

GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, September 13, 2018

CALL TO ORDER: The September 13, 2018 Regular meeting of the Land Use Board was called to order by Mr. Jeff Wilson, Vice Chairman, at 7:01pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. J. Wilson.

ROLL CALL: Present: Mr. Joe Cercone, Mr. Danny Conkling, Mr. Jim DeYoung, Mr. Watson Perigo, Mr. Dennis Walker (arrived at 7:04pm), Mr. Jeff Wilson, Mr. Rick Wilson

Also present: Ms. Jessica Caldwell, Township Planner, Mr. David Brady, Board Attorney and Mr. Cory Stoner, Board Engineer.

Members Absent: Ms. Rosa Alves, Mr. Jim Chirip, Mr. John Lynch, Mrs. Sharon Mullen, Mr. Michael Muller, Mr. Scott Holzhauer

Motion was made to excuse the absent members by Mr. Conkling and seconded by Mr. Cercone. No Discussion. All in Favor. Motion Carried.

MOTION TO APPROVE MINUTES:

Land Use Board Minutes of August 9, 2018.

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

All Ayes. Abstentions: Mr. Conkling

RESOLUTIONS:

Application: PB#1305/B

Owner/Applicant: Crossed Keys

Block 22 Lot 2.02 – 289 Pequest Road

Mr. Perigo made a motion to memorialize resolution and it was seconded by Mr. R. Wilson

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mr. Perigo, Mr. J. Wilson and Mr. R. Wilson.

All Ayes. No Discussion. Motion Carried.

Abstentions: None.

OLD BUSINESS:

Application: LU#1801

Owner/Applicant: Guy Botticelli and Cristine Tuhy

Block 20 Lot 11 – 200 Pequest Road

Mr. Stoner began by saying the requested checklist waivers were minimal enough that application could be deemed complete and the Board could move to the public hearing.

A motion was made to deem the application complete by Mr. Conkling and seconded by Mr. R. Wilson.
Roll Call Vote: Mr. Cercone, Mr. Conkling, Mr. DeYoung, Mr. Perigo, Mr. Walker, Mr. J. Wilson, Mr. R. Wilson.

All Ayes. No Discussion. Motion Carried.

Abstentions: None.

Mr. Jason Rittie introduced himself as the applicant's attorney and began explaining the history of the property in regards to the zoning appeal by Mr. and Mrs. Stagnari.

He questioned the need for a variance allowing two principal buildings on the same lot. He does not believe these greenhouses are buildings and believes that there should be no variance needed.

Mr. Brady advised the Board he believes it is a building based on the fact that it has a roof, walls, it is heated, it has lights, it is not temporary and it will have an ongoing commercial use.

Mr. Botticelli, applicant, was sworn in by Mr. Brady to talk about the construction of the greenhouses to help the Board determine if it is a building.

For the record, Mr. Conkling asked if they will be putting down a concrete pad under the greenhouse and Mr. Botticelli said no, it will be QP or stone dust (with a tarplin material over it possibly).

Mr. Stoner said that the word "building" and the word "structure" are used interchangeably throughout the ordinances. Mr. Rittie made another attempt to explain why he did not feel it was a building.

After a discussion on whether the greenhouses are considered actual buildings the Board decided they are by way of a vote:

Mr. Cercone made a motion to consider these greenhouses buildings and the require the variance and it was seconded by Mr. R. Wilson

Roll Call Vote:

Aye: Mr. Cercone, Mr. DeYoung, Mr. Perigo, Mr. Walker and Mr. R. Wilson.

Nay: Mr. Conkling, Mr. J. Wilson

No Discussion. Motion Carried.

Abstentions: None.

Ms. Cristine Tuhy, applicant, was sworn in by Mr. Brady and gave a brief history of Happy Harvest Hydroponic Farms. She explained they take all of their products, lettuces and leafy greens, to the market so there is no retail business at their property.

She went on to explain more about Happy Harvest:

- Close looped system, there is no water run off or contaminants that get into the surrounding soil.
- Plants are harvested with roots intact and taken to market and sold to get a longer life out of the lettuce.
- A typical soil farm has 20,000 to 25,000 heads of lettuce on one acre. Happy Harvest is able to produce 55,000 heads of lettuce in a 1500 square foot greenhouse.
- Only uses natural means to feed the plants or take care of any pests in the greenhouse. A list of all of these products was submitted to the Board with the application.
- Work hours vary from summer to winter. During the summer, daylight hours only, there is no artificial light to feed the plants other than task lighting. They start about 7:00 – 7:30am and end no later than mid-afternoon during the week. They leave early on the weekend to go to the market.
- Only two employees, the applicants (Guy Botticelli and Cristine Tuhy) and Cristine's mother when she can help.
- There are no retail sales on site and they do not intend to have any in the future. No wholesale plans in the future either.

- Happy Harvest has never grown marijuana, does not now and does not ever intend to do so in the future.
- The original location of the greenhouses was closer to the house where the barn used to stand but it has been moved closer to the road in the opposite corner from neighbors, Mr. and Mrs. Stagnari.
- The greenhouses will be 110 feet from the northern side of the property, 716 feet from the southern side, 62 feet from the eastern side, 240 feet from the western side.
- The inside of the greenhouse consists of 2'x4' tables and has 40 growing channels for a total of 250 channels. There are harvesting tables, propagation tables where the seedlings are started, a reservoir, a heater, 2 exhaust fans and 5 circulation fans and a propane tank on the outside. There is electricity for task lighting and pumps. Plumbing to run water.
- No grading needs to be done. One can of regular garbage every few months and less than one can of recycling every month which will go out with regular garbage pickup.
- No outside lighting.

The applicant agrees to maintain the existing vegetation between the greenhouses and Pequest Road as a natural buffer which can be made a condition of the approval.

Mr. Conkling asked about a driveway near the greenhouses, the applicant said they would just drive on the grass when necessary. Mr. Conkling suggested adding a gravel driveway from the existing driveway or turnaround to the greenhouses. The applicant will update the plan to show a driveway to the greenhouses and would be subject to approval when submitted as a condition of approval.

Mr. R. Wilson asked if the use of water will impact any of the neighbors. Mr. Rittie explained that would be addressed later in the testimony.

The greenhouses only use about 50 gallons a day. To start up the operation an average of 400 gallons is required.

The applicant will not continue to rent or use the property located in Denville where they currently grow their product.

Mr. J. Wilson asked if the applicant sees any growth beyond the two greenhouses in the future and Ms. Tuhy stated they did not want to expand beyond the two of them. They would not be able to handle a third greenhouse and even if they chose to add an additional greenhouse they understand it would involve an application to the Board.

The propane tank will be located in the rear of the greenhouse. Mr. Botticelli currently has a "hanging heater" in the greenhouse but in these new greenhouses he would like to have the heaters on the floor so not to waste propane by heating the air. If they were to be on the floor it would help heat the plants instead of the air. If the winter is cold the heater will run constantly. Mr. Botticelli believes the direct drive fan is 65 decibels inside the greenhouse.

The greenhouse will contain a hot air system and for cooling exhaust fans would be used. The exhaust fans would be belt driven.

There is a premade solution specifically for hydroponic growing. It is the same as the nutrients you would put on your plants at home but it goes through a different process so that it can grow in water instead of soil. Mr. Botticelli also adds other minerals such as calcium or iron that the plants need but not found in the well water.

Any land disturbance over 5,000 feet would need a Soil Erosion Sediment Control plan. Mr. Botticelli does not believe there would be much disturbance.

Mr. Botticelli explained the greenhouses would not produce loud noises and definitely not more than the cars driving by. He said the noise level is 65 decibels inside the greenhouse. The propane tank would be a 1000 gallon tank and it will not be underground.

Ms. Caldwell asked about the plastic covering and how often it is changed. Mr. Botticelli stated the plastic is changed every 4 years or so. The applicant agreed to keep the cover in good working order as a condition of approval and explained they have no choice but to keep it maintained as it would burn the plants if there was a hole in it.

Mr. Stoner asked what color the greenhouse cover would be. Mr. Botticelli explained the outside would be a white cover and the inside would probably be a clear cover.

Mr. Bob Canace, a hydrogeologist for the applicant, was sworn in and qualified by Mr. Brady and the Board.

Mr. Canace stated the water use for the greenhouses is not significant. The property is on a "very prolific" aquifer and there "is really no limit" for it to produce water. The average total recharge is about 190-200 gallons of water entering the aquifer.

A ground water recharge map of the property was entered as Exhibit A-1 dated September 13, 2018. On average, the occupants and the greenhouses would use about 170 gallons a day. Mr. Canace does not believe there would be any impact, whatsoever, to any of the surrounding neighbors.

Mr. J. Wilson opened the meeting up to public comments:

Mrs. Denise Stagnari, adjoining property owner, was sworn in by Mr. Brady.

Mrs. Stagnari stated they are comfortable with where the greenhouses were moved asked if there was going to be a second well drilled. There will not be an additional well drilled.

She felt since there are no other employees working in the greenhouses that the steep driveway would not be an issue.

Mrs. Stagnari requested, since this was a residential area only and there was no farming in that section of Pequest Road, the applicants must come back before the Board in order to put up any additional greenhouses.

She asked about the Township's intention in regards to the legalized growing of marijuana. Her concern is that if a new owner comes in and takes over the greenhouse they could want to grow marijuana. Mr. Brady stated the conditions applies to the property not the owners and the new owners would have to come back to the Board.

She requested if the applicants cease to operate their hydroponic farm they be required to take down the greenhouses within 3 months. Mr. Brady explained the cover needs to be maintained for production of the plants and as long as the greenhouses are maintained they should not have to be removed.

If the use changes from the lettuces and leafy greens that the applicant currently grows then it would have to be brought before the Board again.

Mr. J. Wilson closed the public portion of the application.

Mr. J. Wilson reiterated the following conditions:

1. Site needs to be maintained.
2. Driveway is subject to engineer's approval.
3. No additional greenhouses unless approved by the Board.
4. No wholesale sales conducted on site.

5. No marijuana to be grown in the greenhouses.
6. No outside lighting or overnight lighting in the greenhouses.
7. Maintain the natural buffers on Pequest Road and all landscape screening.

Mrs. Stagnari questioned if it was a variance for having an accessory structure in the front yard. Mr. Brady explained the variance is for two principal structures on the property, these greenhouses are considered a principal structure and therefore, allowed in the front of the property.

Mr. R. Wilson asked if the neighbors to the east were noticed about this application. Mr. Rittie explained everyone on the 200 foot list had been noticed. Mrs. Stagnari then asked if those neighbors were noticed about the change in location for the greenhouses. Mr. Brady explained once noticed it is the neighbor's responsibility to keep abreast of what's occurring during the application. Mr. Rittie stated for the record the applicant has spoken to those neighbors and there was no issue with the neighbors to the east or across the street.

Mr. Stoner asked about the landscape buffer around the propane tank. Mr. Conkling does not feel it is necessary. Mr. Botticelli agreed to it and thought Arborvitae would be a good choice.

Mr. Conkling made a motion that the structures are granted a variance with the conditions and the application be approved. It was seconded by Mr. Walker

Roll Call Vote:

Ayes: Mr. Cercone, Mr. Conkling, Mr. DeYoung, Mr. Perigo, Mr. Walker, Mr. J. Wilson and Mr. R. Wilson.

No Discussion. Motion Carried.

Abstentions: None.

The Botticelli/Tuhy application ended at 8:27pm

NEW BUSINESS:

After a brief discussion about the budget a motion was made to approve the same budget as last year by Mr. Walker and was seconded by Mr. Cercone.

All Ayes.

No Discussion. Motion Carried.

Abstentions: None.

PUBLIC COMMENT: Mr. J. Wilson opened and closed the public portion of the meeting.

Mr. Walker asked about a leave of absence for 6 months or less. He was directed by Mr. Brady to submit a letter requesting the leave and the Board would accept the letter just as they excuse the absent members.

• **ATTORNEY'S REPORT** – None

• **CHAIRMAN'S REPORT** – None

• **CORRESPONDENCE** – None

• **SECRETARY'S REPORT** – Kim reminded everyone to get their emails set up and if there are any issues to let her know.

• **PROFESSIONALS REPORT** – Ms. Caldwell explained the draft is almost ready for the Board to discuss most likely at the October meeting.

Mr. Conkling said that in regards to the master plan he feels there is a distinct difference between the Viersma application and this one heard tonight as far as the structure is concerned. Mr. Conkling would like to discuss it when talking about the master plan.

Mr. Conkling also asked how long a subdivision approval lasts. He is concerned about the Guidi/Dobson subdivision and the Guidi Solar approval. After a brief discussion about the properties, Kim will send the resolutions to Mr. Brady and he will look into it.

A Motion was made by Mr. R. Wilson to adjourn the meeting at 8:45pm and seconded by Mr. Conkling. All Ayes. No Discussion. Motion Carried. Abstentions: none

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: 10.11.18