



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
October 4, 2022
7:30 p.m.

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Mr. Messerschmidt led everyone 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 Rd., 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.

ROLL CALL:

Eric Karr - Present
Eric Olsen – Present
John Carafello – Present
Suzanne Howell – Excused
John O’Connell – Excused
CeCe Pattison – Excused
Richard Skewes – Present
Joseph Ordile – Present
Joseph Tolerico – Excused
Krista Gilchrist - Present
Paul Messerschmidt – Present

Also Present:

Richard Briigliodoro, Esq.
Cory Stoner, PE
Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: None.

RESOLUTIONS: None.

COMPLETENESS REVIEWS:

1.) Larick, John B:151 L:19 Application # A22-4 Deemed Incomplete 9.6.22

The applicant is seeking preliminary and final site plan approval to demolish existing structures on the property and erect a new principal structure and other site improvements including the parking lot and driveways. The improvements are in furtherance of the applicant's vehicle transport business that received use variance approval on March 1, 2022.

The Board Secretary said she had not received any of the requested information.

Mr. Stoner said he spoke to Mr. Davies, Engineer for the project, and said Mr. Davies is actively working on the requested documentation and they were hoping to be at the October 18, 2022 meeting.

2.) Ringo Properties, LLC B:158 L:6 Application # A22-5

The applicant/owner seeks approval to develop the property for a combination of uses entailing retail, office, warehouse/storage and/or light manufacturing. A use variance is required for the proposed light manufacturing use, which is not permitted in the Highway Commercial Zone. Associated bulk variances are required.

Mr. Stoner said he reviewed the application as it was submitted under the Highway Commercial district and drafted a report. He said they needed use and bulk variances. Mr. Stoner said the property is now in the Route 206 Redevelopment zone and application and maps are insufficient and should be deemed administratively incomplete. He said certain requested variances are no longer needed. There was a lengthy discussion on the variances and the Redevelopment zone.

A motion to deem the application incomplete was made by Mr. Olsen and seconded by Mr. Ordile. Roll Call; Eric Karr – yes, Eric Olsen – yes, John Carafello – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

Ms. Gilchrist noted the Larick application was also in the Redevelopment zone. Mr. Briigliodoro said they had already received their use approval. He said the site plan would be subject to the Redevelopment zone. Mr. Stoner said he would notify the applicant.

HEARINGS: None.

ORDINANCES: None.

OLD BUSINESS: None.

1.) Live Streaming

Mr. Briigliodoro said he looked into the matter and there is no prohibition to the Board to conduct live streaming at its public meetings. He said that because the Board is quasi-judicial, there would be no interaction from those viewing the meeting elsewhere. He said the access to the live streaming would not be posted on the agenda. He said applicants coming before the Board would not notice for the live streaming. He cautioned the live streaming should not be hybrid or interactive.

Mr. Ordile suggested the live streaming be advertise but make it clear it is not interactive. Mr. Briigliodoro said it could be posted on the website. Mr. Carafello asked what would happen if the live steam did not work. Mr. Briigliodoro said so long as it is not noticed by the applicant or on the agenda it would be ok. He said the Board’s responsibility is to have a verbatim record of the meeting, which we would with the recording. He said it would not be an interactive meeting.

There was a discussion on why live streaming would be needed.

A motion to start live streaming with the reorganization meeting in 2023 was made by Mr. Ordile and seconded by Mr. Olsen. Roll Call: Eric Karr – yes, Eric Olsen – yes, John Carafello – no, Richard Skewes – no, Joseph Ordile – yes, Krista Gilchrist = yes, Paul Messerschmidt – yes. Motion carried.

NEW BUSINESS:

1.) Andover Township to Permit Class 5 Cannabis Retailer Licenses as a Permitted Use in the Route 206 Redevelopment Zone.

Mr. Messerschmidt said the Township Committee had requested the Board look at cannabis retail as a permitted use in the Route 206 Redevelopment Zone.

Mr. Ordile asked if ordinance 2021-11 needs to be repealed before allowing the use in the Redevelopment zone. Mr. Briigliodoro said the section prohibiting cannabis retail should be replaced with the proposed permitted use. There was a discussion on permitting the retail use. Mr. Ordile felt there should be some conditions put on the retail use. Mr. Karr said the retail is proposed in a very specific area. He said the intent of the Redevelopment zone is to have the residences eventually become commercial. There was a discussion on cannabis licensing. Mr. Olsen felt parking and crowds could be an issue and should be addressed in the ordinance. Mr. Carafello agreed. Mr. Stoner said ordinance 2022-11 would need to be updated as well. There was a lengthy discussion on the proposed ordinance and what would need to be updated in the existing ordinances.

The Board agreed to compile a list of recommendations to send to the Township Committee. Mr. Karr felt parking, traffic and crowd issues would need to be addressed.

2.) 2023 Land Use Board Budget

The Board Secretary provided the Board Members with a budget worksheet. There was a discussion on what was spent in 2022. Mr. Karr suggested the Board Secretary's salary be increased by 3%. There was a discussion on funding a full Master Plan which would be amortized over five years. There was a discussion on the Re-Exam and what would be included in it. Mr. Stoner said he prepared a scope of services to draft a Re-examination report and explained what was in his proposal. Mr. Ordile asked if the Township was funded for the Re-exam to which Mr. Karr said yes. Mr. Olsen felt a public outreach would be important. Mr. Stoner said he did not have that in his proposal.

The Board took a five-minute break.

The Board continued its discussion on the Master Plan and updating the zoning map. Mr. Briigliodoro explained the legal requirements of adopting the Master Plan. The Board requested updated Municipal Land Use Law books. The Board discussed attending the 2023 League of Municipalities.

Mr. Karr suggested \$1,150.00 be added to the Board Secretary's salary, to 31,150.00, 7500.00 for legal, 5000 for litigation, 5,000 for engineering, 500 for office supplies, 500 for dues and memberships, 5000 for ordinance work, remove the 2800 for a special planner, 5000 for planning. He suggested the Board discuss the amount for the Master Plan and Zone Maps.

The Board agreed to finalize the budget at the October 18, 2022 meeting.

Mr. Ordile asked if there is any legal reason the Board could not require applicants to provide a stenographer and documented transcripts to the Board. He felt the Board could waive the requirement if the application is minor. Mr. Briigliodoro explained some options the Board could consider. Mr. Ordile felt the Board would be listening to major applications in the future. Mr. Carafello said the stipulations would be captured in a resolution. He felt it was onerous and would create an added expense for the applicant. Mr. Messerschmidt suggested the Board could have the recording transcribed. The Board Secretary will look into the cost.

Mr. Ordile suggested the public portion of the meeting be moved to the beginning of the meeting based on the public present and the items on the agenda. Mr. Messerschmidt suggested surveying the public present to see if they want to address the Board.

Mr. Ordile said the rules for the public portion rules should be the same for the Land Use Board as well as the Township Committee meetings. Mr. Briigliodoro said the Land Use Board is a quasi-judicial body and therefore the rules cannot be the same. He said the Governing Body is required to have a public portion whereas the Land Use Board is not required to have a public portion.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr said the Township Committee passed a resolution to designate the nursing home as an area for a redevelopment study with eminent domain.

Environmental Commission –Eric Olsen

Mr. Olsen said they did not have a meeting and had nothing to report.

Sustainable Andover – Eric Olsen

Mr. Olsen said the group decided to hold a Winter Market on February 26, 2023. He said they are also doing a membership drive. He said Sustainable Andover has been working with Kittatinny State Park, Rutgers, and the Wallkill River Watershed Management group to finalize the engineering and design for the parking lot off Limecrest Road. He said the State has money to pave it. There will be increased trailer parking with lines, trees and green infrastructure.

Economic Development Committee – John Carafello

Mr. Carafello said the Redevelopment plan is working however; Route 206 is a level 2 highway, which was holding up some projects. He said they are working with Senator Oroho to upgrade the highway to a level 3 or level 4.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt said the Board would hear from the Engineer when he provides a scope of work.

Master Plan Subcommittee – Joseph Ordile

Mr. Messerschmidt thanked the subcommittee for the work they did.

The Board created a new subcommittee to work with Mr. Stoner on the Master Plan Re-Exam. Mr. Olsen, Mr. Karr, Ms. Gilchrist and Mr. Ordile volunteered.

VOUCHERS: None.

CORRESPONDENCE:

- 1.) From: Brian P. Cramer, Wetland Scientist, Cramer Ecological Services, LLC
Re: John Larick, Block 151, Lot 19 – Notice of LOI Application Submitted to NJDEP

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, 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: October 18, 2022, October 25, 2022

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator