

GREEN TOWNSHIP LAND USE BOARD MINUTES

Regular Meeting, March 13, 2025

Green Township Fire House

CALL TO ORDER: The March 13, 2025 regular meeting of the Land Use Board was called to order by the Land Use Board Chairman, Mr. Scott Holzhauer at 7:02pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

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

OATH OF OFFICE: Given to reappointed members of the Board. The following member read the oath: Mr. Jason Miller

ROLL CALL: Present: Mr. Robert Cahill, Mr. Joseph Cercone, Ms. Kate Douglass, Mrs. Jenny Kobilinski, Mr. John Lynch, Mr. Jason Miller, Mrs. Sharon Mullen, Mr. Timothy Smith, Mr. Rick Wilson, Mr. Scott Holzhauer

Also present: Mr. David Brady, Board Attorney, Mr. Cory Stoner, Board Engineer, Mr. Paul Gleitz, Conflict Board Planner and Ms. Kim Mantz, Board Secretary

Members Absent: Mr. Jim DeYoung, Mr. Sam Diaz, Mrs. Margaret Phillips

A motion was made by Mr. Wilson to excuse the absent members and seconded by Ms. Douglass.

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

MOTION TO APPROVE MINUTES:

Land Use Board Minutes of February 13, 2024

A motion was made to accept the minutes with minor corrections by Mr. Wilson and seconded by Mrs. Mullen

No Discussion. All Ayes. Abstentions: None

RESOLUTIONS:

Master Plan and Master Plan Reexamination Report

A motion was made to memorialize the adoption of the Master Plan and Master Plan Reexamination Report by Mr. Wilson and was seconded by Ms. Douglass

Roll Call Vote: Eligible to Vote: Mr. Cercone, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mrs. Mullen, Mr. Wilson, Mr. Holzhauer.

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

OLD BUISNESS: None

NEW BUSINESS:

Application: LU#2309

Owner/Applicant: SAKS Properties, LLC

Block 35 Lot 8 – 57 Decker Pond Road, Andover, NJ 08721

Action: Public Hearing

Mr. Brady gave a brief history of this application noting that the notice has been redone and completeness was done in March of 2024.

He explained the process for the public to ask questions only, of the Applicant's Witness, at the end of their testimony specific to what they just spoke about. There will be general questions and statements at the end of all the testimony for the application.

Mr. Jason Rittie of Einhorn Barbarito Law Firm, the Applicant's Attorney, explained they took the last year to revise the plans and significantly scale down the size of the project. The application is to subdivide the lot into two conforming lots and build a 6,012 sq ft structure on the new lot. The existing retail building will remain a liquor/convenience store on lot 8. The proposed uses for the new uses for the building will comply with the zoning.

Mr. Rittie explained the first order of business was to determine if this is considered a strip mall or not. He stated the Board's Conflict Planner, Mr. Paul Gleitz, does not think it is a strip shopping center and he agrees with that.

The other issue is a Razberry's Case and if it applies to this scenario, he does not think it does. This will be addressed later in the testimony.

Ms. Donna Holmqvist from Preferred Planning Group, Planner for the Applicant, began by addressing whether this is considered a strip mall or not. Exhibit A201 is the Revised Plan Benefits – 57 Decker Pond Road, dated October 2024. Ms. Holmqvist does not believe it is a strip shopping center for the following reasons:

1. The building is not parallel with the roadway. There are different setbacks for different parts of the building which means there are different front yards.
2. There is a courtyard configuration which has outdoor seating.
3. Parking is in a semicircle shape away from the building and it was designed that way to break up the visual component.
4. There are only three proposed storefronts and a reduction of square footage from 9,588 sq ft to 6,012 sq ft.
5. There's extensive landscaping proposed throughout the site.
6. There is a significant topographic distance from Decker Pond Road traversing up to the building which creates a visual separation.
7. Ms. Holmqvist believes this is a combination of retail stores and not a strip mall.
8. The 2025 Master Plan was also reviewed and the design is consistent and compatible with that document. The NC District has 3 main components: high quality commercial development, smart growth principles and keeping with the rural character of the community.

Mr. Gleitz believes this is not a strip shopping center based on the way the parking is distributed and how the building is designed.

Mr. Holzhauer opened the meeting to the public for questions or statements regarding this testimony.

Mrs. Laura Bugay asked if all three of the criteria for the definition of strip shopping center need to be met, including the parallel aspect, the parking and the shape. Ms. Holmqvist stated that that is how she is reading the ordinance. Mrs. Bugay went on to say that there are many different shapes a strip mall can come in. Mr. Brady explained that it is Green Township's definition and ordinance that sets the criteria.

Mr. Andrew Tischner questioned what type of retail stores would be located in this building. Mr. Rittie explained that whatever the Green Township ordinance permits will be considered for those spaces.

A motion was made by Ms. Douglass to move that the Board finds this is NOT a strip shopping center and it was seconded by Mrs. Kobilinski
Roll Call Vote:

Ayes: Mr. Cahill, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mr. Miller, Mrs. Mullen, Mr. Wilson, Mr. Holzhauer

Nays: Mr. Cercone

No discussion. Motion Carried. Abstentions: none

Mr. Mark Gimigliano, from Dykstra Walker Design Group, Engineer for the Applicant, was sworn in and his credentials accepted.

He began with Exhibit A202 – Existing Conditions dated 3.13.25 which is an aerial photo of the existing conditions of the property. He then gave a description of the property and surrounding areas.

Mr. Gimigliano then submitted Exhibit A203 – Proposed Conditions dated 3.13.25 which is the same aerial photo but has an overlay of the proposed planning for the site including the property lines. The applicant is requesting approval of minor subdivision to subdivide this property into two parcels. He then gave a brief history of the application and stated there were changes made regarding the shape and orientation of the building to try and accommodate the Township and the neighbors.

Mr. Gimigliano submitted Exhibit A204 – Site Layout dated 2.8.24 which is the original proposal before the changes were made. This building is closer to the northwest corner of the property and the building is larger. Exhibit A205 – Site Exhibit dated 3.13.25 shows the current proposal. The building has been downsized to 6,012 sq ft and moved farther away from the northwest corner to accommodate the neighbors but the buffering is the most substantial difference. The ordinance requires a 25-foot buffer between different uses, but a 50-foot-wide buffer is proposed where the trees and forested area will remain. There is a 60-foot buffer in the rear. The building coverage is only 9% where 25% is permitted and the impervious coverage is 37.3% where 75% is permitted. The building height is 26 feet where 35 feet is allowed.

Mr. Holzhauser asked why it states maximum building coverage says 7,312 sq ft but the Professionals are saying it is 6,012 sq ft. Mr. Gimigliano clarified that the 7,312 sq ft includes all the building coverage which also contains the covered canopy area.

Mr. Gimigliano explained what was proposed for this property:

- It's a single story L shaped building that measures 6,012 sq ft and it's location is fully in conformance with the setbacks of the NC zone. The zone requires a minimum setback of 60 feet in the front yard and 101.7 feet is proposed. The rear yard set back requirement is 75 feet and 75 feet is proposed. The side yard setback requirement is 25 feet and 49 feet is proposed on the right to the common property line and 99.8 feet to the west.

- There will be an easement to allow for a common driveway to be constructed on the remainder of 8 to provide access to lot 8.01. The driveway will provide access to the new building and to the existing liquor store.

Six parking spaces will remain in front of the liquor store so it will still be compliant. There will be 31 parking spaces located in front of the proposed building with a loop around the back to provide for a loading area, access to the trash enclosure and emergency vehicles.

- The trash enclosure is located on the north side of the building and will be fully screened by a 6-foot fence and landscaping.

- The loading zone is located on the north side of the building adjacent to a sidewalk. There are sidewalks around the entire building to provide access to the front and rear entries and loading access.

- The majority of the trees in the center of the site are going to be removed, the site will be regraded to provide a level area for the building and parking lot. Two retaining walls, each 4 feet high, will be added in front of the parking lot due to the topography changes.

- The site has been designed to be accessed by 30-foot-long box trucks and a fire department ladder truck as the maximum sized vehicles. There will be no tractor trailers allowed on the site.

- The existing sign for the liquor store will be removed to construct the site driveway and a new, monument sign will be built along the driveway within the easement on lot 8. This sign, which is 8 feet wide and 6 feet high with a stone base, will be for the liquor store and all 3 tenants in the new building.

- The building mounted sign will remain on the liquor store and there will be 3 signs on the new building above the store fronts. One sign will face Decker Pond Road and the other 2 will face the side property line. A variance is requested for 2 of the building mounted signs because they do not face the street.

- A new septic and well will be constructed. The septic will be located in the back on remainder lot 8 with a full access easement for the owner of lot 8.01.

- The HVAC units and electric meters will be located on the ground in the back and side of the building and be screened by decorative metal gates.

- Stormwater will be managed by an infiltration basin at the front of the property which will feed into the existing piping near the intersection of Kennedy and Decker Pond Roads.

-There will be ten light poles, 12 to 15 feet in height, around the property along the access drive and parking lot. The lights will be LED, downward facing fixtures with a concealed light source so you will see the illumination but not the light bulb. The lighting has been designed to stay in the center of the site but to illuminate the access drive, the light will spill over the property line between lot 8 and lot 8.01 so a design waiver is needed.

-There will be extensive landscaping for the property. There will be 25 feet of trees near the Church, 50 feet of trees near the home to the west and 60 feet behind the building. In addition to the 50-foot tree buffer for the neighbors to the west, there will be a 3-foot berm with Green Giant Arborvitae planted on top. On the inside of the berm will be a 6-foot-high privacy fence to further shield from the neighbor's property. Trees and shrubs will be placed around the property as well.

Mr. Gimigliano submitted Exhibit A20206 – Concept Layout Exhibit dated 3.13.25 and then spoke briefly about a question raised at the TRC in April 2024. The question was if the existing lot could no longer be developed because the new building and driveway would be pushed so far towards the edge. Mr. Gimigliano explained the concept plan to show that the existing lot could be developed into a larger building with adequate parking while maintaining the required buffering from the neighbor. There are no plans to develop the existing lot at this time.

Ms. Douglass raised some questions about the lighting for the property. Mr. Gimigliano stated the lights would only be on from dusk to 1 hour after close of business and only a few lights would remain on overnight for security purposes.

Mr. Wilson requested more details regarding stormwater management. Mr. Gimigliano stated the property slopes down to Decker Pond Road and all the water will be collected into the basin and drained into the existing piping in that area. The basin will be about 3-4 feet deep and the water will infiltrate in the sand areas within the basin. Since the pump is elevated a small amount of water will remain in the basin for ground water recharge.

Mrs. Mullen asked about the retaining walls and Mr. Gimigliano stated they were 4 feet high and 8 feet apart. There will be landscaping placed within that 8-foot span.

Mr. Lynch asked about the site line for the monument signage near Decker Pond Road. The sign and all the plantings will be set back 30 feet from the road out of the County's required site triangle.

After a brief discussion regarding if the monument sign near the road was a billboard because it advertised stores that were not on the property, Mr. Gleitz stated there should be a "very comprehensive easement package" due to the driveway and septic system on the remaining lot. The easements should include access, utilities, septic, trash removal, landscaping, snowplowing, signage, maintenance, repairs and allocation of the responsibilities for those items. Because of this easement situation he does not believe this is a billboard and is only part of the link between the two properties.

Mr. Stoner asked about the EV charging stations. There will be 2 EV spaces, one will be installed and the other will be "make ready". The 2 ADA spaces will be in front of the building. Thirty-one parking spaces total.

The structural plans for the retaining walls are needed and should be listed as a condition of approval.

Mr. Stoner wanted the record to show that there would be no tractor trailers entering the property.

Mr. Gimigliano explained the sewage flow would be 750 gallons per day, which is about the same as a large home.

Mr. Stoner has no objection to the stormwater plan as presented and said there should be a maintenance plan as a condition of approval. Mr. Stoner is concerned with the grassy lawn area on the western side behind the 3-foot berm. Mr. Gimigliano stated this buffer was agreed upon by that specific neighbor so they would like to honor that agreement. He did say that if it was needed or requested more trees/shrubs would be planted. There will be an inspection to review this after the site is completed.

The Applicant agreed with all of Mr. Stoner comments stated in his report regarding deeds and descriptions.

Mr. Gleitz is concerned about potential lighting hotspots within the property because the Lighting Plan did not specify the foot-candles throughout the site. A point-by-point analysis will be provided by the Applicant's Engineer. Mr. Gleitz suggested nothing over 5 foot-candles should be placed on the property because this is an isolated site.

Mr. Gleitz would like to see the 6-foot board on board fence around the dumpster enclosure color match the building and have black vinyl on the gates. He would also like to see the buffer between the church and the site fall under the inspection of the other buffer and supplemented with plantings if necessary.

Mr. Gleitz is concerned about the non-complaint buffer on lot 8. He suggested eliminating the wrap around portion of the existing parking lot to the eastern side to add to the buffered area for compliance. The Applicant agreed.

Mr. Gleitz wanted to make sure the septic and parking designs would still work if there was a beauty parlor or a bakery or a restaurant with grease traps. Mr. Gimigliano explained parking was based on the floor area of most of the uses permitted in the zone. If a restaurant were to occupy one of the spaces that parking is based on the number of seats in the restaurant. For example, a restaurant came in and only 9 parking spaces were allotted for it initially based on floor area, the restaurant would only be permitted to have 27 seats. Mr. Brady suggested it be a condition of approval that before a new tenant leases a space, they would need to come to the zoning department for parking calculation approval. Mr. Gimigliano said the septic is oversized and rated for any commercial use permitted. The septic system could actually limit the number of seats in a restaurant more than the number of parking spaces as there are 35 gallons per seat. And that when it comes to constructing the septic and getting a permit, they would have to sit down with the owner and explain the limitations. They could build a bigger septic that could accommodate a future restaurant or a beauty parlor with a few sinks or they could build the smaller septic which limits the possible tenants.

The Applicant is seeking a waiver from interconnecting sidewalks. Mr. Gleitz suggested the Board decide but that if there is a new retail space on lot 8 they should find a way to connect them.

There was a brief discussion regarding the Razberry's case but this will be discussed in more detail later in the testimony.

There was a brief discussion regarding various opinions on the subdivision line and the easements.

The Applicant confirmed they would switch out the Zelkova plant for something less invasive in their landscaping plan.

Mrs. Mullen asked about if the 3 foot berm will also buffer the Church Community Center. Mr. Gimigliano said that it did not but they would plant if needed.

Mr. Holzhauer opened the meeting to the public for questions about the testimony of the Engineer only.

Mr. Vince Stefani is concerned with the potential for the remaining lot to be developed, as the Applicant would be back up near the original 9-10,000 sq feet of retail space. Mr. Gimigliano stated this was only a 2800 sq ft concept plan but it is not being considered tonight. Mr. Holzhauer explained that the zone permits 25% coverage which would mean a 30,000 sq ft building is permitted if the lots weren't subdivided but the Applicant, even with the potential development on lot 8, would only be a third of that allowable size.

Mrs. Laura Bugay had concerns regarding the lighting throughout the site. The light bulb will be concealed in the light fixture on each of the poles so they will not be seen.

Mr. Jake Nunn spoke about his concerns with any septic system run off because his property borders that area to the north. Mr. Gimigliano said it would not run off, it would leach into the ground so there shouldn't be any issues. The septic system is a pump system because it's a different elevation due to the constraints on this site not because it is a mound system.

Mr. Nunn is very concerned with any modification of this area as he struggles with stormwater runoff from this hill as it exists now.

All the water from the entire development, anywhere that's regraded, will be collected and sent to the front of the property as designed.

Mr. Nunn requested additional buffers near the septic area to try and deter people from using his property to walk between the Park and the liquor store. The Applicant agreed to extend the Green Giant Arborvitaes and additional 80 feet and put up a 6-foot privacy fence along the north and west areas of the clearing for the septic to break up the visual from the Park to the liquor store. He also requested lighting hours be added to the resolution.

Mrs. Kim Hart asked if a noise study had been done. Mr. Gimigliano explained this site will not generate high noise so it wasn't necessary. She is also concerned about the lighting and asked what temperature on the Kelvin scale the lights will be. Mr. Gimigliano said they are going to be at 3,000 on the Kelvin scale.

Mr. Ken Fox, The Architect for the Applicant, presented the architectural testimony for the proposed building. There are 3 tenant spaces for a total of 6,012 sq ft. One will be 1,498 sq ft, one will be 1,715 sq ft and the last will be 2,534 sq ft with 312 sq ft of covered roof area in the front of the building. There will be a basement that is about 3,000 sq ft.

Every 40 feet there is an indentation as per the Township's Design Standards which will hold the HVAC equipment and the electric meters. The interior of the building will have 3 open tenant spaces, all with ADA compliant bathrooms.

Mr. Fox submitted Exhibit A207 which is a color rendering of the front of the building. He also submitted A208 which is a color rendering of the corner of the building. When designing this building, they kept a low profile out of respect for the neighbors which includes a low roof line and high windows in the back of the building. There are decorative cupolas on the roof with brown board and batten style siding and a bluish gray metal roof. There is a 2-foot stone base that wraps around the entire building.

Mr. Fox stated the height is 26 feet where 35 feet is allowed. The cupolas are an additional 6 feet. The 3 internally illuminated tenant signs will be 2.5 feet by 12 feet and they will be located above the roof of the walkway. The monument sign near the road will have a stone base and is designed to resemble the building. The overall total dimension is 6 feet by 8 feet but the sign area is 6 feet by 4.8 feet and will show the site name, address and then each tenant space plus the liquor store. Mr. Fox went through the Township's Design Standards and stated that they are compliant with each one.

Mr. Rittie confirmed there will be street furniture and receptacles as part of the design. The cupolas will be illuminated with translucent glass but no light sources will be seen and they will be turned off at the same time as all other lights save security lighting.

Mr. Wilson asked about the internal illumination of the tenant signs. Ms. Douglass suggested a wooden sign with sconces to illuminate them. The Applicant is willing to change the signs to comply with the request.

Mr. Gleitz reiterated the importance of the lighting compliance and requested additional information in the point by point analysis Mr. Gimigliano is going to provide.

Mr. Stoner asked about the lighting for the monument sign. That sign will be illuminated by upward facing ground lighting.

Mr. Holzhauer opened the public portion of the meeting to ask questions of the Architect.

Mrs. Laura Bugay asked if there was any way the high-window ceiling light could be negated by frosting the windows. Mr. Fox said no.

Mr. Holzhauer closed the public portion of the meeting regarding the testimony of the Architect.

Mr. Rittie requested the application be carried until the next meeting on April 10th at 7pm at the Municipal Building. The next meeting will NOT be at the Fire House, it will be at the Municipal Building.

A request was made by a resident to place a sign at the back of EverGreen Park so people are not walking through the private property to the liquor store during sporting events.

Mr. Holzhauer opened the meeting to the public.

Mr. Jim Chirip thanked the Board for their service.

A Motion was made by Mr. Wilson to adjourn the meeting at 9:50pm and seconded by Mrs. Kobilinski.

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

Respectfully Submitted:

Kimberlee Mantz

Kimberlee Mantz, Land Use Board Secretary

Date approved: April 10, 2025