

# GREEN TOWNSHIP LAND USE BOARD MINUTES

## REGULAR MEETING, November 10, 2016

**CALL TO ORDER:** The November 10, 2016 Regular meeting of the Land Use Board was called to order by the Land Use Chairman, Mr. Holzhauer at 7:03pm. 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. Joe Cercone, Mr. James Chirip, Mr. Danny Conkling, Mr. James DeYoung, Mrs. Sharon Mullen, Mr. Michael Muller, Mr. Watson Perigo, Mr. Mike Viersma and Mr. Jeff Wilson.

Also present: Mr. Lyn Aaroe, Board Attorney and Mr. Darin Phil for Mr. John Miller, Board Engineer and Ms. Malvika Apte for Ms. Jessica Caldwell, Board Planner

Members Absent: Mr. Rick Wilson and Mr. Dennis Walker

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

**MOTION TO APPROVE MINUTES:** Land Use Board Minutes of October 20, 2016. Mr. Jeff Wilson motioned to approve minutes with corrections, seconded by Mr. Muller. Abstain: Mr. Chirip, Mr. Conkling and Mr. Viersma. No Discussion. All Ayes.

Mr. Aaroe stated he sent a letter to the construction department that we took no exceptions to a foundation and footings approval.

**RESOLUTIONS:** None.

**OLD BUSINESS:** None.

### **NEW BUSINESS:**

Application – Pittenger Concept Plan  
LU#1612 - Block 19 Lots 10 & 13  
Creek Road, Andover, NJ 07821  
Action: Review Concept Plan

Escrow Status as of 11/14/16: \$1000.00

Mr. Russell Pittenger, applicant, went over the property, the opportunities and the constraints.

- He was very thorough in going over the property lines, where his sister's property is and the natural features. He explained all the fields, where the rock outcroppings were, where the woods were and the path of the Pequest River.
- He explained he worked with Mr. Tom Bodolsky, engineer for the applicant, to identify opportunities throughout the property so the lots have sense of character. He showed on the maps the board had where all the lots were marked off. He wanted to allow people to decide how many acres they wanted by having an opportunity for potential buyers to purchase larger lots. Some of the lots have the capability to become larger based on the buyer's needs.
- He explained the eastern side of the property has its own issues as there could be sight distance problems. Since there is a 50 foot town reserve access point through Summit Road in Pheasant Run that could be used instead. He said all the access points and lot lines would respect the fence rows, topography and natural features.

- Another potential access point would entail quite a bit of cuts through the woods or quite a lot of fill in a right of way near a neighboring property. He believes the right of way area is more preferential than cutting through the woods.
- There is a lane through a portion of the property that goes back to his mother's house. There are wetland areas throughout a section of the property as well. The wetlands are associated with the river. They will not be building anywhere near the wetlands.
- A section of property across Creek Road, owned by his sister, is shown as wetlands but is currently a pasture and has been for some time. There are issues with setbacks from this but they will deal with it.
- Pieces of this property are owned by Mr. Pittenger, his sister, and a portion by both of them under an LLC.
- They are proposing public streets. Mr. Conkling stated the town generally doesn't like two cul-de-sacs due to snow removal and maintenance. He asked if there was any way it could be reconfigured. Mr. Pittenger explained there were a couple different options. One was having a looping road that would come in and come out but they are trying to stay away from crossing the wetlands.
- Mr. Conkling asked Mr. Phil if there could be a waiver from a wetlands setback. Mr. Phil stated "buffer averaging" is an option.  
Inaudible 1 minute discussion by everyone in the room.
- Mr. Bodolsky explained there are certain limited disturbances that are permitted by the wetlands regulations, not necessarily prohibitions. There is a wetland crossing permit which has a 100 foot limitation on it and only a ¼ acre of aggregate disturbance. There is a lot more than that in that area, as there would be several hundred feet of crossing. And generally, if you don't meet the permit requirements then don't bother. If you need to violate those restrictions then you need to have good reason for it. So Mr. Pittenger and Mr. Bodolsky always looked at this site with an east and a west with no road crossing in between.
- Mr. Pittenger pointed out one of the plans establishes the fields and is broken down by topography and subdividing out each of the fields.
- Mr. Conkling pointed out the sharp 90 degree turns are difficult for snow plowing and the driveways on the end cul-de-sacs make it problematic for getting rid of the snow.
- Mr. Bodolsky suggested they could extend the cul-de-sacs in further to help eliminate the flag lots but then there are issues with doing that. First, additional roadways for the town to own and maintain and secondly, the stormwater regulations basically mandate to avoid the introduction of extraneous impervious surface. Adding 200-300 feet extra on the road way will be a problem.
- Mr. Conkling asked if there was any way they could continue the road out between lot 1 & 2 which would make it a loop road. Mr. Pittenger stated it could be done but it would not be very efficient. Mr. Conkling does not want two cul-de-sacs and he does not believe there are any other developments in town that have two.
- Mr. Pittenger explained there would be another 1000 feet of road if you took out both cul-de-sacs. It would be easier on the snow plow drivers but still 1000 feet of road.
- Mr. Phil suggested moving the cul-de-sac further back, brought the driveways off the 90 and use the rest of the area to dump snow.
- Mr. Conkling stated he did not want to see any curbing on the roads because we live in the country and he wanted to keep it looking that way. Snow plowing becomes a huge issue with curbing as well.
- Mr. Holzhauser and Mr. Conkling would like to get rid of the flag lots all together.
- Mr. Pittenger stated he would rather keep the flag lots than put down more pavement because he feels it would be more prudent to avoid the hard surfaces and stormwater maintenance. He wants to keep it looking as rural as possible but he understands it is the board's decision to decide whether the flag lots are appropriate or not.
- Mr. Perigo stated the flag lots propose a problem for fire protection. The flag lot driveways would be 200 feet long and it could be an issue for the fire apparatus.
- Mr. Holzhauser believes the first goal is to have the road frontage and to avoid the flag lots but here it looks as if it is a choice.



- Mr. Perigo said he would rather take on the additional length of road then have all the driveways dump out into the cul-de-sac.
- Mr. Aaroe asked Mr. Perigo how the snow is removed from the cul-de-sac. He replied by saying it depends on where the driveways are located on the cul-de-sac. You have to maneuver the snow into places so it doesn't end up in the driveways but it is hard to determine without physically seeing the cul-de-sac. Mr. Conkling stated curbing also makes a difference in how the area is plowed.
- Mr. Bodolsky stated that in Mr. Phil's report, which is attached and made part of these minutes, he points out that our ordinance requires there be a minimum of 7 lots per cul-de-sac and in this concept plan there are only 6. Mr. Bodolsky believes this would be a design waiver. He understands he cannot ask for the Board's feedback on this variance/waiver now because it is too soon. However, if they push in the cul-de-sac to serve lots 14 and 19 and eliminate the flag lots they still only have 6 lots. The cul-de-sac could be pushed all the way down to the rear of lot 20, which would be another 400 feet of cul-de-sac and it would only be to fulfill the ordinance requirements and serve no real purpose.
- Mr. Aaroe said, although he doesn't vote, he was inclined to agree with Mr. Bodolsky about not necessarily adding a cul-de-sac just to add it to meet the requirements he believes a good design could trump the ordinance.
- Mr. Conkling confirmed the ordinance said the 7 lots are "served by" and not the road frontage each lot contains.
- Mr. Bodolsky stated the shape of the flag lots are not always the traditional flag shape. Lot 10 doesn't look like the traditional shape because the "stem" is a little kinked but there is no real way to correct that.
- Lot 13 is the lot with the existing house and is identified with a flag stem going up to the rear of the house. The criteria states it needs to be a minimum of 50 feet wide. This one is 50 feet and then widens out from there through the wetlands area.
- In summary, if they extend the easterly cul-de-sac by 200 feet to serve lots 14 and 19, two flag lots will be eliminated. If the westerly cul-de-sac is extended 2 flag lots will be eliminated. They will still have lot 10 and lot 13. The ordinance is as such that it is at the Board's discretion.
- Mr. Bodolsky asked the Board if they had any issues with the flag lots, if they could address them now before anyone one goes forward.
- Ms. Apte pointed out there was an issue with lot 11 and the flag lot minimum acreage. Mr. Bodolsky said they would take a little bit of land from lot 10 and it wouldn't be a problem.
- Mr. Bodolsky disagrees with many of the comments from Ms. Caldwell's report, which is attached to and made part of these minutes.
- Ms. Apte said some of the issues have been addressed through the testimony that was given. She would correct the bulk and area standards and she agrees besides lot 11 that would get corrected, the other issues of lots 10 & 13 (the width at street line) and lots 16 & 17 (the width at setback line) are listed on the table on page 2 of the report.
- Ms. Apte wasn't clear on whether the proposed east road off of Summit Rd. is an existing street or a paper street. That could be an alarming issue for the residents that currently live there.
- Mr. Bodolsky explained the tax map suggests that when this subdivision (I believe he is referring to Pheasant Run based on the discussion up to that point) was formed, sight triangles were created on one side but not of the other. This is according to the tax map he did not look at their deeds. He says it is wide open and physically there are no limitations.
- Mr. Conkling asked what the problem was with the sight distance on the first plan that shows the entrance coming in off the curve, It is the middle and you can see both ways. Mr. Bodolsky explained looking south on Creek Rd. there is a nasty hump on the existing road so although you can see both ways, you may not be able to see a car coming up the vertical curve in the existing road.
- Ms. Apte stated there is an ordinance for suitable lot area which states the building lots must have at least half the lot suitable for building. So at least one acre must have unconstrained buildable area but she believes the requirements are being met due to the size of the lots. Mr. Conkling asked about lot 3. Mr. Pittenger believe there is enough acreage there for suitable building without



constraints.

- Mr. Pittenger said there are a few issues could be fixed with a setback variance but he didn't really want to get into that.
- Mr. Pittenger said excluding his sister's property there is a total of 117 acres with the two parcels which allows for 23 lots but they are only proposing 20 lots. There is a possibility of more lots being added but right now they do not feel like they need it.
- Lori's property does not factor into the density of that 117 acres.
- If Mr. Pittenger was planning on keeping the 35 acre section (lot 13) on the "Conceptual Lot Layout" plan undeveloped then there will have to be a deed restriction on it so it can't be developed down the road.
- Mr. Phil pointed out that lot will end up being land locked if not developed. It may need to be reconfigured so there is access.
- Mr. Muller asked how the wetlands were established. Mr. Bodolsky explained it was done through GeoWeb. Mr. Muller went on to strongly suggest there is to be a LOI done before it comes back to the Board. He doesn't believe an accurate depiction of the wetlands can be determined by the internet.
- Mr. Phil talked about the stormwater management plan but he said he would go through that with Mr. Bodolsky. Everyone has to abide by the residential site improvement standards and when the base mapping is locked down then there can be a discussion before you dive in so we are all on the same wavelength.
- Mr. Bodolsky explained they were not sure whether they would approach the stormwater management on a lot to lot or a macroscopic basis or a combination of the 2.
- There are options to manage the stormwater especially if it was decided there was no curbing. Mr. Phil stated his office was available for guidance and to answer questions on which direction to go in.
- Mr. Holzhauer reiterated some points:
  1. The Township doesn't really care for cul-de-sacs but the need for them is understood.
  2. The Board would prefer no curbing in the roadways.
  3. The Board does not want the driveways to come off the cul-de-sac for snow removal reasons.
  4. Mr. Muller made a good point on the need for the LOI. The LOI is crucial for the entire site.
- Mr. Bodolsky talked about the improvement of Creek Road. He asked if the Board wants the road to be widened going into the curve. Mr. Conkling asked if the curve could be softened. The consensus is that it may cause more issues with drivers speeding through there if it is widened or softened.

As the discussion wrapped up it was determined that COAH is in limbo and that Rich Stein would have the answers to any questions. The 1½ % development fee is still in place.

Mr. Russell Pittenger and Mr. Tom Bodolsky left at 8:15pm

Mr. Holzhauer explained we had a meeting about the application and the checklist and Ms. Caldwell will have that to the Board before the next meeting. There will eventually be a "Joe Homeowner" application packet for simple requests as well.

Ms. Apte stated the second reading of the proposed Land Use Ordinances will be December 12<sup>th</sup> and the hope is that the Board can vote they find it consistent with the master plan at the December 8<sup>th</sup> meeting. Mr. Holzhauer asked if the checklist was part of the ordinance or used as a reference only. Mr. Aaroe explained the checklist is a user friendly document that has to be based upon requirements in the ordinance but is not in and of itself an ordinance.

Mr. Conkling brought up the fact that the site plan for Shears and Breem Application was not complete because it was hand drawn. He also pointed out that the Shamy application needs to have larger plans because they are too small to easily read.

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

A Motion was made by Mr. Perigo to adjourn the meeting at 8:24 and seconded by Mrs. Mullen.

Respectfully Submitted:

A handwritten signature in blue ink that reads "Kim Mantz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kim Mantz  
Land Use Board Secretary