



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
April 18, 2023
7:30 p.m.

CALL TO ORDER:

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

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

Also Present:

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

ADMINISTRATIVE ITEMS:

Approval of Minutes: April 4, 2023

A motion to approve the minutes of the April 4, 2023 meeting with the noted corrections was made by Ms. Gilchrist and seconded by Mr. Ordile. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

RESOLUTIONS: None.

COMPLETENESS REVIEWS: None.

HEARINGS:

1.) BHT Properties Group B:151 L:21 A21-2

An application for Preliminary and Final Major Site Plan approval and variances to permit the applicant to regrade the lot and utilize the property for storage of construction vehicles and construction equipment and materials. In addition, the applicant will install a pedestrian walkway, commercial office building and provide all necessary subsurface and surface stormwater facilities and provide other site features. The runway will be maintained and used for access. The application was amended for a minor subdivision to comply with the request of the State Historic Preservation Office (SHPO) which requested that the buildings on the site not be removed.

This matter to be carried, without further notice, to May 16, 2023, pending an announcement by the Board Chair and approval by the Board.

Mr. Messerschmidt said the Board received notification from the applicant that they have requested a one-month continuance due to internal issues and their counsel asked to carry to the May 16, 2023 meeting date. He said the Board received a letter from the opposing counsel, Ms. Elizabeth Durkin, suggesting the Board not grant the carrying of the matter because of the many continuances that have been requested and provided by the Board. Mr. Messerschmidt said both letters had been posted on the website.

A motion to carry the public hearing on the current application for BHT to May 16, 2023, to be held at the municipal building, 134 Newton Sparta Rd., Andover, NJ at 7:30pm without further notice to the surrounding property owners was made by Ms. Howell and seconded by Ms. Gilchrist. Mr. Messerschmidt noted the applicant had granted an extension for the Board to act on the application until the end of June 2023. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – no, Joseph Ordile – no, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

ORDINANCES:

1.) Ordinance 2023-06 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR 1023 LIMECREST ROAD REDEVELOPMENT AREA KNOWN AS THE 1023 LIMECREST ROAD REDEVELOPMENT PLAN

Mr. Messerschmidt said the Township Committee had the first reading of the ordinance and has asked the Board for their comments. He said the Board was also provided with the redevelopment plan. Mr. Ordile expressed a concern that nobody was present to answer questions. He felt the Township Committee Members and Ms. Caldwell should be present to answer questions and felt the Board should not be discussing it at all.

Mr. Brigliadoro said the Township Committee introduced ordinance 2023-06 and referred the ordinance to the Land Use Board as a consistency review with the Township Master Plan. He said they had also attached the redevelopment plan for ease of reference and to make sure they did not miss anything. He said the Township Committee would hold a public hearing on May 4, 2023 where any member of the public can address the Township Committee concerning any aspect of the ordinance, which adopts the redevelopment plan. He said under the Local Redevelopment Housing Law, the Township Committee is obligated to refer it to the Land Use Board, which they have done.

Mr. Olsen had questions and felt there was nobody to answer them. Mr. Ordile suggested the matter be carried to May 2, 2023 when the Board may be able to have Jessica Caldwell, PP address them. Ms. Howell suggested the Board raise their questions and submit them to the Township Committee and Ms. Caldwell so they are prepared to answer them on May 2, 2023. There was a discussion on the redevelopment plan process. Mr. Ordile said the Township has a concrete and asphalt ordinance and said there are very specific setbacks in the ordinance. Mr. Messerschmidt suggested the Board Member send their questions to the Board Secretary who will then forward them to the Township Committee and Ms. Caldwell. Ms. Gilchrist felt the warehouse definition is not consistent with the Township's exiting definitions. She felt a high cube warehouse would not fit on the property. There was a lengthy discussion on the redevelopment plan and if the applicant needs to come before the Board. Ms. Howell expressed a concern with the word "may." Mr. Brigliadoro said if the application comes before the Board and is a deviation from the plan; the Board handles that in the same manner as variance relief. Mr. Ordile felt the Planner should have met with the Board to draft the plan and expressed a concern with future redevelopment plans.

Mr. Messerschmidt asked Board Members to send their questions and concerns to the Board Secretary by April 21, 2023 so she can then get them out to the Township and the Planner.

OLD BUSINESS: None.

NEW BUSINESS: None.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$656.00	Budget
Weiner Law Group	Redevelopment – Nursing Home	\$384.00	Township
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$1,144.00	Applicant’s Escrow

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

DEFINITIONS:

Mr. Messerschmidt said the definition subcommittee did work on some of the definitions. The Board Secretary handed out a list of the definitions that the subcommittee worked on. The Board discussed definitions for undefined permitted uses in the non-residential zones. Mr. Stoner suggested the Board look at parking, and other issues tied to the definitions. He said the Board might need to modify the definitions, permitted uses and other code requirements. There was a discussion on the definition of retail sales and drive-up windows. Mr. Brigliadoro felt a drive-up window is no longer an accessory use to a bank since every bank has one. There was a discussion on changing the uses in a zone. The Board agreed on the proposed definitions for theater, bowling alley, skating rink, airport and studios. The Board discussed a definition for cafeteria and the intended permitted use of a cafeteria. The Board discussed the proposed definition of off-street parking. The Board discussed the “party area” accessory permitted use and decided to deal with it in the Master Plan. The Board discussed definitions for storage silos, bins and hoppers. The Board agreed to define them separately. The Board discussed a definition for “automobile repair services” and agreed motorcycles should be included in the definition. The Board discussed a definition for kennel.

There was a discussion on the definitions within the redevelopment zones.

CORRESPONDENCE: None.

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: May 2, 2023, May 16, 2023

Mr. Olsen said the Open Space Plan is ready to be added to the agenda. The Board agreed to add it to the June agenda.

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