



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

## Land Use Board

Municipal Building  
134 Newton-Sparta Rd  
Andover, NJ 07860

MINUTES

March 1, 2022

7:30 p.m.

### CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:30pm.

### PLEDGE OF ALLEGIANCE:

Mr. Messerschmidt led the Board in a flag salute.

### OPEN PUBLIC MEETINGS ACT NOTICE:

Mr. Messerschmidt read the following into the record:

This is an open public meeting of the Andover Township Land Use Board to be conducted in-person only at the Municipal Building, located at 134 Newton-Sparta Road, Andover, NJ 07860. 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. No new testimony will be taken after 10:30pm. Adequate notice of this meeting has been provided, with an electronic copy posted on the Andover Township website at [www.andovertwp.org](http://www.andovertwp.org).

### ROLL CALL:

Eric Karr - Present

Eric Olsen – Present

John Carafello – Excused

Suzanne Howell – Excused

John O’Connell – Excused

CeCe Pattison – Excused

Richard Skewes – Present

Joseph Ordile – Present

Joseph Tolerico – Excused

Paul Messerschmidt – Present

### Also Present:

Richard Brigliadoro, Esq.

Cory Stoner, PE

Stephanie Pizzulo, Secretary

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** February 15, 2022

A motion to approve the minutes of the February 15, 2022 meeting with the noted corrections was made by Mr. Odile and seconded by Mr. Skewes. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

**RESOLUTIONS:**

1.) Larick, John B: 151, L:19 A21-6

A motion to memorialize the resolution in the matter of John Larick was made by Mr. Skewes and seconded by Mr. Ordile. Roll Call: Eric Olsen – yes, Richard Skewes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

**COMPLETENESS REVIEWS:** None.

**HEARINGS:**

1.) Ballantine Woods, LLC B: 7, L: 10.03 A21-5

*The applicant is seeking an amended final major subdivision. The purpose of the application is to revise the Phase limits of Ballentine Woods. This application purposes that “Phase B” contain nine building lots and a remainder where 19 had been previously proposed. The proposed remainder is designated as “Future Phase C” on the final subdivision plat submitted with this application. The applicant also proposes the dedication of 2.154 acres of open space to Andover Township as well as the dedication of an additional section of Ballentine Woods Way and all of Percy Place, improved roadways.*

Mr. William Lovas, Esq. said he was representing the applicant.

Mr. Briigliodoro swore in Mr. Phillip Deacon, member of Ballantine Woods, LLC, Mrs. Maryann Deacon, member of Ballantine Woods, LLC and Mr. Owen Dykstra, PE. Mr. Dykstra’s qualifications were accepted by the Board.

Mr. Dykstra gave a brief history of the project. He said the project was for 23 single family lots, 1 affordable housing lot and the remainder for open space.

Mr. Dykstra presented a color version of sheet 2 of 2 of the submitted plans which was marked and entered as exhibit A-1. He explained the map to the Board. He said the project was started in the early 2000’s and is located in the southerly portion of the town. He said Phase B consists of 19 lots and they were proposing to divide that into a Phase B and Phase C. Mr. Dykstra explained the two new phases.

Mr. Stoner said the roadways have been constructed however not turned over to the Township yet. He explained the proposed easement he had requested from the developer for access to the drainage basins. Mr. Deacon said the detention basins have been deeded to the Township.

Mr. Deacon said they are seeking approval for the division of Phase B into two phases and a five-year extension for the new Phase C.

Mr. Stoner said the applicant is requesting a bond reduction, to which he took no exception. He said the developer's agreement would need an addendum. There was a discussion on the developer's agreement and the bonding of the roads.

Mr. Briigliodoro said the applicant had previously been granted a preliminary subdivision approval and are now asking for final subdivision approval on 9 lots in Phase B with the additional 10 lots would become Phase C and be granted a five-year extension.

Mr. Ordile asked why there are multiple open space lots. Mr. Dykstra said there were always two open space lots and explained the open space. Mr. Ordile asked what responsibility the Township has for these lots. Mr. Stoner explained what the Township could do with the lots. Mr. Ordile asked about the drainage into the open space lot. Mr. Dykstra said it is currently draining there. Mr. Deacon said all drainage is complete.

Mr. Ordile asked about the fire tanks. Mr. Deacon explained the tanks to the Board.

Mr. Ordile asked about the mailboxes at the entrance to the road. Mr. Deacon said the Post Office will not deliver to the individual properties and required them to be at the intersection. Mr. Deacon said he would ask the Post office again to deliver to the individual house.

Mr. Ordile asked if Percy Lane was ever named Mercy Court. Mr. Deacon explained the history of the property.

Mr. Olsen asked if the stormwater is in compliance with the current stormwater ordinance. Mr. Stoner said it was in compliance and is protected under the approval that was grated.

Mr. Karr asked if the utilities are installed. Mr. Deacon said there are installed underground.

Mr. Messerschmidt opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

Mr. Briadoro said the applicant is looking to final subdivision approval of the nine lots in Phase B, and dedication of the open space lot, five-year extension of the original subdivision application now known as Phase C. He went over the noted conditions.

Mr. Messerschmidt asked about Block 7, lot 10.02. Mr. Dykstra said it was not shown on the plan. It was the COAH lot at the very end of the road

A motion to approve the final subdivision of Phase B and a five-year extension of Phase C, the dedication of the open space lot with the noted conditions was made by Mr. Skewes and seconded by Mr. Ordile. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion passed.

**ORDINANCES:**

1.) Ordinance Amending Regulations Regarding the Cultivation & Processing of Cannabis

Mr. Messerschmidt said the Township Committee sent the ordinance to the Board. Mr. Karr explained the original ordinance had a 500-foot setback from schools, parks etc. and once that is applied it excludes almost the entire town. He said they also included 5 acres residential properties. He said the perception was the Township wanted cannabis cultivation but then zoned it so it would not be allowed anywhere. There was a lengthy discussion on the proposed ordinance and maps. Mr. Messerschmidt felt including the maps with the ordinance was not a good idea. Mr. Karr explained the maps to the Board and said the Board could recommend the maps be excluded from the ordinance.

Mr. Briadoro said the Board needs to affirm the proposed ordinance is consistent with the Master Plan.

Mr. Ordile said he had an issue with the definitions. He said there are definitions however the word is never used in the ordinance, there is a lack of consistency. He went over the definitions he felt needed to be addressed. The Board Secretary said the term “Facility” needed to be defined. There was a discussion on the allowable zones. Mr. Messerschmidt felt the cannabis ordinance and the suggested changes should be reviewed by either the Board Planner or Township Planner to make sure it is consistent with the Master Plan. Mr. Karr felt the cultivation of cannabis use fits within what the Township and the Master Plan is seeking. There was a discussion on making sure the ordinance is consistent with the Master Plan. Mr. Messerschmidt felt the Board needed to make sure the proposed ordinance is consistent with the current ordinance. Mr. Ordile said he did compare the two ordinances. Mr. Olsen asked why the residential section of the ordinance specifies setbacks and the nonresidential section does not address this. There was a discussion on setbacks. The Board Secretary went over the proposed changes and will send the changes to the Township Clerk.

A motion to recommend the noted changes and the recommendation to have the ordinance reviewed by a Planner to make sure it is consistent with the Master Plan was made by Mr. Olsen and seconded by Mr. Skewes. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion passed.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

The Board Secretary handed out two definitions of “Construction Business Office” and a definition of “Material Storage” the subcommittee had drafted. The Board Secretary said the definitions they were finding for a construction business office were describing temporary trailer-like offices for large construction projects. She asked the Board for their interpretation of what the ordinance was attempting to permit. Mr. Stoner said the temporary trailer type offices could be allowed by a temporary permit. He said he liked the proposed definitions which defined “Office Construction” separate from “Material Storage.” The Board agreed to make material storage as an accessory use. The Board agreed the intent of “Construction Business Office” is a permeant office for the building trades.

Mr. Ordile said liked the Zoning Report submitted by Mr. Stoner. Mr. Stoner said they are finding issues in the ordinance that will need to be addressed.

Mr. Ordile advised the Board Sparta Township would be hearing an application for two large warehouses with a significant amount of truck trips.

**LIAISON REPORTS:**

***Township Committee*** – Eric Karr

Mr. Karr said the Township Committee went through the budget process and are working on some transparency issues and better communication with the public.

***Environmental Commission*** – Eric Olsen

Mr. Olsen had nothing new to report.

***Sustainable Andover*** – Eric Olsen

Mr. Olsen said they are still working on updating the Buy Local Guide. They are working on the Buy Fresh Guide and the Sunflower Fest.

***Economic Development Committee*** – John Carafello

Mr. Carafello was not present to give a report.

***Zoning Map/ Zone Changes Subcommittee*** – Paul Messerschmidt

Mr. Messerschmidt said the subcommittee is still working on the definitions.

***Redevelopment Subcommittee*** – Joseph Ordile

Mr. Ordile said they passed the Board feedback to Jessica Caldwell and will get the final draft out to the Board when it is available.

**Master Plan Subcommittee** – Joseph Ordile

Mr. Ordile said the subcommittee is expecting the RFPs back on March 8<sup>th</sup> and they have scheduled a meeting for March 14<sup>th</sup> to review them.

**VOUCHERS:**

<b>Company</b>	<b>Amount</b>	<b>Purpose</b>	<b>Paid By</b>
Harold Pellow & Assoc.	\$130.00	Engineering	Board Budget
Harold Pellow & Assoc.	\$357.50	Larick, John	Applicant's Escrow
Harold Pellow & Assoc.	\$823.00	Ballentine Woods	Applicant's Escrow
Harold Pellow & Assoc.	\$746.52	BHT Properties Group	Applicant's Escrow
Harold Pellow & Assoc.	\$127.50	LAC Realty Group	Applicant's Escrow
Harold Pellow & Assoc.	\$162.50	Pace Glass	Applicant's Escrow
Vogel, Chait, Collins & Schneider	\$984.00	BHT Properties Group	Applicant's Escrow

A motion to approve the vouchers as presented was made by Mr. Ordile and seconded by Mr. Karr. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion passed.

**CORRESPONDENCE:** None.

**PUBLIC PORTION:**

If a member of the public has a question or comment, please raise your hand and wait to be recognized by the Chairperson to speak. When called, please come to the microphone, state your full name and address and spell your last name for the record. Please refrain from asking questions or making comments about any pending application before the Board as the applicant may not be present for cross examination. The Chairperson has the right to limit the amount of time a person from the public has to ask questions and make comments so all members of the public may have a chance to speak.

Mr. Messerschmidt opened the meeting to the public.

Mr. Wayne Grenewicz of 4 Kilroy Road, Andover asked if the cannabis ordinance would be eliminated for the Redevelopment Zone to which Mr. Messerschmidt said no. Mr. Grenewicz asked if it was possible to get a preliminary approval on a site for cannabis. Mr. Messerschmidt said Mr. Grenewicz would need to talk to the Township Committee. There was a discussion on the approval process.

Mr. Stoner said the proposed ordinance talks about Township license which should not be part of the Zoning Ordinance. There was a discussion on how the applicant would get the Township license. Mr. Karr said he will discuss the Township licensing issue at the next meeting.

Mr. Grenewicz asked if the property owners in the Redevelopment Zone had been noticed. He said he never received a notice. Mr. Messerschmidt advised Mr. Grenewicz to request a copy of the list of property owners who were noticed.

Mr. Messerschmidt closed the meeting to the public.

**UPCOMING MEETINGS:** March 15, 2022, April 5, 2022

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

With no further business to come before the Board, a motion to adjourn was made by Mr. Olsen. It was seconded by Mr. Skewes and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Land Use Administrator