



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
Municipal Building  
134 Newton Sparta Road  
MINUTES  
September 5, 2023  
7:30 p.m.

**CALL TO ORDER:**

Mr. Messerschmidt called the meeting to order at 7:33pm.

**PLEDGE OF ALLEGIANCE:**

Mr. Messerschmidt led everyone 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](http://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 – Absent  
Paul Messerschmidt – Present

**Also Present:**

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

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** August 15, 2023

A motion to approve the minutes of the August 15, 2023 meeting with the noted corrections was made by Ms. Howell and seconded by Mr. Olsen. Roll Call: Eric Karr – yes, Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Krista Gilchrist – yes. Motion carried.

**RESOLUTIONS:**

1.) Recommending that the Township Committee of Andover Township designate the study area for property designated as Block 108, Lot 1.05 as a condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law under N.J.S.A 40A:12A-1 ET. SEQ.

A motion to approve the resolution recommending that the Township Committee designate the study area for Block 108, Lot 1.05 as a condemnation redevelopment area was made by Ms. Gilchrist and seconded by Mr. Skewes. Roll Call: Suzanne Howell – yes, Krista Gilchrist – yes, Eric Olsen – yes, Eric Karr – yes, Richard Skewes – yes. Motion carried.

**COMPLETENESS REVIEWS:** None.

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

1.) 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.*

Mr. Karr stepped down and left the dais for this matter due to the request for a use variance.

Ms. Megan Ward, attorney for the applicant, wanted to put the planning testimony on the record and if necessary request to carry the vote until there are more Board Members eligible to vote. Ms. Ward gave a brief history of the application thus far.

Mr. Briigliodoro swore in Mr. Eric Snyder, PP. Mr. Snyder gave his qualifications, which were accepted by the Board.

Mr. Snyder said he had reviewed some of the documents filed in this matter and had met with Mr. Barone on the property. He said he reviewed the current Township Master Plan Reexamination Report, and documents going back to 2005, as well as the Township Code. He had also reviewed the resolution adopted by the Board in July.

Ms. Ward said that at the last hearing the Board took a vote and determined that onsite agricultural labor housing even when limited to a family member who is working in the

agricultural aspect was not a permitted use in the zone. She said they were before the Board tonight to request a use variance.

Mr. Snyder said the “d1” variance is for a use not permitted in the zone. He said there are three purposes of the act that apply; provision for various uses including agriculture in appropriate locations, an efficient use of land and an aesthetic improvement. He said agriculture in New Jersey is the most supported business in the entire State. He said the Master Plan Reexamination Report recently adopted states that Andover recognizes that agricultural uses are an important part of the Township’s history and character and active farms should be preserved. He said the Master Plan also said reactivation of farms should be encouraged. He said the property is an active farm, is assessed as such by the Tax Assessor, and as a farmer, Mr. Barone asked that he be able to convert a garage into a two-bedroom cottage. Mr. Snyder said Andover has encourage multi-generational housing since 2005. He said ECHO housing, which stands for Elder Cottage Housing Opportunities, is called out in the Housing Plan. He explained that ECHO housing is a situation where, upon an existing lot with a single family home another unit is constructed. The ECHO unit is temporary and specifically for an older member of the family. He said it is regulated by an annual affidavit that the property owner supplies to the Township swearing that the person living in that unit is in fact a family member.

Mr. Snyder felt that if Mr. Barone is living on the property, he could more efficiently manage the property. Mr. Snyder said Mr. Barone wanted to fix up the house and the garage and felt the property could sustain it. He said the septic is designed far in excess of what is needed or proposed. He said the property is not visible from the road with the only visibly from across the pond.

Mr. Snyder went over the negative criteria. He felt the proposed cottage would not be seen or heard and there would be no increased traffic. He said there would be marginal increase of activity on the site, which would not be measurable. He said the impact on the neighborhood or zone plan would be so small as to be unmeasurable. He felt it makes the farm more viable and a more efficient operation and felt the application should be approved.

Mr. Stoner asked if the proposal is for a second principal use. Mr. Snyder said it is agricultural housing because Mr. Barone is the farmer operating the farm. Mr. Stoner expressed a concern with what might happen in the future. Mr. Snyder said an approval would be for a unit in which a family member, operating as part of the farm, can live. Mr. Stoner asked if it would be controlled by a deed restriction. Ms. Ward said they had agreed to a deed restriction already. Mr. Snyder said it would be controlled by the deed restriction and the affidavit discussed earlier. Ms. Ward said the deed restriction would be for a family member engaged in agricultural use of the property; it would not be a rental unit occupied by a third party. She said they would provide an annual affidavit. Mr. Stoner asked how the Zoning Officer would determine if a family member was residing in the secondary building. He felt it would be hard

to enforce. Mr. Snyder felt the annual affidavit would control the restriction. He said it would be similar to COAH restricted housing.

Mr. Messerschmidt asked if the restriction would be for a family member working the farm and wanted clarification on how to quantify the term “working the farm”. Mr. Snyder said farmers cannot make a living by farming alone and would most likely have a regular job. He felt a certification of hours worked could be a way to certify this.

Ms. Howell asked about the seasonal aspect of farming. Ms. Ward said Mr. Barone would be raising chickens. She said crops are seasonal and felt a reasonable average of working hours would be appropriate. Mr. Skewes felt the Zoning Officer would be busy checking on the operation. Mr. Stoner felt the Zoning Officer could not monitor the hours being worked. Ms. Ward said it could be part of the affidavit. There was a lengthy discussion on how the conditions would be enforced.

Mr. Messerschmidt asked what would happen if the farming ceased. Mr. Snyder said the second residence would be decommissioned.

Mr. Messerschmidt opened the meeting to the public.

Mr. Brigliadoro swore in Ms. Suzanne Streeter, a resident of Andover. Ms. Streeter asked for clarification on what the applicant was seeking. She felt the applicant was asking for agriculture labor housing and now he is asking for a two-bedroom cottage. Ms. Ward said they had requested an interpretation, which the Board disagreed with, and now they are requesting a “d1” variance. She said it is the exact same application for agricultural labor housing to convert the existing garage into a two-bedroom cottage. She said it would be restricted to a family member who was engaged in the agriculture use of the property. Ms. Streeter felt the terminology was different with this portion of the hearing. Ms. Streeter asked for clarification on the proposed deed restriction to which Ms. Ward explained the process.

Mr. Stoner said the original application never said anything about Mr. Barone living in the house. He felt the original testimony was for agricultural labor housing. Ms. Ward said the intention was for Mr. Barone to live there. She said when the neighbors were concerned about third parties living there, they clarified that Mr. Barone would live there.

Mr. Brigliadoro swore in Mr. James Streeter, a resident of Andover. Mr. Streeter said the area for the agriculture housing is a residential area. He expressed a concern as to why Mr. Barone could not just build a bigger house. He said the property is large enough. He said the property could not be seen from the street and the Zoning Officer would be spending a lot of time monitoring the approval. Ms. Ward said a larger home was approved but never constructed

and she could not fault Mr. Barone for wanting his own space. There was a discussion on building a larger home.

Mr. Briadoro swore in Mr. Pat Barone, applicant. Mr. Barone explained that he wanted his privacy.

Mr. Streeter felt there was no way to monitor or enforce the variance. He asked the Board if there are other properties in Andover that allow for two principal structures on one property. Mr. Stoner said he did not know. Ms. Ward said there are number of farms in Sussex County where there is agricultural housing onsite. Mr. Streeter asked if they are in rural areas or residential areas. Ms. Ward said the County is a lot more residential than it used to be, this is not unprecedented and it does exist. Mr. Streeter said the street is very narrow and an active farm could increase traffic and felt the street could not handle it.

Mr. Briadoro swore in Mr. Glen Rubin, a resident of Andover. Mr. Rubin said Mr. Barone was a good neighbor however; he had concerns with granting the variance. He expressed a concern that he would become the enforcement police since he can see into the property. He felt the request is not enforceable. He felt it was creating two residences in a single-family residential zone. He felt it has nothing to do with preserving the viability of the farm. Mr. Snyder said the affidavit would trigger an inspection by the Zoning Officer. There was a discussion on the farm status of the property.

Mr. Briadoro swore in Mr. Laroslav Jouravlev, a resident of Andover. Mr. Jouravlev asked when Mr. Barone's farm became an active farm. He said he purchased his property three years ago and all he sees on the Barone property is an abandoned house and felt it was not an active farm. He said he did not want to live behind a chicken farm and felt it would decrease the value of his home. He felt the testimony was misleading.

Mr. Briadoro swore in Mr. Wayne Grenewicz, a resident of Andover. Mr. Grenewicz asked if the property fit the criteria for ECHO housing. Mr. Snyder said it did and that the septic was large enough to service two single-family homes. Mr. Grenewicz said Sussex County is the farming capital of the State.

Ms. Streeter said she was in favor of the farm activity however; she had a concern with two houses on the property.

Mr. Briadoro swore in Ms. Kathy Rubin, a resident of Andover. Ms. Rubin said she was in favor of the farming activity.

Mr. Stoner asked for clarification if the existing garage would be refurbished or torn down and rebuilt. Mr. Barone said the garage would be torn down and a new structure built. Mr. Stoner

noted the last approval was for the structure to remain in place and if it were replaced, felt it would trigger another variance. Mr. Briigliadoro said if it is in the exact same footprint, it would not need another variance. There was a discussion on what variances may be needed.

Mr. Messerschmidt asked what would happen to the agriculture labor house use if the property were no longer farm assessed. Mr. Snyder said the farm use is a permitted use in the zone. He said the assessment does not determine if the property is a farm.

The Board took a 5-minute break.

Ms. Ward asked for the record to be closed and requested the absent Board Members listen to the recording so there are more eligible voting members. She said they have no further witnesses or testimony. Ms. Ward gave a summary of the application and hearings that took place. She felt there was not a lot in the ordinance that defines agricultural use. She said they agreed to an annual affidavit and deed restriction.

Mr. Messerschmidt asked Mr. Stoner if the Board should have plans for the proposed cottage. Mr. Barone said he did not have plans. Ms. Ward said the application is for the use. She said she would submit plans as a condition of approval.

Ms. Ward granted the Board an extension of time through October 3, 2023.

A motion to carry the hearing to October 3, 2023 without further notice was made by Mr. Olsen and seconded by Ms. Howell. Roll Call: Suzanne Howell – yes, Krista Gilchrist – yes, Eric Olsen – yes, Richard Skewes – yes, Paul Messerschmidt - yes. Motion carried.

Mr. Karr returned to the Board.

**ORDINANCES:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None

**LIAISON REPORTS:**

***Township Committee*** – Eric Karr

Mr. Karr had nothing new to report.

***Environmental Commission*** –Eric Olsen

Mr. Olsen said two applications had been referred for Environmental Commission review.

***Sustainable Andover*** – Eric Olsen

Mr. Olsen said he had to step down as Chair and the group voted David Kolstad as Chair of Sustainable Andover. He said they have enough points to apply for certification next year. He said they would be promoting the Buy Local Guide around the holidays.

**Economic Development Committee** – John Carafello

Mr. Carafello was not present to give a report.

**Zoning Map/ Zone Changes Subcommittee** – Paul Messerschmidt

Mr. Messerschmidt said there was no new update.

**Master Plan** – Joseph Ordile

Mr. Stoner said his office is working on a survey.

**VOUCHERS:**

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	832.00	Budget
Weiner Law Group	Redevelopment Study for Pace Glass	\$96.00	Applicant’s Escrow
Weiner Law Group	Barone, Pat	\$112.00	Applicant’s Escrow
Weiner Law Group	Feels of Green	\$80.00	Applicant’s Escrow
Harold Pellow Associates	Engineering	\$28.00	Engineering Budget
Harold Pellow Associates	Steinwand	\$420.00	Applicant’s Escrow
Harold Pellow Associates	Feels of Green	\$1,340.00	Applicant’s Escrow
Harold Pellow Associates	Barone, Pat	\$345.00	Applicant’s Escrow

A motion to pay the bills was made by Ms. Gilchrist and seconded by Mr. Karr. Roll Call: Suzanne Howell – yes, Krista Gilchrist – yes, Eric Olsen – yes, Eric Karr – yes, Richard Skewes – yes, Paul Messerschmidt - yes. Motion carried.

**CORRESPONDENCE:** None.

**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. Wayne Grenewicz expressed a concern about the resolution for the redevelopment study for the nursing home. He felt the report had definitions and statements about engineering, electrical and HVAC that were done by somebody who was not certified. He said he was concerned the town was open to a lawsuit.

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 – Additional information submitted. Scheduled for completeness on 9.19.23.

Feels of Green – Deemed Incomplete 6.13.23 – Additional information requested by 9.9.23 for hearing date of 9.19.23.

Puff City – Deemed Incomplete 3.7.23 – Additional information submitted. Scheduled for completeness on 10.3.23.

**UPCOMING MEETINGS:** September 19, 2023, October 3, 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