mr. Brady said he would pass the information along to Mr. Aaroe.

### **NEW BUSINESS:**

Application: LU 1607 Escrow Status as of 7/6/16 - \$9064.00 Original Deposit: \$10,000

Owner/applicant: Airside

Block 26 Lot 4 - 246 Brighton Road Andover, NJ 07821

Action: Completeness Review – Public Hearing

Mr. Miller Reviewed his report dated June 21, 2016. The report is attached and made part of these minutes.

Motion to Grant Waivers:

Motion made by Mr. Conkling, seconded by Mrs. Mullen

Roll call Vote: Mr. Cercone, Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, M. Perigo, Mr. Jeff Wilson, Mr. Rick Wilson, Mr. Holzhauer.

All Ayes. Motion Carried.

Mr. Holzhauer briefly explained that the TRC recommended the Application complete.

Motion to Deem Application Complete:

Motion made by Mr. Chirp, seconded by Mr. Conkling

Roll call Vote: Mr. Cercone, Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, M. Perigo, Mr. Jeff Wilson, Mr. Rick Wilson, Mr. Holzhauer.

All Ayes. Motion carried.

Mr. Brady announced that affidavit of service and proof of publication looked complete.

Mr. Michael Selvaggi, Airside's attorney, briefly gave details about Airside and what they are looking to do with the expansion. The Board attorney administered the oath to the applicant, Mr. Mario Cavallone. Mr. Cavallone explained background and that due to new industry regulations more space is needed to store product on site. He produced Exhibit A1 – an aerial photo of building and grounds. Trailers on grounds were addressed. Trailers, about 20, are loaded to be taken to various jobs throughout NJ. They may sit for a time but they are not used for storage. This new facility will help clean up this issue and allow designated parking spaces for these trailers. He mentioned that the latest building code will keep Airside from expanding due to the need for installation of sprinklers.

Mr. Selvaggi addressed individual parking, operating hours, lighting, walk in traffic (or lack thereof), shed locations and use, and keeping the same architectural design, coloring and aesthetics of the building for the proposed structure. There will be no additional business signage on property.

The Board attorney administered the oath, James Glasson, Airside's engineer. He presented Exhibit A2 – a basic overview of facility and grounds. There is 440 feet of frontage, the average depth 1050 ft., the existing building is 80 ft. wide and 300 ft. deep. It is 24,000 sq. ft. and was approved in 2009. All regulations are met in agricultural zone A1-9

The millings have been capped for the driveway. All parking space regulations are met with 29 banked spaces available for expansion. Twelve spaces will be activated for the new building and 17 will continue to be banked as needed. Noted trailers are an issue and are being addressed. Infiltration basin which was overbuilt and will continue to operate with no issues after expansion.

Septic originally sized for 25 warehouse employees plus office space. Septic is not a problem, it was designed to handle the current situation and the proposed expansion.



Mr. Glasson then presented Exhibit A3 - Proposed new building, which is 60 ft. by 150 ft. wide and will total 9000 sq. ft. Area of the millings will not increase. No driveway expansion proposed. Airside was previously approved for 6 trailers and there are currently more. This applicant is proposing designated spaces for trailers; twenty one 10X48 ft. trailer spaces. Drainage will change slightly but all run off is still directed to infiltration basin. Airside is not increasing the footprint of the property that is currently used just using grass space for new building.

The rear set back is 200 ft., the end of building falls at the 122 ft. mark therefore Airside is requesting a variance for this issue. Property in that rear set back space is brush and trees and does not affect any other property owners. There would be signage for the proposed fire lane. No additional landscaping or lighting. Moved shed. Mr. Miller did not have a chance to review and Airside agreed to any comments or additional action suggested by Mr. Miller as a condition for approval. Mr. Brady clarified that applicant consents to comply with any technical reviews by Mr. Miller.

Mr. Holzhauer appreciates cleaning up of trailers. Mr. Conkling commended Airside for bringing their business to Green Township and Mrs. Mullen made a comment about how impressed she is with the aesthetics of the site.

Ms. Caldwell asked what the trigger would be to use those banked 17 spaces. Mr. Glasson explained that he would probably activate those if he expanded again but would need to come back because of the sprinklers that would need to be installed.

Mr. Holzhauer opened up the discussion to public comment:

Mr. Jon Dooley, Green Township Fire Chief, requested plans for the fire department so they could keep on file for emergency access to the building. He noted that his biggest concern was water and where to get it. Sutherland has a water tower but status is unknown. Mr. Cavallone responded to a question as to what the most hazardous material on site was. He explained it was the underground propane tank to heat the office. Mr. Brady suggested that a condition be made to have Airside coordinate with the Fire Dept. to provide anything they need.

No further public comment.

Motion to approve variance:

Motion made by Mr. Conkling, seconded by Mr. Chirp

Roll call Vote: Mr. Cercone, Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, M. Perigo, Mr. Jeff Wilson, Mr. Rick Wilson, Mr. Holzhauer.

All Ayes. Motion Carried.

Mr. Brady verified 2 conditions before approval agreeing to address comments by Mr. Miller and to coordinate with Fire Dept. to provide plans, MSDS sheets, knox box, etc. Construction permits can be obtained after Mr. Miller's conditions, if any, have been met.

Motion for preliminary and final approval:

Motion made by Mr. Conkling, seconded by Mr. Chirp

Roll call Vote: Mr. Cerccone, Mr. Chirip, Mr. Conkling, Mr. DeYoung, Mrs. Mullen, Mr. Muller, M. Perigo, Mr. Walker Mr. Jeff Wilson, Mr. Rick Wilson, Mr. Holzhauer.

All Ayes. Motion Carried.

Note: Mr. Walker entered the meeting at 7:30 but was not seen and did not cast a vote until the final approval.

Airside approved at 7:55pm

New Application – Tranquil Valley Retreat Center (TVRC)

LU#1605 - Block 34 Lot 18

Decker Pond Road and Academy Lane, Andover, NJ 07821

Action: Completeness Review – Public Hearing

- Mr. Conkling and Mr. Chirip excuse themselves due to their seats on the Township Committee.
- Mr. Brady announced the Affidavit of Service and Proof of Publication looked complete.
- Mr. Holzhauer explained to Mr. Stiles that application needed to be deemed complete before they could hear presentation, the TRC was an advisory meeting only.
- Mr. Miller suggested that if we are only looking at area around expansion then no need to look at wetlands. If the board wants to look at the entire property then they need to take wetlands into account. Mr. Holzhauer explained that there is much more to this application than originally thought.
- Ms. Caldwell said this is a permanent use issue and entire site should be looked at. TVRC's property is 357 acres and Mr. Brady said the board is entitled to ask about the plans for this site. He suggested application could be waived for completeness to get started but there are conditions.
- Mr. Holzhauer suggested a completeness hearing.
- Mr. Brady explained lack of information could slow down the process.
- Ms. Caldwell suggested a delineation from a wetlands expert. There is no LOI but that could be a condition of approval.
- Mr. Miller was asked by the board to evaluate his checklist for completeness and he proceed to review his report dated June 21, 2016. The report is attached and made part of these minutes.
- Mr. Miller suggested a little more landscaping around building and he thought TVRC agreed to this.
- Mr. Miller suggested application be deemed complete with conditions on wetlands issue.
- Mrs. Mullen announced that both Ms. Caldwell and Mr. Miller referred to their name as the Tranquil Valley "Resort" Center when it is actually the Tranquil Valley "Retreat" Center.
- Mr. Cerccone recused himself at this point.

Mr. DeYoung motioned for Completeness with a grant of all waivers Mr. Rick Wilson seconded. No discussion. All Ayes.

The Board attorney administered the oath to, Mr. Joseph Saphire, the applicant's Architect.

Mr. Saphire proceeded to explain information about the site and application is for a proposed addition to gymnasium.

The existing building has classrooms, a gym, a small basement that hold restrooms, and large meeting room.



It is prefab steel and has a small exterior section that needs an update and will get one as part of this expansion. The exterior will have same architecture, same manufacturer, same height, same slope of roof and the same general materials as existing structure.

The swimming pool will be approximately 6 lanes wide, 25 meters long and only 4 ft. deep. The kiddie pool will only be 6"-1' deep. TVRC will be adding male/female locker rooms with showers, bathrooms, changing areas, a pool office with observation area, pool equipment room and HVAC space for A/C unit. They would like to have glass windows in the pool area for views of the property and the pool will be used for retreat and youth camp programs. This structure will help eliminate temporary tents to house people coming for retreats. The primary reason of expansion is to extend the athletic function of the gym. Ms. Caldwell asked for the building height and further, in response to Ms. Caldwell and after a brief discussion, Mr. Saphire clarified that TVRC was adding 24,504 sq. ft. to an existing 28,189 sq. ft. for a total of 52,693 sq. ft. In response to Mr. Walker's question, Mr. Saphire explained due to the buildings function as an assembly space, the number of egress points and its noncombustible, type 1b construction it does not require sprinklers.

The Board attorney administered the oath to, Mr. Thomas Bodolsky, the applicant's Engineer. He gave an overview of the property and explained it serves for recreational purposes.

Mr. Holzhauer pointed out the plans (on the easel that Mr. Bodolsky was using) show Tranquil Valley "RESORT" Center, not Tranquil Valley RETREAT Center. Mr. Brady asked for amended plans with the proper name so there was no confusion in the future.

Mr. Bodolsky said he submitted a planning report that was prepared in 2011 that identifies all the functions on the site. They did not do a wetlands delineation. As depicted by NJ DEP, there are 2 pockets of wetlands on each side of the neighboring properties but not on the TVRC property. Mr. Bodolsky indicated his belief is that:

- Existing gym is around 700 ft. from road, close to 1000 feet from the wetlands in the east and over 800 feet from the wetlands in the west.
- There are not wetlands within 150 ft. of the proposed building.
- The proposed swimming pool is a conditionally permitted use and they have not applied for a variance.
- There is an existing use that occurs on this property and the proposed gym will not intensify this, it will remain the same as it always has.

Mr. Bodolsky testified that the only change would be holding their meetings in the gym instead of outside in tents.

TVRC will need to relocate part of the driveway due to the addition.

All water drains into the pond and is sized for the 100 year storm, it is highly permeable sand and gravel.

There are currently 52 spaces and they are not planning on adding anymore because they claim the use hasn't really changed, large grassy areas are used for large events. TVRC considered the parking to be a design waiver and not a variance.

Ms. Caldwell stated it is an R5/2 Zones and since the applicant is going from using tents to a permanent structure she believes it is a D1 variance. Mr. Brady thinks it is clearly a variance, expansion of a nonconforming use, as it will now be

permanent and he questioned the pool being a conditional use. Mr. Bodolsky explained that the school and church that used to be attached changed the use of the property. All those matters were discussed according to the campus master plan presented to the Board of Adjustment in 2011. Conditional use C is set up for swimming pools and is not subordinate to a church or private school.

In response to Ms. Caldwell's question, Mr. Bodolsky explained that the pool would be used internally, mainly for camp and retreat use. It was brought to TRVC's attention that they mentioned possibly allowing high schools to use the pool for practice. It was stated there are no proposed spectator areas at pool so there could be no competitions held.

The Board attorney administered the oath to, Mr. James Greene, the applicant representing NJ Conference/TVRC. Mr. Greene explained the activities that take place on site. The property started as a school and then was repurposed as a retreat center and recreational camp. It is also used for convocations and their largest is the annual camp meeting. They hold their events on weekends in June each year and tents were used to hold the congregation during the service. As they grew, they needed to seat 3000 to 4000 adults during the camp meetings. They are proposing the addition so they would no longer need the tents. Every 5 years there are 4,000 to 5,000 adults and children from all over their congregation. TVRC also allows other churches to use the facility and have their own version of cub scouts and boy scouts as well. In addition, the conference offers a number of training events for local churches. They do all service and trainings in English and Spanish. On average, annual usage is between 25 and 35 weekends a year. Centenary college used the facility for practices but they have since built a gym of their own. All youth groups will be using the proposed pool, they currently have an outdoor pool but would like to use the pool year round so they are building one inside. They are going to keep the outdoor pool open and available because you cannot dive in the indoor pool.

Mr. Holzhauer asked what the seating capacity of the auditorium/gym was, Mr. Saphire responded with 3,500 people, Mr. Brady asked where people park during large events. Mr. Greene said he believed they can house 1,500 to 2,000 cars all around the grounds and stated he doesn't think he has ever seen more than 1,000 cars. Some people come in on buses and others in large vans.

Ms. Caldwell asked what all the uses are, she stated the retreat, church use, and children's programs but would like to know how they fall under NJ conference. Occasionally other conferences will use the facility for their retreats. Campgrounds are part of the retreat center and roughly up to 1,200 people including youth use the campgrounds at one time. They also use the gym and swimming pool. The structure is multi use and multipurpose.

The Board broke for recess at 9:23 and back to order at 9:33.

Mr. Greene stated there have never been any problems and this has been going on for the last 40 years and no one really knew. Mr. Holzhauer explained that there isn't problem until the first time.

The Board attorney administered the oath to the applicant, Mr. Ramon Merle, Director/TVRC.

He proceed to explain the picture that was given to the board with regards to parking, security, garbage, first aid, porta johns and tents. He gave an overview of each through a power point presentation which is Exhibit A1 and then showed a diagram with all locations layered over each other. He stated that they notify Pub 517 to let them know they will be using the driveway for an exit during the retreat. If event is small traffic flows through Academy Lane if large it flows out by the Pub.



According to Mr. Merle's numbers they are able to house 2,000 vehicles but they would never need all of it. One hundred and forty vehicles are parked on the lane between the trees. He explained that the bottom corner of parking lot D is 200 ft. from the wetlands area that borders the property. There are 2 first aid stations located in the gymnasium and on the campgrounds. Porta johns are brought in and located throughout the property. They bring in an additional 30 yard dumpster and they have the septic and fire alarms tested before large events. The water is tested and the septic is usually pumped.

Mr. Holzhauer questioned what would happen in an emergency and Mr. Merle explained that that is what security is for, to aid the visitors in any situation. Mr. Holzhauer asked about signage on the traffic route for these large events. Mr. Merle said that sometimes they will take down signs that indicate something other than the current plan. The security is in place to help with traffic issues.

- Mr. Merle testified the building will not extend far enough to effect the overflow parking used for large events.
- Mr. Holzhauer requested clarification as to why there is no new intended parking, there are only currently 52 spaces and with the size of the proposed facility why is there no new parking proposed? Mr. Walker asked about the proposed building effecting the current parking spaces and if the new building will be taking up existing parking. Mr. Merle stated that it will not be effected and after a brief discussion, Mr. Holzhauer requested a visit to the site to help clarify some issues. It was decided on Thursday, August 4, 2016 at 6:00pm.
- Mr. Holzhauer said he would take no more new information due to the late hour.
- A motion was made by Mr. Walker to carry meeting over (due to the information still needed) to the August 11<sup>th</sup> meeting and seconded by Mr. Jeff Wilson. No discussion. All Ayes.
- Mr. Greene stated that he will be leaving on vacation the following day and will not return for 6 weeks. His replacement will be Mr. Mike Gill.
- Mr. Brady briefly discussed the power point presentation by Mr. Merle and asked for a copy to be given to the board.

Mr. Holzhauer reviewed the TVRC submitted fees memo from Mrs. Peralta, the Township Clerk. After discussing the fees (application and technical review) that were submitted vs. the fees that were required by ordinance, Mr. Greene agreed to forward an additional \$15,000 for technical review and an additional \$2,000 for the application fees to Mrs. Peralta in two separate checks. They are to be mailed to the township on Monday.

- Mr. Greene asked who the board expected to have at the meeting on the 4<sup>th</sup>, the board agreed it only needs to be Mr. Merle.
- Mr. Holzhauer explained there were no members of the public present and the public comment was closed.
- **CORRESPONDENCE** - None
- **CHAIRMAN'S REPORT** - None
- **ATTORNEY'S REPORT** - None
- **SECRETARY'S REPORT** - None
- Mr. Holzhauer stated that Ms. Caldwell has a checklist to review but since it was late it would be carried over to the next meeting.

Motion to adjourn by Mr. Rick Wilson and seconded by Mr. Walker. No discussion. All Ayes.  
Meeting was adjourned at 10:12 pm

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Kim Mantz", followed by a checkmark-like flourish.

Kim Mantz  
Land Use Board Secretary



**GREEN TOWNSHIP LAND USE BOARD  
RESOLUTION MEMORIALIZING THE GRANT OF (2)  
CONDITIONAL USE APPROVALS, A CONDITIONAL USE VARIANCE PURSUANT  
TO N.J.S.A. 40:55D-70(d.) (3), *BULK* VARIANCE FOR MAXIMUM ACCESSORY  
BUILDING SIZE, CERTAIN *BULK* VARIANCES, GRANT OF DRIVEWAY WAIVER  
AND PRELIMINARY AND FINAL SITE APPROVALS TO  
APPLICATION NO. LU 1601  
SHAWN AND JENNIE EISENMENGER  
(BLOCK 16, LOT 23 – 28B MUNICIPAL ROAD)**

**WHEREAS**, application having been made on February 11, 2016, by Shawn and Jennie Eisenmenger, who reside at 28B Municipal Road, Andover (Green Township), NJ 07821, to the Green Township Land Use Board seeking the grant of (2) *conditional use* approvals, a conditional use variance pursuant to N.J.S.A. 40:55D-70(d.) (3), certain *bulk* variances and preliminary and final site plan approvals in order to, as stated in the application form: *construct a 30' x 48' garage/storage shed* on certain property owned by the applicants, said property known and designated as Block 16, Lot 23, on the Green Township Tax Map and said property being commonly known as 28B Municipal Road; and,

**WHEREAS**, in support of the application for the relief aforesaid, the applicants having submitted the following:

- A completed application form.
- A completed Application Checklist.
- A completed Driveway Permit Application.
- An attachment to the application form, being a one page narrative of the particulars of the applicants' development proposal.
- An explanation of the necessity of the (d.) (3) use variance/description of driveway pavement design waiver.
- An Application for Soil Erosion and Sediment Control Plan Certification.
- Four (4) photographs of the subject property.
- A plat entitled: *Topographical Study for: Eisenmenger Property, Lot 23, Block 16, situated in: Township of Green, Sussex County, New Jersey*, said plat prepared by Charles Worthington, P.L.S. of Careaga Engineering, Inc., said plats being constituted of one (1) sheet, being dated March 16, 2016 and bearing no revision dates thereon.

- A plat entitled: *Variance Map for Block 16, Lot 23, Green Township, Sussex County, New Jersey*, said plats prepared by Robert D. Poole, P.L.S., said plats being constituted of one (1) sheet being dated March 12, 2016 and bearing no revision dates thereon.
- A plat entitled: *Proposed Accessory Building for: Eisenmenger Residence, 28B Municipal Road, Andover, N.J. 07821, Block 23 –Lot 16*, said plats prepared by Paul V. Ashworth, Architect, said plats being constituted of one (1) sheet, being dated January 10, 2016 and bearing no revision dates thereon.
- A plat entitled: *Proposed Accessory Building For: Eisenmenger Residence, 28B Municipal Road, Andover, N.J. 07821, Block 23, Lot 16*, said plats having been prepared by PVAA Architecture, LLC – Paul V. Ashworth, A.I.A., said plats being constituted of two (2) sheets being dated December 12, 2015 and bearing no revision dates thereon.
- A plat entitled: *Site Plan 28B Municipal Road, Lot 23, Block 16, Situated In: Township of Green, Sussex County, New Jersey*, said plats prepared Jeffrey J. Careaga, P.E., said plats being constituted of two (2) sheets and being dated March 28, 2016 and bearing no revision dates thereon.
- A plat entitled: *SESC Plan, 28B Municipal Road, Lot 23, Block 16 Situated In: Township of Green, Sussex County, New Jersey*, said plats prepared by Jeffrey J. Careaga, P.E., said plats being dated March 28, 2016 being constituted of one (1) sheet and bearing no revision dates thereon.

**WHEREAS**, the applicants having appeared, *pro se*, before the Green Township Land Use Board at its regular meeting convened on March 10, 2016 for the purpose of the Board's determination as to the *completeness* of the application and at which meeting the application was deemed to be *incomplete* but after resubmission was deemed to be *complete*; and,

**WHEREAS**, the applicants having provided, in accordance with the requirements of the Municipal Land Use Law, particularly N.J.S.A. 40:55D-12, proper, timely and adequate notice of the variance relief and site plan approvals sought by having provided notice thereof, by certified mail, return receipt requested, to all property owners located within 200 feet of the subject property and by having published, once, in the official newspaper of the Township of Green, a notice of said application and the Board having determined that, accordingly, it was vested with jurisdiction to hear the application and take Official Action with respect thereto; and,



**WHEREAS**, a hearing was held upon the application at the regular meeting of the Green Township Land Use Board convened on June 9, 2016, at which applicants, Shawn Eisenmenger and his wife, Jennie Eisenmenger, having appeared and at which Jeffrey J. Careaga, P.E., P.P., the applicants' professional engineer and professional planning consultant, having appeared and provided testimony and documentary support with respect to the application; and,

**WHEREAS**, John P. Miller, P.E., P.P., C.M.E., the Green Township engineer and Green Township Land Use Board engineer, having rendered two (2) reports thereon, the latest of which is dated April 7, 2016; and,

**WHEREAS**, Jessica C. Caldwell, P.P., the Land Use Board's professional planning consultant, having rendered reports thereon dated March 3, 2016 and April 7, 2016; and,

**WHEREAS**, no objectors or other parties interested in the application appeared before the Board at its regular meeting convened on June 9, 2016, nor were any communications by or on behalf of any such objectors or interested parties received by the Board; and,

**WHEREAS**, as a result of the application made to it, the submission of the plats, photographs and other documents in support thereof and as particularly described hereinabove, the Green Township Land Use Board does hereby make the following basic **FINDINGS OF FACT**:

1. The applicants are Shawn Eisenmenger and Jennie Eisenmenger, his wife, who reside at 28B Municipal Road, Andover (Green Township), NJ 07821.
2. The property which is the subject of the application and which is owned by the applicants is known and designated as Block 16, Lot 23, on the Green Township Tax Map is commonly known as 28B Municipal Road.
3. The subject property is located at the end (easterly portion) of *Municipal Road* and is located on the northerly side thereof. *Municipal Road* presently has a tax lot and block designation in that the establishment thereof as a public street was never perfected several decades ago. The Township is presently in the process of establishing *Municipal Road* as a dedicated and accepted public street.
4. The subject property has a width, measured along the northerly edge of *Municipal Road*, of 286.00 feet; has an easterly sideline length of 111.66 feet; has a westerly sideline length of 91.80 feet; has a rear (northerly) lot line width of 268.08 feet and contains a total area of 0.70 acres.

5. There is presently located on the subject property a one-story frame dwelling house owned and occupied by the applicants and which is commonly known as 28B Municipal Road.
6. The subject property also presently has located thereon a wood shed (undimensioned) at the immediate northeasterly corner; a wood shed located to the left (westerly) of the previously described wood shed and a larger wood shed located in the area where the easterly portion of the proposed garage/storage shed will be constructed. Additionally, there is a frame garage (undimensioned) located in the southeasterly portion of the subject property.
7. The applicants testified that one of the wood sheds (testimony was not specific as to which one) would be relocated and the other two (2), together with the frame garage, would be demolished.
8. The applicants propose to construct on the northeasterly portion of the subject property a garage/storage building which will have dimensions of 48'0" in width, 30'0" in depth and which will have an overall height of 19'0". The garage/storage building will contain a total floor area of 1,440 sq. ft.
9. The proposed garage/storage building will have the following setback dimensions: a front yard setback of 60.5 feet; an easterly side yard setback of 25.3 feet; rear yard setbacks of 21.0 feet (easterly corner) and 20.7 feet (westerly corner).
10. Access to the proposed garage/storage building will be achieved by means of a proposed driveway intersecting Municipal Road at its easterly terminus and leading directly into the two (2) overhead doors to be established within the garage/storage building.
11. The garage/storage building will have two (2) 12'0" x 12'0" overhead garage doors located in the front (southerly portion) thereof; will have a 12'0" x 12'0" overhead door located at the northeasterly corner thereof and will have two (2) entry (personnel) doors, one on the easterly side and the other on the westerly side near the front (southerly portion) of the garage.
12. Given the significant size of the proposed garage (30' x 48' and containing a floor area of 1,440 sq. ft.) the Board expressed concern to the applicants as to the necessity of such a large and relatively tall accessory building. Particularly, the



Board expressed concern as to the use thereof, i.e., whether it was to be used exclusively for residential accessory storage purposes or was to be devoted to a business.

13. Although some business uses are permitted in the NC Neighborhood Commercial Zone District and would be permissible pursuant to a site plan itemizing and detailing such commercial uses, the applicants testified, under oath, that the exclusive purpose of constructing the building was for residential accessory storage purposes only including the applicants' intention to, sometime in the future, purchase a recreational vehicle (RV) and, accordingly, the need for the width and height of the overhead doors (12'0" x 12'0").
14. The proposed garage will be a pre-engineered building manufactured by Post Frame Precision and will have metal siding and roofing and will be pre-painted in a natural or neutral *earthtone* color.
15. The proposed garage will be serviced by electricity only and there will be no water, sewer or sanitary facilities established therein. The building is not proposed to be heated.
16. Although the architectural plans submitted show the dimensions of the doors to be 12' x 12', the applicant, Shawn Eisenmenger, during his testimony before the Land Use Board on June 9, 2016, clarified that the doors will have a width of 12' but an overall height of 14'.

**WHEREAS**, as a result of the forgoing basic **FINDINGS OF FACT**, the Green Township Land Use Board hereby makes the following ultimate **CONCLUSIONS BASED THEREON**:

- a. As appears from the March 3, 2016 report of Jessica C. Caldwell, P.P., the following approvals and variance relief are required:
  - With respect to the principal use (single-family residential) such use is permitted by Section 30-45.3(a) of the Land Use Regulations. However, the use does not meet all the conditions of the use enumerated in Section 30-82.12 (a) which are: minimum lot size of five (5) acres and on lots in which the principal use is a permitted commercial use, accessory residential uses and structures are permitted but require an additional five (5) acres for a total of ten (10) acres for a

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Application No. LU 1601

Shawn and Jennie Eisenmenger  
Grant of (2) Conditional Use Approvals;  
Grant of Conditional Use Variance; Grant of Bulk Variance  
For Maximum Accessory Building Size and Certain Bulk Variances;  
Grant of Driveway Waiver and Grant of Preliminary and  
Final Site Plan Approvals

Prepared by: Lyn Paul Aaroe, Esq.  
Attorney, Green Township Land Use Board

commercial principal use attended by a permitted accessory use.

- The principal residence located upon the property, although being a conditionally permitted use, has never obtained and, accordingly, presently requires conditional use approval.
  - Additionally, in that the subject property contains an area of 0.7 acres and the NC Neighborhood Commercial Zone District requires a minimum lot of five (5) acres, a conditional use variance pursuant to N.J.S.A. 40:55D-70(d.) (3) is required to be granted.
  - The proposed (30' x 48'/1,440 sq. ft.) accessory building exceeds the maximum permitted accessory building size of 650 sq. ft. established by Section 30-63 applicable to the AR/R Districts. Accordingly, bulk variance relief is required for maximum permitted accessory building size.
  - Additionally, the following *bulk* deviations exist: minimum lot area – 1.5 acres required, 0.7 acres existing; maximum lot depth – 330 feet permitted, 111 feet existing; minimum front yard setback – 60 feet required, 34 feet existing; minimum rear yard setback – 75 feet required, 30 feet existing. However, the lot depth, front yard setback and rear yard setback requirements are existing non-conforming conditions.
  - With respect to the proposed garage, the rear yard setback is non-conforming and *bulk* variance relief with respect thereto is required.
- b. Relief from Section 17-2.5 of the Green Township Driveway Ordinance has been sought in order that the entirety of the driveway can be constructed of dense graded aggregate (DGA), the Driveway Ordinance requiring the first 50 feet thereof to be paved.
- c. The *bulk* variance components of the application are governed by the provisions of the Municipal Land Use Law, particularly N.J.S.A. 40:55D-70(c.), which enables the Land Use Board to grant *bulk* variance relief in

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Application No. LU 1601

Shawn and Jennie Eisenmenger

Grant of (2) Conditional Use Approvals;  
Grant of Conditional Use Variance; Grant of Bulk Variance  
For Maximum Accessory Building Size and Certain Bulk Variances;  
Grant of Driveway Waiver and Grant of Preliminary and  
Final Site Plan Approvals



circumstances where: ... (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property or (b) by reason of exceptional topographical conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property **or the structures lawfully existing thereon**, the strict application of any regulation pursuant to Article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.

- d. With respect to the conditional use variance component of the application, relief therefrom is governed by N.J.S.A. 40:55D-70(d.) which provides that the Board has the authority to: *In particular cases for special reasons, grant a variance to allow departure from regulations pursuant to Article 8 of this act to permit: (3) deviation from a specification or standard pursuant to (N.J.S.A. 40:55D-67) pertaining solely to a conditional use.*
- e. The Municipal Land Use Law requires that: *No variance or other relief may be granted under the terms of this section... without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.*
- f. The Land Use Board is satisfied that the applicants have met both the *positive and negative* elements of N.J.S.A. 40:55D-70(c).(d.).

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Township of Green that, as a result of the foregoing basic **FINDINGS OF FACT** and ultimate **CONCLUSIONS BASED THEREON**, the following **OFFICIAL ACTION** is taken with respect thereto:

1. **APPLICATION NO. LU 1601**, being the application of **SHAWN** and **JENNIE EISENMENGER**, with respect to property owned and occupied by the applicants, said property known and designated as **BLOCK 16, LOT 23**, on the Green Township Tax Map, said property being commonly known as **28B MUNICIPAL ROAD, BE**, and same is herewith **GRANTED THE FOLLOWING RELIEF/APPROVALS**.

2. A **CONDITIONAL USE APPROVAL** with respect to the existing principal residential use.
3. A **CONDITIONAL USE APPROVAL** with respect to the proposed (30' x 40'/1,440 sq. ft.) garage.
4. **FRONT YARD SETBACK** and **REAR YARD SETBACK** with respect to the proposed garage which require, respectively, setbacks of 100 feet and 25 feet.
5. A **CONDITIONAL USE VARIANCE** pursuant to N.J.S.A. 40:55D-70(d)(3) with respect to the use/structure relating to the garage to be constructed.
6. A **WAIVER** from the requirement that driveways in the NC Neighborhood Commercial Zone District have the first 50 feet thereof paved.
7. **PRELIMINARY and FINAL SITE PLAN APPROVALS.**

**BE IT FURTHER RESOLVED**, that foregoing Official Action is taken, subject to full compliance by the applicants with the following terms and conditions:

- a. The applicants shall provide proof of the payment of all real estate taxes and assessments due on the subject property through the second quarter of 2016.
- b. The applicants shall reimburse the Township of Green for the costs of professional services rendered to this application on account of engineering, planning and attorney professional services, including the cost of preparation of this memorializing Resolution.
- c. The applicants shall construct the proposed garage in precise compliance with the plats, other submittals and testimony of the applicants, **any deviations therefrom** requiring resubmission to, re-review and re-approval by Land Use Board.
- d. The accessory building shall be provided with electric service, only, and no water or sewage service shall be provided.



- e. The accessory structure shall be utilized exclusively for the residential accessory storage purposes as testified to by the applicants and shall not be used for any business, commercial or non-residential use unless or until a new or amended, as the case may be, site plan application is submitted to, reviewed and approved by the Board.
- f. The proposed garage shall not be devoted to living or sleeping quarters.
- g. The applicants shall comply with all the comments and/or recommendations contained in the April 7, 2016 report of John Miller, P.E., P.P., C.M.E.
- h. The accessory buildings located upon the subject property shall be demolished and the debris removed and the existing accessory building to be relocated shall be relocated, all prior to the issuance of a Certificate of Occupancy (CO) for the proposed new structure.

GREEN TOWNSHIP LAND USE BOARD

  
SCOTT HOLZHAUSER, CHAIRMAN

  
KIM MANTZ, SECRETARY

I hereby certify the foregoing Resolution to be a true and complete memorialization of the Official Action taken by the Green Township Land Use Board at its regular meeting held on June 9, 2016, by a motion and vote as follows:

**MOTION TO GRANT TWO (2) CONDITIONAL USE APPROVALS; TO GRANT A CONDITIONAL USE VARIANCE; TO GRANT BULK VARIANCE RELIEF FOR MAXIMUM ACCESSORY BUILDING SIZE, TO GRANT THE BULK VARIANCES, TO GRANT THE DRIVEWAY WAIVER AND TO GRANT PRELIMINARY AND FINAL SITE PLAN APPROVALS, SUBJECT TO CERTAIN CONDITIONS, TO APPLICATION NO. LU 1601 – SHAWN AND JENNIE EISENMENGER, BLOCK 16, LOT 23 (28B MUNICIPAL ROAD):**

IN FAVOR: Chairman Holzhauser, Mr. Rick Wilson, Mr. Jeff Wilson, Mr. Perigo, Mr. Muller, Mr. Cercone, Mr. DeYoung.

OPPOSED: None.

ABSTAIN: None.

ATTEST:

  
KIM MANTZ, SECRETARY

Dated: July 14, 2016  
GZBA: EisenmengerVariance.Reso





June 17, 2016

Via Electronic Mail clerk\_admin@greentwp.com and Regular Mail

Township of Green  
150 Kennedy Road  
P.O. Box 65  
Tranquility, New Jersey 07871

Attn.: Linda Peralta  
Clerk/Administrator



Re: Township of Green, County of Sussex, State of New Jersey  
Application No. 2016-07 – Amended Preliminary and Final Site Plan (Building Addition)  
Airside, Inc. – Block 26, Lot 4 (246 Brighton Road)  
**TRC Review**  
Our Project No.: SCE-4836.041

Dear Board Members,

As directed, I have reviewed the following in reference to the above-captioned application:

- Planning Board Application, dated June 15, 2016
- Form #1: Application Checklists
- Plans entitled “Amended Preliminary and Final Major Site Plans for Lot 4, Block 26 ‘Airside Inc.’ – Township of Green, Sussex County, New Jersey,” prepared by Civil Engineering, Inc. as follows:

| <u>SHEET</u> | <u>DESCRIPTION</u>                       | <u>DATE</u>  |
|--------------|--|--------------|
| Sheet 1 of 8 | Cover Sheet                              | May 25, 2016 |
| Sheet 2 of 8 | Existing Conditions (also signed by PLS) | May 25, 2016 |
| Sheet 3 of 8 | Environmental Plan                       | May 25, 2016 |
| Sheet 4 of 8 | Site Layout Plan                         | May 25, 2016 |
| Sheet 5 of 8 | Grading & Utility Plan                   | May 25, 2016 |
| Sheet 6 of 8 | Soil Erosion and Sediment Control Plan   | May 25, 2016 |
| Sheet 7 of 8 | Lighting & Landscaping Plan              | May 25, 2016 |
| Sheet 8 of 8 | Construction Details                     | May 25, 2016 |

- “Addendum to Stormwater Management Report for Airside, Inc. – 246 Brighton Road, Lot 4, Block 26 – Green Township, Sussex County,” prepared by Civil Engineering, Inc., dated May 25, 2016



- “Maintenance and Operations Manual for Stormwater Management Facilities at Airside, Inc. – 246 Brighton Road – Lot 4, Block 26 – Green Township, Sussex County,” prepared by Civil Engineering, Inc., dated May 25, 2016

### **Overview**

Airside Inc. has submitted this application for an *Amended* Preliminary and Final Site Plan approval to construct a 9,000-square foot industrial building addition (warehouse) on Lot 4 in Block 26 in Green Township. It is our recommendation that this Application be filed as a Preliminary and Final Site Plan Application, not an “amended” application.

The property is currently developed – in 2009 Airside Inc. received the site plan approval for the construction of a 24,000-square foot building (and associated parking) to run a sheet metal fabrication business. The uses as approved in 2008 (preliminary) – 2009 (final) are: 6,500-square foot warehouse, 14,000-square foot manufacturing, and 3,000-square foot offices.

The property in question has an area of 12.3 acres and is located at 246 Brighton Road in Green Township, in the Agricultural/Industrial Zone (AI-10). A variance is being requested from the setback requirements: 122.2 feet proposed where 200 feet is required.

The site is served by an on-site septic disposal system and by a private well. Stormwater management is proposed to be addressed by indicating that runoff from all additional impervious areas will be handled by the existing on-site detention/infiltration basin that has been constructed with extra capacity.

It should be noted that architectural plans have not been provided.

Applicant should indicate if there will be additional employees, hours of operation, and indicate if the existing septic system is adequate or if changes are proposed.

Access to the lot is via a driveway to Brighton Road (County Road 606). At the time of memorializing, the Resolution contained a condition relative to the driveway access from the County. The condition was never satisfied, and a CO was never issued. (Performance Bond still posted with the Township?)

Parking analysis on plans indicates that the 57 parking spaces previously approved (note: 29 banked parking spaces/not constructed) satisfy the parking requirements for the site with the building addition. However, it should be noted that the Resolution of Approval (Preliminary Site Plan) indicates 9 ft. x 19 ft. parking space dimensions, while the amended plan indicates existing and proposed parking space dimensions as 9 ft. x 18 ft. It is our recommendation that now that their business is expanding, all loading areas, parking and drives should be paved, and concrete pads be constructed in front of the loading docks.





### Completeness Review

It should be noted that waivers have been requested as indicated on the checklist; however, a written waiver request with justification has not been provided.

#### Form #1 – Application Checklist

##### 1. General Information

- Item 1.10 Incomplete. Application form indicates complete. An L.O.I. from 2008 is on file from previous site plan application.
- Recommend that this item could be waived as proposed development is away (>150 ft.) from the existing wetlands on site.
- Item 1.11 Ms. Peralta to confirm that application has been submitted to the County (for the “amended” application).
- OUTSTANDING ITEM related to the previous site plan application: County Approval not on file with the Township

##### 2. Plan/Plat Map, Site Plan & Subdivision Checklist

- Item 2.03 Waiver requested (plan scale).
- Recommend that this item could be waived. Plans are legible.
- Item 2.05 Incomplete. Name and address of the Owner and of Applicant not provided on plans.
- Recommend that this item could be waived for completeness only.
- Item 2.17 Waiver requested (location of man-made features within 200’ of property).
- Recommend that this item could be waived (not relevant relative to proposed development).
- Item 2.18 Waiver requested (location of natural features within 200’ of property).
- Recommend that this item could be waived (not relevant relative to proposed development).
- Item 2.19 Incomplete. All existing and proposed monuments not depicted on existing conditions survey; boundary survey referenced – copy not provided with the amended application. Recommend that this item could be waived for completeness only.



- Item 2.23 Waiver requested (location of natural features within 200' of property).
- Recommend that this item could be waived (not relevant relative to proposed development).
- Item 2.25 <sup>26</sup> Waiver requested (EIS).
- Recommend that this item could be waived – an EIS was provided with the previous application (no new/relevant information or new impact).

### 3. Preliminary & Final Site Plan Checklist Only

- Item 3.01 Incomplete (indicated as complete on form).
- Recommend that Applicant must address at TRC meeting.

#### Stormwater Management Comments:

1. The Maintenance Manual must be revised to follow the new NJDEP format/guidelines; record keeping and annual maintenance reporting requirements (to Township prior to April 1) must be included in the Manual.
2. The infiltration rate should be verified prior to start of construction, or testimony provided.
3. Upon project completion, prior to Certificate of Occupancy, a revised Maintenance Manual to include as-built and infiltration rate tested after construction must be provided for the file.

It should be noted that a SE&SC application has been filed. We will review and provide comments under separate cover, at a later time.

This concludes my comments at this time. Should you have any questions, please contact me.

Very truly yours,  
**SUBURBAN CONSULTING ENGINEERS, INC.**

*John Miller/df*

John P. Miller, PE, PP, CME  
Township Engineer

cc: Lyn Paul Aaroe, Esq.  
Jessica Caldwell, PP