

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, March 12, 2020

CALL TO ORDER: The March 12, 2020 regular meeting of the Land Use Board was called to order by the Land Use Chairman, Mr. Scott Holzhauer, at 7:01pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

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

ROLL CALL: Present: Mr. Joe Cercone, Mr. Jim DeYoung, Mrs. Jenny Kobilinski, Mr. John Lynch, Mrs. Sharon Mullen, Mr. Michael Muller, Mr. Watson Perigo, Mr. Rick Wilson and Mr. Scott Holzhauer.

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: Mr. Jim Chirip, Mr. Dan Conkling

Motion was made to excuse the absent members by Mr. Perigo and seconded by Mr. Wilson.
No Discussion. All Ayes. Motion Carried. Abstentions: None

OATH OF OFFICE: Mrs. Kobilinski read her Oath of Office

MOTION TO APPROVE MINUTES:

Land Use Board Minutes of February 13, 2020.

Mr. Wilson mentioned there was a correction on page 4 it should read kilovolts as the unit of measure. Mr. Wilson motioned to approve minutes with the correction and was seconded by Mr. Lynch. No Discussion. All Ayes. Motion Carried.

Abstentions: None

RESOLUTIONS:

Application: LU#1910

Owner/Applicant: VESI 25, LLC

Block 26 Lot 4.01 – 248 Brighton Road, Andover, NJ 07821

Mr. Brady explained the VESI 25 LLC Resolution will be carried until next meeting because it is still being reviewed by the applicant.

OLD BUSINESS:

Application: LU#1903

Owner/Applicant: Louis Tommaso

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

Mr. Brady called and left a message for Mr. Tommaso to come before the Board. He was not present in the audience. Mr. Brady stated the Board could approve the resolution now because there is a condition that would require specific approvals from the state and because of how old the application is. Mr. Holzhauer suggested it be carried and that Mr. Tommaso be required to appear before the Board at the next meeting.

NEW BUSINESS:

Application: PB#1305/1305B

Owner/Applicant: Pequest 202, LLC

Block 22 Lot 2.02 – 287 Pequest Road, Andover, NJ 07821

Final Site Plan Approval

Ms. Megan Ward, attorney for the applicant began by giving a brief history of this application and then introduced Mr. Alan Campbell, Engineer/Planner for the applicant. Mr. Brady swore in Mr. Campbell.

Mr. Campbell started with submitting Exhibit A1-Final Major Site Plan, sheet 1 of 2, dated February 2020 with no revisions. Mr. Campbell also marked Exhibit A2-Final Major Site Plan, sheet 2 of 2, dated February 2020 with no revisions which has highlighted areas which will be addressed tonight. Since there have been so many sets of plans over the years he thought the best way would be to take the as-built survey and add pertinent information relevant to the final site plan.

Mr. Campbell stated since the applicant was just in front of the Board a few months ago, he wasn't going to go through all the details again unless the Board requested more information.

The following items have yet to be completed on site:

1. Emergency access reflectors still need to be installed
2. Line painting
3. About 150 feet of curbing left to be completed
4. Remaining hardscape on walkways (about 60 feet of sidewalk) and patios will be after curbing is done
5. Remaining base courses and top course for parking lot.
6. Handicap signs
7. Grading in patio area which currently has a QP base
8. Sod remaining bare areas so there is greenscape instead of grass seed
9. Three light poles – night inspection will follow
10. Rear stormwater basin – final grading done in the next two weeks

Overflow parking:

Mr. Campbell stated it is not viable to have turf parking because it will be nothing but mud. The applicant would like to take the existing parking area that was used for the tent and make that the overflow parking with a gravel base. The perimeter would have sod. This would also be used for the construction staging area while the conservatory is being built.

Mr. Campbell stated the septic disposal is located adjacent to the valet parking. All documentation has been provided from the state. County Health Department has been in for the food handlers license and all the documents necessary to open the kitchen. The pumps have been tested and all septic tanks are up and running. There are two wells. The fire protection tanks have been filled.

Mr. Stoner's requested the as-built to include every item detail that has been added/deleted or changed different from the original plans submitted and would like the Conservatory listed as Phase 2. He has no objection of granting a Certificate of Occupancy provided everything is labeled and the Phase 2 information is listed so it is clear what the CO is for. A separate CO would still be needed for the Conservatory.

The applicant is seeking a final site plan approval for Phase 1 and Phase 2. A final as-built is all that would be needed at the end of Phase 2.

Mr. Brady questioned the overflow parking area. Mr. Stoner has no objection to that change. Mr. Brady would like it labeled as temporary and then changed to "overflow parking" when the Phase 2 as-built is submitted. The area will remain turf parking until the construction of the conservatory starts.

Mr. Stoner stated the following items need to be checked off before a CO is issued:

1. Final as-built
2. Post construction inspection of lighting and landscaping
3. All required Sussex County approvals
4. Roadway access approvals
5. Final DEP approvals
6. Health Department approvals
7. SESC approvals
8. Bond for any incomplete site items

There are currently two bonds in place. One, is a paper bond originally over \$600,000 but this Bond had been reduced by Suburban years ago. We are unable to locate this bond within the Municipal Building. The other is a cash bond is for Land Disturbance for over \$39,000. Mr. Stoner would like to close out the paper bond and keep the cash bond until all the items are done. Mr. Brady suggested there is a need to re-designate the cash bond for the remaining items as opposed to land disturbance.

Mr. Campbell said the County road access permit process is complete with the exception of the emergency access. All the work was completed but JCP&L drove through to get to an easement and it now must be fixed. That is the only reason the County will not grant the final approval.

Ms. Caldwell stated there were a few outstanding conditions from the resolution dated September 9, 2017. The applicant must comply with the State Non-Residential Fee Act, the as-built drawings shall be submitted for review prior to final CO and the post construction inspection of lighting and landscaping. All of these must be completed to receive a CO.

Mr. Holzhauser opened and closed the public portion of the application.

Motion for Final Site Plan approval subject to the conditions in the Mr. Stoner and Ms. Caldwell's reports was made by Mr. Perigo and seconded by Mr. Muller

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

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

This application ended at 7:37pm

Application: LU#2001

Owner/Applicant: Andrew H. Billing

Block 7 Lot 5 – 115 Shotwell Road, Newton, NJ 07860

This application began at 7:39pm

Mr. Brady recused himself from this application, but he will still craft the resolution since this is a conforming subdivision with no issues.

Mr. Billing began by explaining he saw this property for sale and wanted to purchase it because it shares a property line with his current land. There is a house located on the property used on the weekends and this subdivision would allow for him to purchase the land and the family to keep their house. Mr. Billing will be using this property for his beef cattle.

Mr. Billing, applicant, and Mr. Fox, Engineer for applicant, were sworn in by Mr. Holzhauer.

Mr. Fox began with explaining the location of the property which has frontage on Hibler, Shotwell and Hunt's School Roads. The proposed lot is located on the corner of Shotwell and Hunt's School Road. The lot as it currently stands is 146.8 acres, the proposed lot which fronts on Shotwell road and contain the house is 23.2 acres, so the remaining area will be 123.6 acres.

There are no variances requested, no proposed construction and no change in use.

Requested waivers include:

1. LOI from the DEP
2. Topography within 200 feet
3. Environmental Impact Statement
4. Buffer zones and landscaping plan
5. Corner stakes and flags

Ms. Caldwell asked about access to the remaining lot. Mr. Billing clarified he has access from his property, there are some farm roads, and a JCP&L access.

Mr. Fox stated there would be no change in use and no variances required so it would be virtually undetectable for the neighbors in the area.

Mr. Holzhauer confirmed the applicant had authorization to submit this application on behalf of the owner. Mr. Billing confirmed he was the contract purchaser of the property and had permission from the owner.

Mr. Stoner stated it was conforming lot and an application needed to be submitted to the county. Mr. Fox said everything was submitted to the Sussex County Planning Board. The deeds need to be filed as well.

Ms. Caldwell reviewed for variances and she found it was a conforming lot.

Mr. Holzhauer asked if this would stay as a separate lot and not be merged with his existing lot. Mr. Billing stated it would not be joined with his existing lot for now.

Mr. Wilson asked if it would only be used for agriculture. Mr. Billing confirmed.

Mr. Holzhauer opened the meeting up to the public.

Josephine Fracasso, 111 Hibler, asked if the property on Hibler Road will be used for cattle.

Mr. Billing confirmed it would most likely be fenced in and used for his cattle.

Mrs. Fracasso also asked about the wooded area and the waste from the cattle. Mr. Billing said he would probably clear a lot of that area to increase the pasture. As for the cattle waste, the area is large enough that it won't be an issue. It would be about 30-40 cows on 90 acres.

Sue Schopperth, 116 Hibler, asked about the access roads. She questioned if the farm roads could be used for roads for a subdivision. Mr. Stoner stated those are only farm roads and any change to those would have to be addressed with the township and the county. Mr. Fox also stated it was for utility use only.

Mr. Holzhauer closed the public portion of the application.

Mr. Stoner said that any clearing for farm activities needs to be in accordance with DEP regulations.

A motion was made to approve the subdivision by Mr. Perigo and seconded by Mrs. Mullen. Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Kobiliniski, Mr. Lynch, Mrs. Mullen, Mr. Muller, Mr. Perigo, Mr. Wilson and Mr. Holzhauer.

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

This application ended at 7:54pm

On a side note, Mr. Fox explained Mr. Tommaso has a meeting in Trenton with the Ag Department and he would have been here tonight but he was sick at home. Mr. Brady will send him a letter requesting he come to the next meeting.

Mr. Holzhauer opened and closed the public portion of the meeting.

Mr. Brady explained he started to work on some of the ordinance language, he will send it over to Ms. Caldwell when it is ready.

- **ATTORNEY'S REPORT** – None
- **CHAIRMAN'S REPORT** – None
- **CORRESPONDENCE** – None
- **SECRETARY'S REPORT**


Kim stated the town hall employees had a meeting to discuss what would happen if the building closed because of COVID-19. We will have an April meeting, even if it is virtual, to memorialize the resolutions from this meeting and for VESI 25 LLC.

- **PROFESSIONALS REPORT** – None

A Motion was made by Mr. Perigo to adjourn the meeting at 8:01pm and seconded by Mr. Lynch.

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

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: August 13, 2020