



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
December 6, 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 - Excused
Eric Olsen – Present
John Carafello – Excused
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:

Richard Briigliodoro, Esq.

Cory Stoner, PE
Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: September 6, 2022, September 20, 2022

A motion to approve the minutes of the September 6, 2022 meeting with the noted corrections was made by Mr. Olsen and seconded by Mr. Skewes. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

A motion to approve the minutes of the September 20, 2022 meeting with the noted corrections was made by Ms. Gilchrist and seconded by Ms. Howell. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

RESOLUTIONS: None.

COMPLETENESS REVIEWS: None.

HEARINGS:

1.) Larick, John B:151 L:19 Application # A22-4 Deemed Complete 10.4.22
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.

Mr. Michael Selvaggi, Esq. was representing the applicant. Mr. Selvaggi gave a brief history of the application and said the Board was waiting for comments from the Andover Township Environmental Commission. He said Mr. Davies was prepared to address the Commission's comments.

The Board Engineer's review report, dated October 28, 2022, was marked and entered as exhibit B-1.

The Andover Environmental Commission report dated November 30, 2022, was marked and entered as exhibit B-2.

Mr. Selvaggi presented a letter from Mr. Davies dated December 5, 2022 which was a response to the Environmental Commission's report which was marked and entered as exhibit A-6.

Mr. Davies was still under oath.

Mr. Davies said he reviewed the Environmental Commission's report and went through the report with his responses. He said they have an application with the D.E.P. for an L.O.I. for the wetlands on and off the property and they have applied for a Special Activities Transition Area Waiver for the proposed driveway. He said the D.E.P. would look at threatened and endanger species. He said he did not find any documentation for the property regarding threatened and endangered species. Mr. Davies explained the steep slope plan dated 8/2/22 and a revision date of 10/8/22 and said if the D.E.P. indicates threatened or endangered species locations on the property, they are obligated to adhere to that and the site plan would be revised and they were prepared to offer a conservation easement in support of any habitat protection.

Mr. Davies said the Environmental Commission's report referred to possible vernal pool damage. He said the closest habitat property is about 900 feet away. He explained the Geoweb database. He said there is no documentation that vernal pools have been found on their property.

Mr. Davies said the Pequest River has a 300-foot buffer and explained the site layout plan. He said they would be removing impervious coverage and planting grass which would improve the riparian buffer.

Mr. Davies said there is a well on the property, which they will test to make sure it meets New Jersey drinking water standards. He said he did not find a neighboring well within 250 to 300 feet of the subject property. He said there would be no fluids handled onsite that could cause contamination and anything leaking will be removed from the site.

Mr. Davies said they discussed Stormwater Management at length at the last meeting. He said they are not increasing the impervious coverage and would be opening up the lawn area to act as a water quality measure. He said the property does have high groundwater levels and he would come up with a working Stormwater solution.

Mr. Stoner said he still needed the stormwater calculations.

Mr. Ordile asked for an explanation of a conservation easement. Mr. Davies explained the area they are proposing for a conservation easement. Mr. Selvaggi said they would create a meets and bounds description and it would be delineated and recorded in the County.

Mr. Ordile asked if the vernal pool buffer is on the other side of the road. Mr. Davies explained where the buffer is located and said their project improves the existing buffer.

Mr. Ordile asked in which direction the water would flow from where the trucks and passenger vehicles would be parked. Mr. Davies explained the ridgeline and the flow of the water.

Mr. Olsen felt Mr. Davies responses to the Environmental Commission report adequately protect the resources on the property.

Mr. Messerschmidt asked for a clarification on the well test for flow. Mr. Davies explained the testing of the well and said the test for flow is to determine the yield. He said if the well does not produce the yield, then they would need to drill a new well. Mr. Messerschmidt asked if the testing for safe drinking water tests for benzene. Mr. Selvaggi explained the New Jersey Private Well Testing Act and said the standards are set by the state. Mr. Davies said a third party conducts the testing. Mr. Messerschmidt asked about the routine testing. Mr. Davies said if the water were found to have something that may need a UV light, then it would be routinely tested.

Mr. Messerschmidt opened the meeting to the public.

Mr. Brigliadoro swore in Mr. Wayne Grenewicz of 4 Kilroy Road, Andover NJ. Mr. Grenewicz said he was looking forward to this project moving forward and the property being cleaned up.

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

Mr. Brigliadoro went over the relief being sought, the design waivers and the conditions. There was a discussion on the site lighting. There was a discussion on the maintenance of the front portion of Old Stickle Pond Road. Mr. Selvaggi said they would maintain the front portion.

A motion to approve the application with the requested waivers and noted conditions was made by Mr. Skewes and seconded by Mr. Tolerico. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

ORDINANCES: None.

OLD BUSINESS:

Mr. Ordile inquired about requiring applicants to provide transcripts of their hearing to the Board. He felt the Board could waive the requirement for smaller applications. There was a lengthy discussion on how this would be handled. The Board agreed not to pursue this matter.

Mr. Ordile suggested the Board post the recordings of the meetings on the website. Mr. Brigliadoro will research the matter.

Mr. Ordile suggested the Board consider adding an Economic Impact Analysis as a requirement for applicants. Mr. Ordile said other towns ask for it.

Mr. Olsen said the Environmental commission has started working on the EIS requirements and they are trying to streamline the requirements. He said the Environmental Commission would send the recommendations to the Board for review.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr was not present to give a report.

Environmental Commission –Eric Olsen

Mr. Olsen said they would continue to work on the Open Space Plan.

Sustainable Andover – Eric Olsen

Mr. Olsen had nothing new to report.

Economic Development Committee – John Carafello

Mr. Carafello was not present to give a report.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Stoner said his office was still working on the zoning map and would have a draft to the Board for review.

Master Plan Subcommittee – Joseph Ordile

Mr. Stoner gave an update on the progress of the Re-Examination. He said he suggested a review with the Board prior to a public hearing.

VOUCHERS:

| Company | Amount | Purpose | Paid By |
|-----------------------------------|---------------|----------------------|--------------------|
| Weiner Law Group | \$992.00 | Legal | Budget |
| Weiner Law Group | \$96.00 | Redevelopment Study | Applicant's Escrow |
| Weiner Law Group | \$768.00 | John Larick | Applicant's Escrow |
| Weiner Law Group | \$688.00 | Ringo Properties | Applicant's Escrow |
| Vogel, Chait, Collins & Schneider | \$2,024.00 | BHT Properties Group | Applicant's Escrow |
| Harold Pellow & Associates | \$354.88 | John Larick | Applicant's Escrow |
| Harold Pellow & Associates | \$202.50 | Engineering | Budget |
| Harold Pellow & Associates | \$1,463.13 | BHT Properties Group | Applicant's Escrow |
| Harold Pellow & Associates | \$590.40 | Pace Glass | Applicant's Escrow |
| Equity Environmental | \$630.00 | BHT Properties Group | Applicant's Escrow |

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

CORRESPONDENCE:

- 1.) From Sussex County Division of Planning
Re: Perona Farms – B:67, L;2.02

- 2.) From: Sussex County Division of Planning
Re: Perona Farms – B: 67, L: 2.02

PUBLIC PORTION:

Mr. Messerschmidt opened the meeting to the public and read the following into the record:

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.

Ms. Adonna Terwilliger of 17 Van Horn Road, Newton, NJ said she owns Lock and Key World, which is on Route 206. She said she bought it in 1993 when it was an ice cream shop and she wants to return it to that use. She said nobody would give her a Zoning Permit or a Land Use Letter of Interpretation. Mr. Stoner asked if she had submitted a zoning permit to which she said no. Mr. Messerschmidt suggested she submit the application to the Zoning Office as a first step.

Mr. Wayne Grenewicz of 4 Kilroy Road, Andover, NJ said he had provided the Township with information for hiring someone to broadcast Township meetings.

Mr. Grenewicz asked if the applicant was responsible to see if the Environmental Commission reviewed their application. Mr. Brigliadoro explained the process.

Mr. Grenewicz asked if there is a time limit of a site plan waiver that had not been completed. Mr. Messerschmidt said the Board has no jurisdiction over enforcement and explained the process. Mr. Grenewicz asked how he appeals a decision of the Zoning Officer. Mr. Brigliadoro suggested he should consult legal counsel.

With nobody else coming forward, the meeting was closed to the public.

UPCOMING MEETINGS: December 20, 2022, January 10, 2023

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator