



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

**Land Use Board**  
Municipal Building  
134 Newton-Sparta Rd  
Andover, NJ 07860  
MINUTES  
May 3, 2022  
7:30 p.m.

**CALL TO ORDER:**

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

**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 – Absent  
Suzanne Howell – Present  
John O’Connell – Present  
CeCe Pattison – Excused  
Richard Skewes – Present  
Joseph Ordile – Present  
Joseph Tolerico – Present  
Paul Messerschmidt – Present

**Also Present:**

Richard Briigliodoro, Esq.  
Stephanie Pizzulo, Secretary

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** March 29, 2022

The Board Secretary went over the corrections with the Board.

A motion to approve the minutes with the noted corrections was made by Mr. O’Connell and seconded by Mr. Olsen. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Peter Messerschmidt – yes. Motion passed.

**RESOLUTIONS:** None.

**COMPLETENESS REVIEWS:** None.

**HEARINGS:** None.

**ORDINANCES:** None.

**OLD BUSINESS:**

The Board Secretary suggested revising the application to make it more user friendly and supply more information. She said she would put something together and present it to the Board for their approval. Mr. Olsen said there were items that the Board Engineer felt should be included in the checklists that are not there currently. The Board Secretary is keeping a list of those suggested additions.

Mr. O’Connell said the Board had asked the Environmental Commission for suggestions on an ordinance for solar and wind power and asked if there was any feedback on that. Mr. Olsen said the Commission has been busy with the Open Space Plan and has not had a chance to look at that. He said he would address it with the Environmental Commission. Mr. Ordile asked if electric charging stations would be part of that ordinance as well. Mr. Briigliodoro said the “make ready spaces” which is the infrastructure part is required by the State for new development. He said the Township could add it to their ordinance but it is State law anyway. Mr. Messerschmidt asked if there is no specific guidelines and the State does not have any specific details, could an applicant challenge the Board’s request because it did not have an ordinance. Mr. Briigliodoro said the State statute is lengthy and has many different standards for development. There was a discussion on the State statute and if it would apply to pending applications. Mr. O’Connell suggested the Board look into requiring it for new residential construction. There was a discussion on requiring the charging station for residential construction. Mr. Briigliodoro said the State has a model ordinance.

**NEW BUSINESS:**

Mr. Ordile said the Township Committee has been successfully running hybrid meetings and asked if the Land Use Board could do the same. There was a discussion on the possibility of using the technology for the Land Use Board meetings. Mr. Ordile felt the testimony was not an issue because the courts are using hybrid meetings. Mr. Briigliodoro said the person testifying must be seen. The Board Secretary said the public would become use to the hybrid and then if the Board had to move to a bigger venue and could not offer the technology there could be an issue. Mr. Ordile felt that would be the exception. Mr. Messerschmidt asked what would happen if the technology failed during the hearing and said he was not a proponent of the hybrid meeting. The Board discussed broadcasting the meetings, without the option to participate. Mr. Karr felt it would get more people involved. Mr. Ordile felt the Township had the technology to conduct a hybrid meeting. Mr. Briigliodoro said if someone from the public wants to ask a question or testify; they must be on camera. Mr. Karr felt it would help control the meeting better with the use of the hybrid meeting. Mr. Messerschmidt noted that at least 50% of the Board's meetings are hearings. Mr. Ordile suggested live streaming the next meeting and said the notice needs to be clear as to what live stream means. The Board Secretary said this would need to be discussed with Mr. Molica since he would be the attorney at the next meeting. The Board agreed to try a pilot live stream for the next meeting pending Mr. Molica's agreement.

#### **LIAISON REPORTS:**

##### ***Township Committee*** – Eric Karr

Mr. Karr said the Township Committee approved the budget, which included another \$15,000.00 for the Master Plan for a total of \$30,000.00. He said the approved budget included \$7,500.00 for the digitizing of the zoning map and all of the standard annual requested line items.

Mr. Karr said the Township Committee passed the cannabis ordinance. Mr. Karr expressed a concern with the Township Committee receiving ordinances written by planners. He felt an attorney should legally write them. Mr. Messerschmidt said this is not the first time the Board has sent an ordinance to the Township Committee and the Committee made changes and then adopted the ordinance. Mr. Briigliodoro suggested a process where the Township Committee prepares an ordinance and before they introduce it, they send it to the Board to let the Board work on it. It would then be sent back to the Township Committee and they can accept the changes or make other changes. The ordinance would then send it back to the Board for final comment and the Township Committee can introduce it in final form. Mr. Karr said the Township Committee will have the first reading of the redevelopment plan at an upcoming meeting and the adoption should be at the first meeting in June. Mr. Karr said the Committee is considering an ordinance for Air BnB rentals in order to collect the tax that Air BnB is collecting from the customer. Mr. Messerschmidt suggested an ordinance to control short-term rentals.

##### ***Environmental Commission*** – Eric Olsen

Mr. Olsen said they are still reviewing the draft of the Open Space Plan and are planning on a public hearing for July.

**Sustainable Andover** – Eric Olsen

Mr. Olsen handed out paper copies of the Buy Local Guide. He said they would be submitting their application to Sustainable Jersey next month so they can get their certification renewed.

**Economic Development Committee** – John Carafello

Mr. Carafello was not present to give a report.

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

Mr. Messerschmidt said some of the proposed definitions have been sent to the Board Engineer’s office for review.

**Redevelopment Subcommittee** – Joseph Ordile

The Board Secretary said there was only \$13,000.00 left in the budget for the Redevelopment Plan. Mr. Briigliodoro said the Township adopts an ordinance to incorporate the plan as part of the ordinance. There was a discussion on how the plan would work. There was a discussion on the billing. Mr. Messerschmidt said the Board has never seen the invoices from the Planner.

**Master Plan Subcommittee** – Joseph Ordile

Mr. Ordile said the subcommittee had met with the firms however; they were not prepared to make a recommendation yet. He said they need follow up information from one of the firms.

**VOUCHERS:**

<b>Company</b>	<b>Amount</b>	<b>Purpose</b>	<b>Paid By</b>
Equity Environmental	\$6,210.21	BHT Properties Group	Applicant’s Escrow
Harold Pellow & Assoc.	\$202.50	Engineering	Budget
Harold Pellow & Assoc.	\$627.15	Ballantine Woods	Applicant’s Escrow
Harold Pellow & Assoc.	\$418.00	McDonald	Applicant’s Escrow
Harold Pellow & Assoc.	\$4,082.86	BHT Properties Group	Applicant’s Escrow
Harold Pellow & Assoc.	\$135.00	Pace Glass	Applicant’s Escrow

A motion to approve the bills as presented was made by Mr. O’Connell and seconded Mr. Olsen. Roll Call: Eric Karr – yes with a recusal on the BHT vouchers, Eric Olsen – yes, Suzanne Howell – yes with a recusal on the Ballantine voucher, John O’Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

**CORRESPONDENCE:**

- 1.) From: Ms. Elizabeth Durkin, Esq.  
Re: Current List of Objectors

**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. With no public present, the meeting was closed to the public.

**UPCOMING MEETINGS:** May 17, 2022, May 31, 2022

**ADJOURNMENT:**

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

Respectfully submitted,  
Stephanie Pizzulo  
Land Use Administrator