

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
JANUARY 17, 2012**

OPEN MEETING: Acting Chairman Howell called the meeting to order at 7:30 p.m.

FLAG SALUTE: Acting Chairman Howell led the flag salute.

ROLL CALL:

Diana Boyce – Excused
Suzanne Howell – Present
Gerald Huelbig – Present
Gail Phoebus – Present
Ellsworth Bensley Jr. – Present
CeCe Pattison – Present
Christine Kretzmer – Present
Rick Melfi – Excused
Paul Messerschmidt (Alt.1) – Excused
Ken Roberts (Alt. 2) – Present
Chairman John O’Connell – Excused

PROFESSIONALS PRESENT: Richard Briigliodoro, Esq.; Robert P. Guerin, P.E., P.P.

OPEN PUBLIC MEETINGS ACT NOTICE: Acting Chairman Howell read the following statement: This is an open public meeting of the Andover Township Land Use Board. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85. The rules are generally as stated on the agenda.

RULES: Acting Chairman Howell read the following rules: No new cases after 9:30 p.m. or testimony after 10:00 p.m. Comments from each member of the public are limited to 5 minutes during the public portion of the meeting. Transcript requests are to be in writing with check for 100% of costs. Material for the meeting is to be filed fourteen days before the next meeting once it has been heard for completeness. Individuals or members of a partnership must be present at the meeting or be represented by an attorney. Testimony is under oath. False testimony constitutes perjury.

Richard Briigliodoro, Esq., administered the *Oath of Allegiance* to Gail Phoebus.

MINUTES: *Minutes of the Andover Township Land Use Board Special Reorganization Meeting Held January 3, 2012:* A motion to approve with a correction to Ms. Howell’s name from Susan to Suzanne was made by Ellsworth Bensley, Jr., and seconded by Ken Roberts. Roll Call: Suzanne Howell – yes; Gerald Huelbig – yes; Ellsworth Bensley, Jr., – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Ken Roberts – yes. The motion carried.

Minutes of the Andover Township Land Use Board Special Meeting Held January 3, 2012: A motion to approve was made by Ellsworth Bensley, Jr., and seconded by Ken Roberts. Roll Call:

Suzanne Howell – yes; Gerald Huelbig – yes; Ellsworth Bensley, Jr., – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Ken Roberts – yes. The motion carried.

RESOLUTIONS: A-9-11-01, *Extension Requests*, 08P-744FMA, Ballantine Woods, LLC, Final Subdivision, C Variance, Phase A; and P-699-04, Ballantine Woods, LLC, Preliminary Subdivision – Phase B, Block 6 Lot 3.02 and Block 7, Lots 10, 10.02, and 10.03: There were no questions, comments or corrections. A motion to approve was made by Gail Phoebus and seconded by CeCe Pattison. Roll Call: Ellsworth Bensley, Jr., – yes; Gerald Huelbig – yes; Christine Kretzmer – yes; CeCe Pattison – yes; Gail Phoebus – yes. The motion carried.

2011 Andover Township Zoning Board of Adjustment Annual Report and Recommendations for Zoning Ordinance Amendments or Revisions: There were no questions, comments, or corrections. A motion to approve and adopt the memorializing resolution was made by Ellsworth Bensley, Jr., and seconded by Gerald Huelbig. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Christine Kretzmer – yes; CeCe Pattison – yes; Gail Phoebus – yes; Ken Roberts – yes. The motion carried.

COMPLETENESS REVIEW: There were no matters scheduled for completeness.

HEARING: A-11-11-1, Jason and Laura O’Brien, “C” Variance, Block 137 Lot 1 -
The matter was carried to 2/21/12.

A-12-11-01, Malkin, Kenneth. Amended Preliminary and Final Site Plan, Block 126, Lot 5.02. [Amends P-706-05] - Deemed complete on December 20, 2011: Christine Kretzmer recused. Robert P. Guerin, P.E., P.P., appeared on behalf of the Andover Township Land Use Board.

Mark Palus, P.E., P.P., was sworn, qualified, and accepted as an expert witness. Kenneth Malkin was sworn. Mr. Palus provided an overview of the matter stating preliminary approval for an industrial warehouse was granted in 2005, and the project was built out according to plan. He noted that the municipality subsequently changed the zoning from Industrial to Commercial/Industrial. He stated this change has increased the Applicant’s flexibility with respect to the range of suitable tenants, and the filed amendments will accommodate a broader tenant market. He stated the different uses trigger different parking requirements, and the Applicant proposes to restripe the existing asphalt surface to address the increased parking needed to satisfy a commercial use. Mr. Palus confirmed that the original plan’s proposed second building is not planned for the development at this time as the space will be used to address commercial parking space requirements. Mr. Palus also explained the proposed removal of a stockade fence that enclosed an outside storage area for an industrial warehouse use stating this type of area is no longer needed.

Robert P. Guerin, P.E., P.P., suggested that the Applicant install the stockade fence or return to the Board should an industrial use be considered by the Applicant. He reported that a site inspection disclosed that the site has been developed as shown on the plan. Board members

discussed the attached report submitted by Mr. Guerin dated January 6, 2012. There was no further discussion.

Acting Chairman Howell opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to approve the application for amended preliminary and final site plan conditioned on the evening's discussion and conditioned upon the Applicant's installation of the stockade fence or return to the Board should an industrial use be considered was made by Ellsworth Bensley, Jr., and seconded by Gail Phoebus. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Gerald Huelbig – yes; CeCe Pattison – yes; Ken Roberts – yes. The motion carried.

Upon the Applicant's request, the Board waived the reading of the resolution. The Applicant was advised that he could proceed at his own risk.

PUBLIC PORTION: The meeting was opened to the public. No members of the public addressed the Board. The meeting was closed to the public.

OLD/NEW BUSINESS: Appointment of Special Conflict Counsel: The matter was carried to the 2/7/12 meeting.

Land Use Department Procedures: The matter was carried to the 2/7/12 meeting.

Christine Kretzmer announced that as part of an Environmental Commission project, 29 bat houses were completed. She stated an eagle scout would make a bat house project presentation at the next Township Committee meeting.

VOUCHERS: A motion to approve the following bill list recommending payment of the bills to the Township Committee was made by Gail Phoebus and seconded by Ellsworth Bensley, Jr. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Gerald Huelbig – yes; Christine Kretzmer – yes; CeCe Pattison – yes; Gail Phoebus – yes; Ken Roberts – yes. The motion carried.

1/5/2012	2059	Joseph Golden, P.E., P.P.	717-334	A-11-11-02, Bridgeway Rehabilitation Services Inc,	\$360.00
1/5/2012	2058	Joseph Golden, P.E., P.P.	717-171	9P-760APFS, JCP&L	\$180.00
12/22/2011	2049	Joseph Golden, P.E., P.P.	717-322	102-781-PFSPC, Andover Animal Hospital	\$1,020.00
12/22/2011	2050	Joseph Golden, P.E., P.P.	717-324	11P-784-SPW, Dominoes Pizza	\$180.00
12/22/2011	2053	Joseph Golden, P.E., P.P.	717-334	A-11-11-02, Bridgeway Rehabilitation Services Inc,	\$1,560.00

1/11/2011	2061	Joseph Golden, P.E., P.P.	717-337	A-1-12-2, McQuaid, Tim Alexander Dunlop, [Squirrel Road]	\$120.00
		ESCROW REFUND	717-266		\$573.00
		ESCROW REFUND	717-188	Meda Development	\$1,705.25
		ESCROW REFUND	706-068	Somerset Investors	\$430.00

UPCOMING MEETING: Hearing dates February 7, 2012 and February 21, 2012 were confirmed by Acting Chairman Howell.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Ellsworth Bensley, Jr. All were in favor. The meeting was adjourned at 8:05 p.m.

Minutes respectfully submitted by:

/s/ Anne-Marie Wilhelm

Anne-Marie Wilhelm
Land Use Administrator