

# GREEN TOWNSHIP LAND USE BOARD MINUTES

## REGULAR MEETING, November 10, 2022

**CALL TO ORDER:** The November 10, 2022 regular meeting of the Green Township Land Use Board was held at the Municipal Building, 150 Kennedy Road. The meeting was called to order by the Chairman, Mr. Scott Holzhauer, at 7:05pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Chairman Holzhauer.

The Oath of Office was read by Mr. Robert Cahill

**ROLL CALL:** Present: Mr. Robert Cahill, Mr. Joe Cercone, Mr. Jim DeYoung, Ms. Kate Douglass, Mrs. Jenny Kobilinski, Mr. John Lynch (arrived at 7:08), Mrs. Nicole Magretto, Mr. Jason Miller, Mrs. Sharon Mullen, Mr. Rick Wilson and Mr. Scott Holzhauer. Also present: Mr. David Brady, Board Attorney, Ms. Alison Kopsco, in for Ms. Jessica Caldwell, Board Planner, Mr. Cory Stoner, Board Engineer and Ms. Kim Mantz, Land Use Secretary  
Members Absent: Mr. James Chirip and Mr. Sam Diaz

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

### **MOTION TO APPROVE MINUTES:**

Land Use Board Minutes of July 14, 2022

Mr. Cercone motioned to approve minutes with correction of date and was seconded by Mr. Wilson.

No Discussion. All Ayes from those eligible to vote.

Abstentions: none

### **RESOLUTIONS:**

Application: LU#2206

Owner/Applicant: Renee and Andrew Seaman

Block 35 Lot 9 – 8 Kennedy Road, Andover, NJ 07821

Action: Memorialize approval

Mr. Wilson asked if the applicant was going to install a dry well or a cistern. Mr. Stoner explained they are both essentially the same thing and it didn't matter to him as long as it addressed the stormwater.

There was a brief discussion about the motion made at the last meeting to allow the applicant to begin building without the resolution. Kim stated the applicant understands she can begin building but has not chosen to start yet.

A motion was made by Mr. Wilson to memorialize the approval of application LU#2206 and was seconded by Mr. Cercone

Roll Call Vote: (Eligible to vote) Mr. Cercone, Ms. Douglass, Mrs. Kobilinski, Mr. Lynch, Mrs. Magretto and Mr. Wilson

No Discussion. All Ayes. Abstentions: none

**OLD BUSINESS:** None

**NEW BUSINESS:**

Application: LU#2211

Owner/Applicant: Amberley and Michael Roio

Block 3 Lot 1/3.01 – 12 Hunts Pond Road, Newton, NJ 07860

Action: Completeness and Public Hearing

This application began at 7:12pm

Mr. William Haggerty, the applicant's attorney, briefly explained the applicant's request for the minor subdivision (lot line adjustment) and the roof mounted solar variance. The neighbor is conveying a portion of their land to the applicant, this would allow the driveway to be on the Roio's property instead of the neighbors property.

This home is pre existing non conforming. The lot area and lot width are both deficient. The area will now be increased by 2,410 sq feet. The front yard set back which will not be impacted at all (remainder of this portion is difficult to hear). The report from Mr. Stoner is attached to and made part of these minutes

Mr. Stoner went over the items for completeness and the waivers that were requested.

#8 - No issue with a waiver requested for the LOI because it is not applicable.

#9 - He stated a letter would need to be sent to the county if the Board gave an approval.

#14 - The scale of the drawing is legible and acceptable so the requirement for the correct size can be waived.

#16 - The key map was not provided but since the application is fairly minor this is not an issue as long as the applicant is able to discuss the surrounding area during testimony.

#17 - The title block will need to be updated with the correct names and tax map information but for completeness, it is acceptable.

#21 - No new lots are being created so this item can be waived.

#28 - Mr. Stoner has no objection to this item being waived since most of the work is being done on the property line.

#29 - This item can be waived. (hard to hear)

#30 - This can be waived because nothing in this application has to do with any ground disturbance.

#31 - Mr. Stoner stated the EIS can be waived.

#42 - This item can be waived but if the Board does approve this application, Mr. Stoner would like the corners of the property to be staked in the field.

Mr. Stoner stated the items that depending on the testimony and approval by the Board can be listed as conditions of approval.

A motion was made by Mr. Lynch to declare the application complete and grant the waivers as outlined by Mr. Stoner and was seconded by Mrs. Mullen.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Kobilinski, Mr. Lynch, Mrs. Magretto, Mr. Miller, Mrs. Mullen, Mr. Wilson and Mr. Holzhauser.

No Discussion. All Ayes. Abstentions: none

The applicants, Mrs. Amberly Roio and Mr. Michael Roio, were sworn in by Mr. Brady.

Mr. Brady stated Mr. Haggerty provided proof of notice and publication and everything was in order.

Mr. Haggerty proceeded to ask the applicants questions to provide more information to the Board.

It was discovered during the purchase of the home in June of 2022 that a portion of their driveway is located on the adjoining lot 3.01. There was a negotiation with the owners of lot 3.01, through the seller of the home, to acquire additional area so the driveway is located entirely on the applicant's property.

It was stated that the Roio's applied with the Zoning Department for roof mounted solar collectors, this application was denied for non conformity for the side yard set back. The side yard set back will be increased with the acquisition of the new property.

The following photographs were submitted into the testimony:

Exhibit A101 - a photograph of the side of the house including the garage and driveway.

Exhibit A102 - shows the proposed solar array on the roof.

Exhibit A103 - shows the house and the driveway from another angle.

Mr. Haggerty believes the solar collectors are inherently beneficial, that the solar panels are not getting any closer to the side yard, and that this lot line adjustment will make this property less non conforming.

Mr. Brady asked what the increase in height would be with the solar panels. Mrs. Roio explained the panels are flush mounted and the increase to the roof would be minimal.

Ms. Alison Kopsco went over the area and bulk requirements for the property which are stated in Ms. Caldwell's report and attached to and made part of these minutes.

The variances are required for the encroachment of the accessory solar panels in the front and side yard set backs.

Mr. Stoner stated that the right of way should be dedicated to the Township which will decrease what is being proposed.

After a brief discussion, Mr. Brady requested a revised plan from the applicant so he can insert all the correct measurements for the resolution.

Mr. Stoner stated the deeds will have to be modified to include the new numbers and the Township right of way.

Mr. Stoner is concerned about the lack of property behind the house and the overhang. He asked if the 1.4 feet off the edge of the property was the side of the house or the overhang from the roof and that it needs to be clarified. If the applicant walks around their house they are essentially on the neighbors property. This was all that was able to be negotiated.

Mr. Holzhauser has opened the application to the public. The owners of Lot 1 were in attendance but did not speak. He closed the public portion.

A motion was made by Mrs. Kobilinski to close the public portion of the meeting and it was seconded by Mr. Cercone. No Discussion. All Ayes. Abstentions: none

Mr. Holzhauser briefly summarized the application.

Mr. Brady listed the conditions of approval:

1. Once the lot line adjustment is done the corners will be set for the new lot.
2. Right of way deeds and subdivision deeds
3. A new map that shows new calculations of the bulk variances once the right of way is factored in.
4. The plan will also show the correct calculation of the measurement in the back corner.

Mr. Brady confirmed the items that Mr. Stoner had requested from his report were listed in the resolution.

A motion was made by Mr. Wilson to approve all variances for the solar installation and was seconded by Mrs. Mullen.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Kobilinski, Mr. Lynch, Mrs. Magretto, Mr. Miller, Mrs. Mullen, Mr. Wilson and Mr. Holzhauser.

No Discussion. All Ayes. Abstentions: none

A motion was made by Mr. DeYoung to approve the minor subdivision and was seconded by Mrs. Magretto.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Kobilinski, Mr. Lynch, Mrs. Magretto, Mr. Miller, Mrs. Mullen, Mr. Wilson and Mr. Holzhauser.

No Discussion. All Ayes. Abstentions: none

Mr. Haggerty requested if the solar installation could be done before the memorialization of the approval.

A motion was made by Mrs. Magretto to allow the building permit to be issued without the resolution and was seconded by Mr. Cercone.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mrs. Kobilinski, Mr. Lynch, Mrs. Magretto, Mr. Miller, Mrs. Mullen, Mr. Wilson and Mr. Holzhauser.

No Discussion. All Ayes. Abstentions: none

This application ended at 7:46pm.

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

Mr. Holzhauser asked if anyone knew when we would be looking at the master plan reexamination would be coming. This is being looked into by the Ms. Kopsco

Mr. Holzhauser asked about the airport hazard area. Mr. Brady will check into the airport zoning now that the airport is closed.

Mr. Wilson asked about Pub 517 and Mr. Holzhauser explained there was a TRC meeting and we have heard nothing since that meeting. Mr. Brady will reach out to their attorney, Mr. Rinaldi, and ask for the status. A summons has been issued and the zoning office is waiting for a court date.

Mr. Wilson asked if anyone knew anything about the train station becoming a museum. Mr. DeYoung stated they have not heard anything at the Township Committee but he will bring it up at the next meeting.

Mr. DeYoung spoke about the tiering for the Stormwater management. Green Township has been changed to a Tier A which means there are more regulations and it will cost the town to put these regulations into place. Mr. Stoner explained that Mr. Miller, DPW Supervisor, has already been putting protocols into place such as mapping and the recording of how the Township is handling the new requirements. There was a brief discussion on this topic and the difference in requirements from a Tier B to a Tier A.

There was a brief discussion about the repaving of various roads at Lake Tranquility after a question from Mrs. Mullen about when they would be paved.

Mr. Holzauer asked Mr. DeYoung about extension to the rail to trail. Mr. DeYoung explained that the Open Space Committee would be better at answering that question. Mr. Lynch, who is on the Open Space Committee, gave a brief update.

Kim mentioned the upcoming Bicentennial in 2024 and asked for ideas or old pictures.

A Motion was made by Mr. Wilson to adjourn the meeting at 8:13pm and seconded by Mrs. Mullen.

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

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: 1.12.23