



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
October 18, 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 room 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 – Present
John O’Connell – Excused
CeCe Pattison – Excused
Richard Skewes – Present
Joseph Ordile – Present
Joseph Tolerico – Present
Krista Gilchrist - Present
Paul Messerschmidt – Present

Also Present:

Glenn Kienz, Esq.
Cory Stoner, PE
Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: August 16, 2022

A motion to approve the minutes of the August 16, 2022 meeting was made by Mr. Olsen and seconded by Mr. Ordile. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile, Joseph Tolerico – yes. Motion carried.

RESOLUTIONS: None.

COMPLETENESS REVIEWS:

1.) Larick, John B: 151, L: 19 A22-4

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 Applicant's vehicle transport business that was granted use variance approval on March 1, 2022.

Mr. Igor Bykov, Esq. was present for the applicant.

Mr. Stoner said the Board went through the first completeness review on September 6, 2022 and felt there were a few additional pieces of information needed and listed the items requested by the Board; riparian buffer shown on the plan, EIS, earthworks summary and sight distances from the proposed driveway. He said all of the items requested have been provided and explained what had been provided. Mr. Stoner felt the application could be deemed complete.

Mr. Ordile asked if the plans identified the steep slope. Mr. Kienz said the applicant should address that when they have the hearing. Mr. Ordile asked if Mr. Larick owns the property. Mr. Bykov said Mr. Larick is the contract purchaser.

A motion to deem the application complete was made by Mr. Skewes and seconded by Ms. Howell. Roll Call: Mr. Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

The Board agreed the hearing date would be November 1, 2022.

HEARINGS: None.

ORDINANCES: None.

OLD BUSINESS:

1.) Ordinance 2022-18

An ordinance adopting an amendment to Chapter 190 attachment A, The Route 206 Redevelopment Plan, of the Zoning Code of the Township of Andover to permit class 5 cannabis retailer licenses as a permitted use in the Route 206 Redevelopment Zone.

Mr. Ordile asked why the ordinance is still allowing cannabis retail as a permitted use and not a conditional use. Mr. Karr felt a cannabis store is not different from a liquor store and said it would not be fair to impose restrictions on a cannabis retailer if those same zoning restrictions were not imposed on a liquor store. Mr. Carafello said the Township Committee felt it was a retail use and the State has strict licensing requirements. Mr. Karr felt the cannabis retailer would not need more parking than what is required for a liquor store. Mr. Carafello said there is a Township licensing requirement. Ms. Gilchrist noted a discrepancy between the proposed ordinance and the adopted Redevelopment plan. The Board discussed the inconsistency.

A motion to recommend to the Township Committee to accept the proposed ordinance 2022-18 and a recommendation to eliminate the phrase “and area 3” from the addition to the Redevelopment Plan on page 14 was made by Ms. Gilchrist and seconded by Ms. Howell. Roll Call: Eric Karr – abstain, Eric Olsen – yes, John Carafello – abstain, Suzanne Howell – yes, Richard Skewes – no, Joseph Ordile – no, Joseph Tolerico – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

2.) Ordinance 2022-20

An ordinance of the Township of Andover, County of Sussex, State of New Jersey amending Chapter 190 “Zoning” Section 120 “Cannabis Cultivators, Establishments and Manufacturer’s” of the Township code, rescinding the prohibition on Class 5 cannabis retailers.

Mr. Ordile noted the proposed ordinance did not reference the correct section of the existing ordinance. The Board agreed the Township Committee should revisit the language because it appears it is not consistent with the intent of the ordinance.

A motion to recommend to the Township Committee that the Land Use Board recognizes there are some problems with the way ordinance 2022-20 is written and suggests the Township Committee revisits the intent of the ordinance was made by Mr. Ordile and seconded by Ms. Gilchrist. Roll Call: Eric Karr – abstain, Eric Olsen – yes, John Carafello – abstain, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

3.) 2023 Budget

The Board agreed to request the same budget for 2023 as their 2022 budget. The Board Secretary will send that request to the Finance Officer.

Mr. Ordile asked if the Board Secretary had researched the price of a transcription of the meeting recordings. The Board Secretary said she had started to research it. Mr. Kienz said it is very expensive. The Board discussed asking the applicant to provide a transcriber.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr had nothing to report.

Environmental Commission –Eric Olsen

Mr. Olsen said they are moving on the Open Space Plan and they are waiting to hear if they would be awarded a grant from Sussex County. He said they reviewed the BHT application and would have a report out shortly.

Sustainable Andover – Eric Olsen

Mr. Olsen had nothing to report.

Economic Development Committee – John Carafello

Mr. Carafello said he had nothing to report.

Mr. Kienz left the meeting.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt had nothing new to report.

Master Plan Subcommittee – Joseph Ordile

Mr. Ordile said the subcommittee met and discussed their approach to the Master Plan.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$416.00	Legal Budget
Weiner Law Group	Larick, John	\$544.00	Applicant's Escrow
Weiner Law Group	Ringo Properties, LLC	\$224.00	Applicant's Escrow
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$1,600.00	Applicant's Escrow

A motion to pay the bills as presented was made by Ms. Howell and seconded by Mr. Olsen.

Roll Call: Eric Karr – yes, Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

CORRESPONDENCE:

1.) From: Allen J. Campbell, PE

Re: Notice of Filing of Wetlands Permit for 30 Brighton Rd, Block 157, Lot 4.01

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 coming forward, the meeting was closed to the public.

UPCOMING MEETINGS: October 25, 2022, November 1, 2022,

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator