



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
Minutes
August 15, 2023
7:30 p.m.

CALL TO ORDER:

Ms. Howell called the meeting to order at 7:30pm.

PLEDGE OF ALLEGIANCE:

Ms. Howell led everyone in a flag salute.

OPEN PUBLIC MEETINGS ACT NOTICE:

Ms. Howell 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 – Excused
Suzanne Howell – Present
Richard Skewes – Present
Joseph Ordile – Excused
Krista Gilchrist – Present
Sean Degan – Present
Paul Messerschmidt – Excused

Also Present:

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

Ms. Howell announced that the Board had received a letter from Ms. Megan Ward, attorney for the applicant, this afternoon in the matter of the Barone application asking to carry the matter to the September 5, 2023 meeting date. Ms. Howell read the letter into the record.

A motion to carry the hearing to September 5, 2023, without further notice, was made by Mr. Skewes and seconded by Mr. Olsen. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Krista Gilchrist – yes, Sean Degan – yes, Suzanne Howell – yes. Motion carried.

ADMINISTRATIVE ITEMS:

Approval of Minutes: August 1, 2023

A motion to approve the minutes of the August 1, 2023 meeting was made by Ms. Gilchrist and seconded by Mr. Olsen. Roll Call: Eric Olsen – yes, Richard Skewes – yes, Krista Gilchrist – yes, Suzanne Howell – yes. Motion carried.

RESOLUTIONS:

1.) Appointing Jessica Caldwell, P.P., A.I.C.P., LEED GA of J. Caldwell Associates, LLC to prepare a preliminary investigation study of property designated as Block 103, Lots 2 & 3.02 on the Tax Maps of Andover Township, to appear at a public hearing and to comply with all requirements of the Local Redevelopment and Housing Law Pursuant to N.J.S.A. 40A:12A-1 ET. SEQ.

A motion to adopt the resolution appointing Jessica Caldwell, P.P., A.I.C.P., LEED GA, of J. Caldwell Associates to prepare a preliminary investigation study of property designated as Block 103, Lots 2 & 3.02 was made by Mr. Skewes and seconded by Mr. Karr. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Krista Gilchrist – yes, Sean Degan – yes, Suzanne Howell – yes. Motion carried.

COMPLETENESS REVIEWS:

1.) Feels of Green, LLC Block 155, Lot 5.01 Application # A23-4

Mr. Stoner said he met with the Completeness Subcommittee and said they agreed the application could be deemed complete; however, there were a couple of items that still need to be submitted 10 days prior to the hearing. He said the zone data on the application needs to be updated and well supply information, a building elevation plan to verify heights and mechanical items that might be on the building and signage information are needed. He felt the Board needed the information and recommended the application be deemed complete subject to those items being submitted 10 days prior to the hearing date.

Mr. Olsen asked about the proposed driveway location and the sight distance profile. He said he had a concern with the traffic coming into and out of the property. Mr. Stoner said he would address that in his final report and the access would be subject to D.O.T. approvals.

A motion to deem the application complete was made by Ms. Gilchrist and seconded by Mr. Karr. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Krista Gilchrist – yes, Sean Degan – yes, Suzanne Howell – yes. Motion carried.

A motion to list the application on the agenda for September 19, 2023 for a hearing date was made by Mr. Olsen and seconded by Mr. Skewes. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Krista Gilchrist – yes, Sean Degan – yes, Suzanne Howell – yes. Motion carried.

HEARINGS: (All submitted materials can be found under the Land Use section on the Township website www.andovertwp.org.)

1.) Condemnation Area in Need of Redevelopment Study Block 108, Lot 1.05

On September 20, 2022, the Governing Body of the Township of Andover authorized the Andover Township Land Use Board via Resolution R2022-119, to conduct a Condemnation Area in Need of Redevelopment Study for the area identified as Block 108, Lot 1.05 on the official tax maps of the Township of Andover. The Study Area is located at 99 Mulford Road, Andover Township, Sussex County, New Jersey.

Mr. Briigliodoro swore in Ms. Jessica Caldwell, P.P. of J. Caldwell Associates, 145 Spring Street, Newton, NJ. Ms. Caldwell said she is the Township Planner and gave her qualifications, which were accepted by the Board. Ms. Caldwell said she had drafted a report dated February 1, 2023. The report was marked as exhibit 1.

Ms. Caldwell gave background on the lot. She said the property is known as Block 108, Lot 1.05, is just under 17 acres in size and located at 99 Mulford Road. The study area consists of the former Woodland Behavioral and Nursing Center at Andover, which was a 543-bed subacute nursing home, which was closed in August 2022. Ms. Caldwell explained the buildings on the property.

Ms. Caldwell said the Governing Body requested via resolution 2022-19 that the Land Use Board conduct a study of the area to determine if it meets a condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law.

She went over some historical photos of the site. She said there are no known contaminants or environmental constraints on the site. She said there is limited open space on the property. The site is located in the Special Residential zone, which permits the nursing home on the property. She went over the property relationship to the Master Plan and the Redevelopment

Criteria Analysis section of the report. She felt the building facilities are substandard and went over the conditions she witnessed in the facility. She said pipes used for fire suppression were exposed and installed after the construction of the building as a retro fit, there were different types of air conditioners utilized to supplement the main system indicating the air conditioning system is not functioning properly, offices were located in small closets or storage areas with no windows, offices were retrofitted in hallways, cleaning rooms were small and dilapidated, there were haphazard wiring coming out of ceiling tiles, rooms are crowded with several beds in each room, a lack of ventilation which caused a persistent odor in the facility, exposed phone wires, shower facilities were small and only one per each wing for each gender with about 20 to 25 people allocated to each shower facility, closets were small, small recreation areas, one small lounge area per floor allocated to over 100 people. The holding facility was designed to hold one or two deceased persons and during the Covid-19 emergency, the facility was overwhelmed with not enough space to store deceased persons. Ms. Caldwell explained the violations and fines given to the nursing home. She felt the building is substandard and attempts to retrofit the building cannot meet modern healthcare standards.

Ms. Caldwell said her office conducted a drone inspection of the roof and discussed the water damage from water ponding on the roof such as stained tiles, sagging paint and stained wallboards. She discussed the unsanitary conditions due to a lack of maintenance. She discussed the functional, economic and physical obsolescence. She felt the size of the facility is no longer conducive of proper long-term care of patients. Ms. Caldwell discussed some of the violations, which occurred during the Covid-19 pandemic. She discussed the timeline and how the facility lost its license, federal funding and was closed on August 11, 2022. Ms. Caldwell went over the criteria for an area in need of redevelopment and said the Study Area met three of the eight Redevelopment Criteria.

Ms. Gilchrist asked Ms. Caldwell how long it would take the facility to deteriorate to the condition it was in. Ms. Caldwell said it would take several years and felt it was neglected for more than ten years.

Mr. Karr asked if the conditions were getting worse due to no continued maintenance to which Ms. Caldwell agreed. Ms. Caldwell said there was a small crew onsite when she visited the facility however; there was minimal maintenance being done. Mr. Karr asked about the central air conditioning to which Ms. Caldwell felt the system needed to be supplemented. She felt there was not proper airflow in the building. Mr. Karr asked about the fire suppression system to which Ms. Caldwell said it was retrofitted to the exterior of the walls in the building. Mr. Karr expressed a concern with the safety of the building. He felt the entire health care industry

was moving towards home health care. Ms. Caldwell said the industry is moving towards smaller facilities and felt the size was problematic. She felt it would be difficult to staff.

Mr. Olsen noted the list of the Board Members needed to be updated as well as the reference to the Master Plan since the Board had adopted its Master Plan Reexamination.

Ms. Howell opened the hearing to the public.

Mr. Richard DeAngelis, Esq. with the law firm Connell Folley said he was representing the property owner. He said he was not representing the operator and his client had nothing to do with the operation. He said his client has not earned any income on the property since February, 2022. He said they are trying to preserve what they can of the physical aspect of the property.

Mr. DeAngelis asked Ms. Caldwell if she agreed that an area in need of redevelopment would pertain to the condition of the property to which she said yes. She explained the redevelopment study should be consistent with the goals of the Master Plan and the potential goals of the Redevelopment Plan. She said it comes into play with the criteria of smart growth. Mr. DeAngelis questioned Ms. Caldwell on her report regarding smart growth planning. Mr. DeAngelis asked if the report contained a lot of information on the former operations of the facility. Ms. Caldwell said it contained both operations and the state of the facility itself. Mr. DeAngelis asked if Ms. Caldwell had reviewed the State license to which she said she had not. Mr. DeAngelis asked if the attachments in appendix B related to the facility or the operations. Ms. Caldwell felt the health and safety issues were relative to the size and structure of the facility. She said several of the documents found the facility was dirty and dilapidated. Mr. DeAngelis felt the Board should not consider the operation of the facility and asked the record be left open until Ms. Caldwell could show the Board the attachment in appendix B that refers to the physical aspect of the facility. Mr. DeAngelis asked if Ms. Caldwell had reviewed any violations or police reports issued by the Township to which she said no. Ms. Caldwell noted she did include health violations and surveys in her report. Mr. DeAngelis asked if Ms. Caldwell had consulted any engineer, contractor or professionals in regards to the HVAC system. Ms. Caldwell said her report was based on her observations. Ms. Caldwell said she is LEED certified and understands physical structures and the air, light and open space of structures. Mr. DeAngelis asked how Ms. Caldwell accessed the property which she explained the process. Mr. DeAngelis asked if Ms. Caldwell conducted a cost analysis that supported her conclusion that there would be significant investment in rehabilitating the property. Ms. Caldwell said she based any analysis on her observation and the fact that long-term maintenance had not been conducted and the facility was operating at a loss and was not generating enough income to

overcome any repairs or maintenance. Ms. Caldwell felt the building was too large to retrofit to modern standards. Mr. DeAngelis asked Ms. Caldwell if she had considered any alternative uses for the property, to which she said no.

Mr. Karr asked Mr. DeAngelis if he was aware of any ongoing property maintenance or public safety maintenance on the facility. Mr. DeAngelis said his client is not in possession of the property however; his client is doing their best to get the current operator and tenant to comply. He said the property is in need of maintenance. He said his client is in the process of looking for other uses for the property.

Ms. Gilchrist asked Mr. DeAngelis if the property owner had a lease with the operator to which Mr. DeAngelis said yes. Ms. Gilchrist asked if the property owner was responsible for certain maintenance such as a roof, structural issues or HVAC. Mr. DeAngelis said it was his understanding the lease was a triple net lease and the tenant was responsible for the maintenance of the facility. Ms. Gilchrist asked if he would provide the lease to the Township to which Mr. DeAngelis said yes. Mr. DeAngelis explained the receivership to the Board. He said the property owner is considering all options and explained the redevelopment law to the Board. Ms. Gilchrist felt the elevator certification would have been the responsibility of the property owner. Mr. DeAngelis said he did not know if his client had made an inquiry of those records. He said the elevator by itself is not grounds to determine the property is blighted. Mr. DeAngelis asked the Board to keep the record open.

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

Mr. Brigliadoro explained the redevelopment study process to the Board.

A motion that the criteria was met and that the entire delineated area be declared a condemnation redevelopment area was made by Mr. Skewes and seconded by Mr. Karr. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Krista Gilchrist – yes, Sean Degan – yes, Suzanne Howell – yes. Motion carried.

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

The applicant is seeking a variance to use an existing garage as agriculture labor housing on property located at 41 Kilroy Road, Andover Township, New Jersey.

Ms. Howell said the application would not be heard this evening as discussed earlier.

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr gave an update on the budget and unpaid taxes.

Environmental Commission –Eric Olsen

Mr. Olsen said he had been voted in as the Chair for the Environmental Commission for the remainder of the year. He said the Commission had grant money they will need to spend before the end of the year. He said the Environmental Commission would review the EIS requirements and report to the Board. Mr. Olsen said they were struggling to get the Planner from H2M to present the Open Space Plan. He said he would speak to Paul to see if they could present the plan. He said he would send a draft to the Board.

Sustainable Andover – Eric Olsen

Mr. Olsen said they had not met and had nothing to report.

Economic Development Committee – John Carafello

Mr. Carafello was not present to give a report.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt was not present to give an update.

Master Plan Subcommittee – Joseph Ordile

Mr. Stoner said the Master Plan was on hold due to the budget but they will now move forward with the process. He said his office was working on a survey.

VOUCHERS: None.

CORRESPONDENCE: None.

PUBLIC PORTION:

Ms. Howell 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.

Ms. Alice Romano, a resident of Andover, asked questions about the proceedings that took place this evening. Mr. Briadoro said the hearing had concluded and the Board could not discuss that particular matter. He did explain the condemnation redevelopment area process. Ms. Romano asked if a town official addresses property maintenance to which Mr. Stoner said the Zoning Officer handles that.

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

PENDING APPLICATIONS:

Braen Supply – Deemed Incomplete 2.7.23 – No new information submitted.

Ringo Properties – Deemed Incomplete 10.4.22 – No new information submitted.

Feels of Green – Deemed Complete 8.15.23 – Additional information requested by 9.9.23 for hearing date of 9.19.23.

Puff City – Deemed Incomplete 3.7.23 – No new information submitted.

UPCOMING MEETINGS: September 5, 2023, September 19, 2023

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator