



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
May 2, 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 – Absent
Suzanne Howell – Present
John O’Connell – Excused
Richard Skewes – Present
Joseph Ordile – Present
Krista Gilchrist – Present
Sean Degan - Excused
Paul Messerschmidt – Present

Also Present:

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

ADMINISTRATIVE ITEMS:

Approval of Minutes: April 18, 2023

A motion to approve the minutes of the April 18, 2023 meeting was made by Ms. Howell 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.

NEW BUSINESS:

1.) Always Comfy – 4 Mountainside Drive, Block 100, Lot 2 – Extension of Approval

Ms. Gilchrist had a conflict and stepped down from the dais for this matter.

Mr. Daniel Benkendorf, attorney for the applicant, said the lot is .25 of an acre and is in the R-.5, single family zone. He said they were before the Board in June of 2022 resulting in a resolution of approval for a few bulk variances. He said the resolution was memorialized in July of 2022 and it has been over 9 months since that approval. He said they had finally gotten the revised plans to Mr. Stoner for his review and they are seeking the permits to begin work on the property. Mr. Benkendorf asked for an additional nine-month extension from April 19, 2023 while Mr. Stoner completed his review. Mr. Stoner had no objection to approving the extension. Board Members had no questions or objections.

A motion to approve a nine-month extension from April 19, 2023 was made by Mr. Ordile and seconded by Mr. Skewes. Roll Call: Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

Mr. Benkendorf asked to waive receipt of the resolution so they can continue to work on getting permits.

RESOLUTIONS: None.

COMPLETENESS REVIEWS:

1.) Barone, Pat B: 62 L: 4.04 Application # A23-3

(Carried for Completeness Determination)

Mr. Kevin Kelly, attorney for the applicant, said his client bought the property in 2006 and it has seven structures on the site. He said they are seeking an interpretation and wanted to explained what the property was used for and the one or two things he wants to do with the property. He said they have an index with pictures of all of the structures.

Mr. Stoner said his report had questions about the past history of the buildings and some of the environmental issues. He asked for testimony on what has happened on the property over the last 17 years. He requested testimony on the orchards that were in the riparian buffer and asked for any D.E.P. permits. He asked for the architectural plans for the agriculture labor house. Mr. Kelly said he thinks they have that.

Mr. Stoner said he wanted more history on the D.E.P. issues on the property, any floor plans for the agriculture labor building and a listing of what structures have building and zoning permits. He said if they could have those items at the hearing, he had no objection to the Board deeming the application complete. Mr. Kelly agreed to Mr. Stoner's request.

Mr. Ordile asked for clarification on what buildings are being refurbished. Mr. Kelly said that is what they intend to explain. Mr. Kelly said the labels of the structures could change. There was a discussion on the application being complete.

Mr. Olsen said he was confused on what the application was for to which Mr. Stoner said they are asking for an interpretation of what is on the property. He said there is a farm and conditional uses on the property and if they meet all of the conditions of the farm use. Mr. Kelly said it is an interpretation because they have to go through the seven buildings and tell the Board what they are. He said they put their interpretation in to the application as they way they saw it and there will be a lot of discussion about it. He felt it was all in the context of an agricultural use which is permitted in the R-3 zone.

Mr. Skewes expressed a concern that the Board Members could not get onto the property to look at it. Mr. Kelly said he would make that available. Mr. Messerschmidt suggested a few days and times for the Board Members to visit the site. The Board discussed visiting the site. The Board Members will visit the site individually and not as a group.

A motion to deem the application for interpretation complete was made by Ms. Howell and seconded by Ms. Gilchrist. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – no, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

The Board discussed a special meeting date of June 13, 2023 to hear the Barone application.

Mr. Kelly granted the Board an extension of time to act.

A motion to add a special meeting date of June 13, 2023 was made Mr. Skewes and seconded Ms. Gilchrist. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

HEARINGS: None.

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 Board had supplied Ms. Caldwell with a list of questions for her response.

Ms. Jessica Caldwell, PP said she worked on the redevelopment plan for the Township and that the plan was referred to the Land Use Board to review the plan for consistency with the Master Plan. She said the Board can provide comments to the Governing Body for consideration. She said the Governing Body received the list of questions and suggested the Board focus on Master Plan consistency. Mr. Messerschmidt asked about the definitions in the redevelopment plan. Ms. Caldwell said the study area is a singular lot and the Township Committee had been approached by a developer with a plan for the site and what they have asked for has been put into the plan. She said they had discussed putting a concrete batch plant on the site and the idea behind the plan was to include that use as a permitted use as well as other uses that are existing in General Industrial zone. She said there is a conceptual plan attached because the Committee had asked for that for clarity. She said the definitions were requested from the potential redeveloper. She said it is fine and normal that the definitions do not line up with ordinance definitions. She said the redevelopment plan is designed for the site alone. She said the Board should consider if the use is consistent with the Master Plan. She felt there was a specific intent in the Master Plan to allow concrete batch plants in the area. She explained the Master Plan speaks to intensive industrial uses and quarries. Mr. Messerschmidt asked if the definitions in the plan are specific to this property to which Ms. Caldwell said yes. Ms. Caldwell said this is a redevelopment plan which is a zone for this specific property.

Ms. Gilchrist asked if the property had a lot line adjustment, would the plan then be invalid since the plan is specific to the current lot. Ms. Caldwell said the plan only applies to this lot which is 4 acres. She said a new plan would need to have a plan for the additional acreage.

Ms. Gilchrist asked how the warehouse use could be included especially the high cube warehouse. Ms. Caldwell said it was a definition asked to be included in the plan and nothing larger than would fit on the property could be built on it.

Mr. Olsen asked if the concrete batch plant is an allowable use in the zone, why do a redevelopment plan for the site. Ms. Caldwell said it is a conditional use and the applicant was concerned because they would not meet all of the conditions so they requested it be a permitted use so they would not need a bunch of variances.

Mr. Ordile asked if Ms. Caldwell would be at the Township Committee meeting to which Ms. Caldwell said she was not requested to be there. Mr. Ordile asked if she reviewed the plan with the governing body. Ms. Caldwell said they have reviewed the plan. Ms. Caldwell explained

the Board determines if the plan is consistent with the Master Plan and to send comments to the Governing Body which it did.

Ms. Howell felt the reason Ms. Caldwell was present was to answer the questions sent to her by the Board.

Mr. Ordile asked about the carrying capacity of truck traffic on Limecrest Road. Ms. Caldwell said the Master Plan has already deemed this area to be sufficient for carrying capacity for this type of use. Mr. Ordile asked how a concrete batch plant meets the criteria of a safe and healthful environment. Ms. Caldwell said it helps to serve the community with a variety of uses and it would meet all of the D.E.P. standards and it is a redevelopment of a site in disrepair. Mr. Ordile asked how the concrete batch plan meets the criteria of the synergy of community life. Ms. Caldwell said it allows for these heavy industrial uses in the community and the Master Plan has deemed where those uses would be appropriate. Mr. Ordile asked if Ms. Caldwell met with the developer or the property owner to draft this plan. Ms. Caldwell said she met with the redeveloper's planner.

A motion to make a finding that the Redevelopment Plan is consistent with the Master Plan was made by Mr. Skewes and seconded by Mr. Messerschmidt. Roll Call: Eric Olsen – no, Suzanne Howell – no, Richard Skewes – yes, Joseph Ordile – no, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion was deadlocked.

OLD BUSINESS:

Ms. Howell asked if the submission of additional information from the applicant is ten days or ten business days. Mr. Kienz said at the State level of the Municipal Land Use Law it was determined that ten days was an appropriate amount of time. There was a discussion on the timeline to submit additional information. Mr. Kienz said the Board has the right to ask for additional information during the hearing process.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr was not present to give a report.

Environmental Commission –Eric Olsen

Mr. Olsen said the Environmental Commission is ready to proceed with the plan and he would get in touch with the Planner who drafted the plan to see if they would be presenting it to the Board. Mr. Olsen said the Environmental Commission had been approved for a county grant to purchase benches and kiosks.

Sustainable Andover – Eric Olsen

Mr. Olsen said Sustainable Andover participated in earth day clean up with a group of seven members. He said they are getting the Buy Local guide into the businesses. He said they are considering sponsoring a film in the park, sponsor a hike in one of the parks and a volunteer work day to rehab the rain garden at Hillside Park.

Economic Development Committee – John Carafello
Mr. Carafello was not present to give a report.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt
Mr. Messerschmidt said the subcommittee will continue to work on the definitions.

Master Plan Subcommittee:
Mr. Stoner said Mr. Morris is working with another planner to help develop a survey. Mr. Stoner explained what Byram Township had done.

VOUCHERS:

Company	Purpose	Amount	Paid By
J Caldwell & Assoc.	1023 Limecrest Redevelopment	\$130.00	Applicant's Escrow

The Board felt the voucher was for the Township Committee to approve since they had worked with Ms. Caldwell.

CORRESPONDENCE:

- 1.) From: Mr. Daniel Benkendorf, Esq.
Re: Always Comfy Approval – 4 Mountainside Drive

PUBLIC PORTION:

Mr. Messerschmidt 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. 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.

Ms. Alice Romano of 6 Michael Court, Andover, NJ asked who Ms. Caldwell represents. Mr. Messerschmidt said she was hired by the Township Committee. Ms. Romano asked about the zone of the redevelopment property. Mr. Messerschmidt said it is a redevelopment zone and was the General Industrial zone. Ms. Romano asked about the uses in that zone. Mr. Messerschmidt said the uses are in the Township code. Mr. Kienz suggested Ms. Romano ask her questions at the second reading with the Governing Body and explained the process to her.

UPCOMING MEETINGS: May 16, 2023, June 20, 2023

Mr. Messerschmidt said the Board had added June 13, 2023 as a special meeting date.

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator