



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
March 7, 2023
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:31pm.

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
Richard Skewes – Present
Joseph Ordile – Present
Krista Gilchrist – Present
Sean Degan - Present
Paul Messerschmidt – Present

Also Present:

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

ADMINISTRATIVE ITEMS:

Approval of Minutes: February 21, 2023

A motion to approve the minutes of the February 21, 2023 meeting with the noted corrections was made by Ms. Howell and seconded by Ms. Gilchrist. Roll Call: Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

RESOLUTIONS: None.

COMPLETENESS REVIEWS:

1.) Puff City, LLC B: 134 L:17.06 Application # A23-2

Mr. Stoner went over his report and said the application was for the demolition of an existing building and the construction of a 6,120 square foot building with parking for 18 vehicles, dumpster enclosure, lighting, landscaping and septic upgrades. He said it is for preliminary and final site plan and went over the requested waivers. He felt the Board needed a narrative of the requested waiver, plans showing the existing septic and the design plans of the proposed septic, an updated Environmental Impact Statement with all of the missing items as per his report, the applicant needs stormwater calculations to show there is no increase in flow to the stormwater runoff, lighting plan details on the fixtures and the foot candles associated with them, fire protection information and recommended the application be deemed incomplete until the items are provided.

Mr. Ordile asked for clarification on redundancy of the preliminary and final site plan checklists. Mr. Stoner and Mr. Brigliadoro explained the process and requirements.

Mr. Olsen felt there should be more information requested on the fire protection plan due to the nature of the products being sold.

Ms. Gilchrist asked why the application is for 6,120 square feet however, the floor plan was showing four separate units. Mr. Stoner said the site plan did show the four separate units. Ms. Gilchrist felt the application should be updated to address the four separate units and to indicate the property is in the redevelopment zone.

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

Mr. Karr asked if the Environmental Commission could look at the application. The Board Secretary will send a copy of the application and supporting materials to the Environmental Commission.

HEARINGS:

1.) Area in Need of Redevelopment Study for Woodlands Behavioral and Nursing Center at Andover, 99 Mulford Road, Block 108, Lot 1.05

Mr. Richard DeAngelis, of the law firm Connell & Foley, Attorney for the property owner, BNJD Mulford, LLC, said his client is not the operator of the site. He said he submitted a letter to the Board and had been in contact with the Municipal Attorney, and asked that the proceedings be adjourned so he could have time to look at the report and so his client had time to consider the circumstances. He asked the Board to carry the matter, without a future date, and he would stay in touch with the Township as to what they will do with the property. Mr. Brigliadoro said he had spoken to Mr. DeAngelis and the Township Attorney and said the owner of the property has expressed an objection to the redevelopment designation and the Township does not wish to expend legal funds to defend a potential planning development tool that would enhance the viability and redevelopment of the Andover Nursing Home. Mr. Carafello asked for clarification on what Mr. DeAngelis meant by the situation was complex. Mr. DeAngelis explained that the physical condition of the property, as well as other considerations on the property, and the recent and ugly history make it a complex situation. He said he is trying to protect an asset his client purchased. He said the operator no longer has a license to operate. He said they are looking at what other options are available and he is protecting the rights of his client. Mr. Carafello asked if the operator was an owner of the property to which Mr. DeAngelis said no. Mr. DeAngelis explained that per the court order, they could not do anything to the property.

A motion to suspend the redevelopment study on the subject property to a date uncertain which would require re-notice at that time 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 – no, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Paul Messerschmidt – yes. Motion carried.

ORDINANCES: None.

OLD BUSINESS:

1.) Definitions

The Board agreed to carry this matter to a future date.

2.) Technical Review Committee

Mr. Stoner explained a few different ways of handling a technical review committee. He suggested having a completeness review subcommittee to make a recommendation to the Board and then move into a hearing all in one night. There was a discussion on who would deem the application complete. Mr. Stoner suggested the full Board deem the applications complete. Mr. Messerschmidt passed around information on review committee procedures from other towns for the Board to consider. The Board discussed how they wanted to handle the completeness review committee.

The Board agreed to have the Review Subcommittee handle technical, concept review meetings and completeness reviews and make recommendations to the Board and then the Board would deem an application complete. The Concept/Completeness Review Committee consists of Ms. Gilchrist, Mr. Ordile, Ms. Howell, the Board Engineer and if needed, the Board Attorney. Mr. Olsen suggested the subcommittee draft an outline of the duties of the subcommittee and present it to the Board.

NEW BUSINESS:

1.) Land Use Application

The Board Secretary had sent out two proposed applications to replace the existing application used by the Board. The Board Secretary explained the two versions to the Board. The Board discussed their preferences. Mr. Messerschmidt suggested adding a revision number and date to any revisions of the application form. Mr. Olsen suggested expanding the area which requests a narrative of the application.

A motion to proceed with the new application known as LU1-3/7/23 with the corrections the Board had requested was made by Mr. Olsen and seconded by Ms. Howell. Roll Call: Eric Karr – yes, Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Paul Messerschmidt – yes. Motion carried.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr said the Township Committee had their budget meeting and as a result, the town is looking at a tax increase. He said the Master Plan and digital mapping funds will be left in place. Mr. Karr discussed funding the upkeep of the roads and other proposed budget cuts.

Environmental Commission –Eric Olsen

Mr. Olsen said there was an application made to the County for park improvements however, the Commission will have to return the grant money because the quote for the improvements was too high and the time had expired.

Sustainable Andover – Eric Olsen

Mr. Olsen said the winter market was very successful. Mr. Olsen said he is collecting data from the vendors to see what the economic impact is.

Economic Development Committee – John Carafello

Mr. Carafello said the EDC has been working with developers. He said the Girl Scout camp on Newton-Sparta Road had been sold. He felt that more people are working from home and spending money in town.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt had nothing to report.

Master Plan Subcommittee – Joseph Ordile

Mr. Ordile said the Master Plan Re-examination hearing would be at the April 4th meeting.

VOUCHERS:

Company	Purpose	Amount	Paid By
Harold Pellow & Assoc.	Master Plan	\$3,027.26	Master Plan Budget
Harold Pellow & Assoc.	Master Plan	\$2,971.76	Master Plan Budget
Harold Pellow & Assoc.	Master Plan	\$26.13	Master Plan Budget
Harold Pellow & Assoc.	Always Comfy	\$202.50	Applicant's Escrow
Harold Pellow & Assoc.	BHT Properties Group	\$1,306.25	Applicant's Escrow
Harold Pellow & Assoc.	BHT Properties Group	\$1,465.26	Applicant's Escrow

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

CORRESPONDENCE:

1.) From: Tanja Hudson

Re: Notice of Application for Freshwater Wetlands Permit – Block 65, Lot 2

2.) From: David C. Krueger – Environmental Technology Inc.

Re: Notice of Application for Freshwater Wetlands Permit – Block 151, Lot 22.02

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. Please come forward when recognized and state your name and address, unless you are a registered covered person under Daniel's Law by the Office of Information Privacy. 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: March 21, 2023, April 4, 2023

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator