

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, June 13, 2019

CALL TO ORDER: The June 13, 2019 Regular meeting of the Land Use Board was called to order by Mr. Scott Holzhauser, Chairman, at 7:04pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. Holzhauser.

ROLL CALL: Present: Ms. Rosa Alves, Mr. Joe Cercone, Mr. Jim DeYoung, Mrs. Sharon Mullen, Mr. Michael Muller, Mr. Jeff Wilson, 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, Kim Mantz, Land Use Board Secretary.

Members Absent: Mr. Jim Chirip, Mr. Dan Conkling, Mr. John Lynch and Mr. Watson Perigo.

Motion was made to excuse the absent members by Mr. J. Wilson and seconded by Mrs. Mullen.
No Discussion. All in Favor. Motion Carried.

OATH OF OFFICE: Mr. Muller read his Oath of Office for a change from Alternate #1 to Class IV Board Member

MOTION TO APPROVE MINUTES:

Land Use Board Minutes of May 9, 2019.

Mr. R. Wilson motioned to approve minutes and was seconded by Mr. Cercone.

No Discussion. All Ayes for those eligible to vote. Abstentions: none

RESOLUTIONS:

Application: LU#1903

Owner/Applicant: Louis Tommaso

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

Update on the Status:

Mr. Brady explained the application was approved with the condition that the description be obtained to see if it was done by metes and bounds or by area. Mr. Brady did not hear from the applicant or the applicant's engineer, but he was able to find the description online and it has specific metes and bounds which does not match what was presented to the Board. The engineer and the applicant are ok with holding the resolution of approval so they could confirm this change was acceptable with Farmland Preservation. The applicant may need State approval as well as County for this. Mr. Tommaso indicated he would be dropping off a letter to Kim to confirm he is in agreement with tabling this. Mr. Brady does not feel this will be before the Board in July.

Kim stated there was no new application so there was a chance there would be no meeting in July but there is a possibility something may come in before the revision date. Also, the Township Committee (TC) is introducing and adopting several ordinances and there may be something that was introduced and needs to be looked at in July.

OLD BUSINESS:

There was no update on the draft ECHO Ordinance as the Ordinance Subcommittee has not met yet. Ms. Caldwell will coordinate a meeting date.

NEW BUSINESS:

Discussion of Introduced Ordinance 2019-10 – To Permit Medical Cannabis Growing, Production and Manufacturing as a conditionally permitted use in the AI-10 Zone.

Mr. Brady said there is a Compassionate Use Medical Marijuana Act which does not coincide with our ordinance. There are questions with definitions and requirements and he believes our ordinance needs to be more synchronized with this Act. Mr. Brady stated he would speak to Mark Zschack, Township Clerk, in the morning and send over a letter saying either the Board recommends the TC does not adopt the resolution at Monday's TC meeting or if they do decide to adopt anyway they should anticipate recommendations to amend it. Based on Mr. Holzhauser's comment about not seeing these ordinances until they are already introduced, Ms. Caldwell suggested asking the TC if they could send them to the Ordinance Subcommittee in advance of the introduction to look over while they are still in draft form. This would allow for more time to make their recommendations. It could be introduced, and the Board could make small adjustments if necessary instead of having to hold separate meetings to go over all of it. Mr. Brady will speak to Ursula Leo, the Township Attorney or Mr. Zschack about this suggestion.

A motion was made to recommend the Township Committee NOT adopt Ordinance 2019-10 To Permit Medical Cannabis Growing, Production and Manufacturing by Mr. R. Wilson and seconded by Mr. Cercone
Roll Call Vote: Ms. Alves, Mr. Cercone, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. J. Wilson, Mr. R. Wilson and Mr. Holzhauser

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

Discussion of Introduced Ordinance 2019-11 – Revising Section 30-13 – Performance and Maintenance Guarantees and Inspection Fees.

Mr. Brady explained the MLUL section that deals with Performance Guarantees was changed last year and this ordinance is being updated to reflect the change in the MLUL. He only saw a couple of things he felt were missing from our ordinance: a reference to privately owned stormwater management facilities to be connected to a public drainage system and top course paving on privately owned streets. Mr. Brady is not sure if it was intentionally left out or just an oversight.

Mr. Stoner does not have any issues with this ordinance.

Mr. Holzhauser asked Mr. Stoner about what was happening with the Bond Money Green Township requires and how he was going to address it.

Mr. Stoner believes bonds shouldn't be posted at the beginning of the application for no reason. A bond should be required after almost everything is done and there are a few items that are not completed. For example, landscaping or a top coat of pavement may not be completed because it is December then a bond is requested because the item is not done. This allows the applicant to obtain their CO and still comply.

Mr. R. Wilson asked about the land use fees and whether they should be included in this ordinance. Mr. Stoner explained it should not be included. He did state some of the fees are very high and should be amended. Mr. Holzhauser suggested having the professionals meet to discuss these fees and possibly lower them for the new year. The former Township Clerk, Linda Peralta, had instructed to aggressively raise the fees because she felt it was needed at the time. Mr. Stoner gave a few suggestions and the Board seemed interested in these fees being lowered.

A motion was made to recommend the Township Committee adopt Ordinance 2019-11 subject to Mr. Brady's comments by Mr. J. Wilson and seconded by Mrs. Mullen
Roll Call Vote: Ms. Alves, Mr. Cercone, Mr. DeYoung, Mrs. Mullen, Mr. Muller, Mr. J. Wilson, Mr. R. Wilson and Mr. Holzhauser

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

Mr. Holzhauser opened the public comment but there no one present. He then closed the public comment.

Mr. Holzhauser asked about a few things going on around town:

1. The solar array at the 7th Day property. He is concerned because the landscape screening has not been completed. If it is operational and the conditions have not been met, then the approval will be pulled. They have not been given the Certificate of Approvals from the Construction Office. Kim explained the solar company contact and the 7th day contact were both in town hall and they were supposed to reach out to their attorney and our engineer to move forward with completing the landscape screen. Each species of tree was listed clearly on the site plan so there was no question of what was needed. Mr. Stoner is going to investigate it and Kim will send Scott, the electrical inspector out to see if it is operational.
2. Mr. Holzhauser asked about the house at the end of Philips Road near Pequest Road. Kim explained David, Diehl, Zoning Officer, was already aware of that issue but he has not been able to see it for himself, so he requested the person that made the complaint take pictures and list the date and time. He will look into the problem again when those are submitted. He is only here for 2 hours a week so every time he goes to look it is not there.
3. Mr. Holzhauser questioned Cahill's sign on the corner across from Pub 517. He feels it should be investigated. Kim will have David Diehl look at it and find out who owns the property.

Mr. R. Wilson asked about the property on Wolf's Corner Road that is way in the back and now has a stone driveway. Mr. Stoner responded by saying the property owner has cleared out a large amount of the conservation easement. He left most of the trees but cleared out the brush. Mr. Stoner had him stake out the easement and the owner was told he cannot touch that area any more. There is no residential development slated for that property. He did not obtain a road opening access initially but now has gone to the county to get the approval.

Mr. Cercone questioned the real estate signs with the balloons. He said there are a substantial number of signs that are left over after a Sunday open house.

Mr. Holzhauser stated there used to be a strict ordinance about those signs, but he is not sure about if it had changed or not.

Mr. Muller asked about the landscape screening for 7th Day in the front of the new gymnasium. He remembers it being part of the approval and asked why it had not been done yet. Mr. Holzhauser requested Mr. Stoner look at the resolution to determine whether it is stated as part the approval. Mr. Stoner said there was a large bond in place from them for a bunch of items that were not completed to his satisfaction, he will add this to the list.

Mr. R. Wilson asked about vacant property. Kim stated the banks are supposed to register vacant properties with the Township and if the grass gets too long Patty DeClesis, the Deputy Clerk, notifies them to take care of it. Mr. Holzhauser explained in Newton the DPW cuts the lawns after the Zoning Officer gives a citation. Kim stated there is an active complaint about those properties and it is being investigated.

Mr. R. Wilson also asked about the Crossed Keys parking lot. He thought the front parking lot was supposed to be the pavers that allow the grass to go through, but it has changed and is now covered in pavement. The last

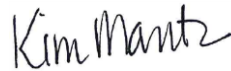
time Crossed Keys was before the Board they had made that change to use that space for Valet Parking and had requested it be paved completely. The Board had approved that change.

Mr. Stoner announced the following roads are being paved: Hibler, Scenic, Birch, Spruce and Terhune. He updated the Board on the Bike Trail. The piece on the other side of Kennedy is currently being negotiated and NJ Parks and Forestry has cleared out from Creek Road up towards Whitehall Road. Mr. Perigo and the DPW did the clearing for the initial section of the trail near the EverGreen Park. Eventually, the trail should run all the way through the County and connect Warren and Sussex.

- **ATTORNEY'S REPORT** – none
- **CHAIRMAN'S REPORT** – none
- **CORRESPONDENCE** – none
- **SECRETARY'S REPORT** – none
- **PROFESSIONALS REPORT** – none

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

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: September 12, 2019