



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
October 17, 2023
7:30 p.m.

CALL TO ORDER:

The Board Secretary called the meeting to order at 7:30pm.

PLEDGE OF ALLEGIANCE:

The Board Secretary led everyone in a flag salute.

OPEN PUBLIC MEETINGS ACT NOTICE:

The Board Secretary 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 – Excused
Richard Skewes – Present
Joseph Ordile – Present
Krista Gilchrist – Present
Sean Degan – Present
Paul Messerschmidt – Excused

Also Present:

Richard Briigliodoro, Esq.
Cory Stoner, PE

Stephanie Pizzulo, Secretary

APPOINTMENT OF TEMPORARY CHAIRPERSON:

A motion to appoint Mr. Olsen as temporary Board Chair was made by Mr. Ordile and seconded by Mr. Carafello. Roll Call: Eric Karr – yes, John Carafello – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Eric Olsen – yes. Motion Carried.

Mr. Olsen chaired the meeting from this point forward.

ADMINISTRATIVE ITEMS:

Approval of Minutes: October 3, 2023

A motion to approve the minutes of the October 3, 2023 meeting was made by Ms. Gilchrist and seconded by Mr. Ordile. Roll Call: John Carafello – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes. Motion Carried.

RESOLUTIONS:

1.) Feels of Green, LLC B: 155 L: 5.01 Application # 23-4

Preliminary and Final Site Plan Approval with “c” Variance Relief and Design Waiver Relief to Permit a Class 5 Cannabis Retail Dispensary

A motion to adopt the resolution in the matter of Feels of Green, LLC with the noted corrections was made by Mr. Skewes and seconded by Mr. Karr. Roll Call: Eric Karr – yes, John Carafello – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Eric Olsen – yes. Motion Carried.

COMPLETENESS:

1.) Andover Munsee Realty, LLC B: 134 L: 26 Application # 23-9

The applicant is seeking preliminary and final site plan approval and use variance relief for proposed retail commercial cannabis cultivation buildings, with an apartment use.

Mr. Michael Selvaggi, Esq., attorney for the applicant, said he had received Mr. Stoner’s report. Mr. Stoner said the Completeness Review Subcommittee did review the application. He said the application is a two-phase application with Phase I for cannabis retail and Phase II for cannabis cultivation. Mr. Stoner said that during the review of the application it became clear that there are missing items. He said a majority of the missing items related to the Phase II portion of the application. Mr. Selvaggi agreed that most of the incomplete items related to the Phase II development. He said they would submit a letter to revise the plans and eliminate Phase II. Mr. Selvaggi said it is more important to get the cannabis retail up and running. He said the applicant would return to the Board for Phase II. He said the County had similar issues with the Phase II development and that’s when they decide to withdraw the Phase II aspect

with the County. He said the County should be issuing a letter and the applicant would do the same.

Mr. Stoner suggested the application could be scheduled for November 21, 2023 if certain items were submitted ten days prior to the meeting. Mr. Selvaggi felt it would not be an issue. He said with the elimination of Phase II a lot of the calculations would change, the traffic would be easier to deal with and the application becomes simpler. He said the applicant is still contemplating the apartment issue.

Mr. Stoner said the items still needed are a circulation plan showing vehicles turning in and out of the retail driveway, a description on how they do or do not meet the Route 206 redevelopment landscaping standards, any information regarding fire protection, information regarding solid waste and a dumpster enclosure shown on the plans, the zoning table needs to be updated, Identify which structures are principal and which are accessory, explanation of the use of the building that will be demolished in Phase II, information on the residential structure and if it agrees with the Route 206 Redevelopment Zone requirements, proof of all permits for the existing apartment over the garage, a floor plan for the apartment, sign detail, any Phase I grading or steep slope details, and plans for what would be in the basement of the existing building.

Mr. Stoner suggested the application be deemed complete subject to the applicant provided the items requested ten days prior to the hearing date.

A motion to deem the application complete subject to the applicant providing the requested materials at least ten days prior to the hearing date was made by Mr. Ordile and seconded by Ms. Gilchrist. Roll Call: Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Eric Olsen – yes. Motion Carried.

The Board scheduled a hearing date for November 21, 2023.

2.) Walsky, Barry B: 45 L: 8.01 Application #23-7

The Applicant is seeking a use variance to keep up to five (5) chickens (hens only) on his property as emotional support animals. The Applicant also seeks a bulk variance for the proposed placement of the chicken coop.

Mr. Karr and Mr. Carafello stepped down for this hearing and left the dais.

Mr. Stoner felt the information provided was sufficient to hear the application and suggested the application be deemed complete.

A motion to deem the application complete was made by Mr. Skewes and seconded by Mr. Degan. Roll Call: Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Eric Olsen – yes. Motion Carried.

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

1.) Walsky, Barry B: 45 L: 8.01 Application #23-7

The Applicant is seeking a use variance to keep up to five (5) chickens (hens only) on his property as emotional support animals. The Applicant also seeks a bulk variance for the proposed placement of the chicken coop.

Mr. Briigliodoro swore in Mr. Barry Walsky, the applicant. Mr. Walsky said his application was for the approval to have four emotional support chickens on his property. He said he and his wife have owned chickens in the past before they were aware of the ordinance prohibiting chickens in his zone. He said they had received a fine and had to remove the chickens from their property, which they did. He said the chickens were unfortunately killed by an animal a few months after that.

Mr. Walsky presented a series of three photographs of his property which were marked and entered as exhibit A-1. Mr. Walsky said he did not take the photos but they were taken the day before and did fairly and accurately depict the conditions on the property. He said the first photo was of his fenced in backyard and explained where they proposed to build a coop and fenced in run. Mr. Walsky said the second photo was of the Lake Lenape Associations property which is the adjoining property and fairly and accurately depicted the property. He explained the location of his property and the photo to the Board. Mr. Walsky said the third photo is of the preexisting fence. He said Mr. Stoner questioned if there was a variance for the fence. Mr. Walsky said the fence was there when they purchased the house in 2013 and could have been there for thirty years.

Mr. Walsky said he submitted a letter from his wife’s doctor stating she would benefit from the use of an emotional support animal.

Mr. Briigliodoro swore in Mrs. Meena Walsky, the applicant’s wife. Mrs. Walsky explained her medical situation to the Board and said she had been dealing with it for a long time. She explained that the last time they had chickens, they helped her with her medical conditions. Mr. Walsky said they treat the chickens like pets as opposed to farm animals.

Mr. Stoner said the application is for a variance because the code requires a minimum area of 6 acres and that poultry is not considered a domestic animal. Mr. Stoner asked how the chicken run would be constructed. Mr. Walsky explained how he would construct the coop and run. Mr. Stoner asked if the greenhouse and shed were on the property when Mr. Walsky purchased it to which he said the shed was but not the green house. Mr. Stoner asked if there are permits for them. Mr. Walsky said he did not think permits were necessary for the greenhouse. Mr. Stoner felt the structures should have zoning permits. Mr. Stoner noted the shed and proposed coop would be on the Lake Association property driveway easements. Mr. Walsky said the driveway has never been located there and that the Lake Association would give them a letter permitting the shed and proposed greenhouse to be located in that area. Mr. Stoner said the fence along Route 517 would need a variance and suggested the applicant request that with any approval granted.

Mr. Ordile asked for a letter from a doctor that was more current than 2018. He said the letter submitted has no license number or indication of the signer's qualifications. He requested an updated letter from a board-certified doctor. Mrs. Walsky said she could get an updated letter. Mr. Ordile asked how Mrs. Walsky was dealing without the chickens since 2018. Mrs. Walsky explained how she pursued her request for getting approval to have the chickens. She said there are a lot of people in her development that have chickens. Mr. Walsky said he looked in the ordinance for chickens and the ordinance addresses them as poultry. He said they did not know they could not have the chickens until the Zoning Officer addressed it with them. Mr. Ordile asked if they had other animals to which Mr. Walsky said they have a cat and a dog. He said the chickens serve other purposes that the dog and cat cannot and explained the process. Mr. Ordile asked why they chose the number of 4 chickens. Mr. Walsky explained that chickens are communal animals. Mr. Ordile asked if the chickens would run on the property. Mr. Walsky said they would run around the property within the fenced in yard area. Mr. Ordile asked as a condition of any approval would the applicant agree to get an updated medical letter to which they agreed.

Mr. Olsen asked if the fence would protect the chickens from predators to which Mrs. Walsky said yes. Mr. Olsen asked if the fencing would be tight enough to keep rats out. Mrs. Walsky said she cleaned the coop every day and there is no odor and the food was kept where animals could not get at it.

Mr. Olsen opened the meeting to the public and 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. Briigliodoro swore in Ms. Margert Wingren, an acquaintance of the Walsky's and was speaking in support of the applicant. She said she is a member of the Lake Lenape Board but was not speaking on behalf of the Board. She said she had known the Walsky's for many years and the Walsky's have been very cooperative neighbors. She said Mrs. Walsky takes very good care of her yard. She felt the chickens do make a difference in Mrs. Walsky's life.

Mr. Briigliodoro swore in Mr. Ray Wexler, a resident of Andover. Mr. Wexler said he had known the Walsky's for many years and they took better care of their chickens than some people take care of their kids. He said there was never a noise or odor complaint. He said there was a complaint a chicken was on the beach however he felt that was untrue. He felt the Walsky's did benefit from the chickens they had.

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

Mr. Briigliodoro went over the conditions of any approval. Mr. Ordile said the medical letter needs to be updated annually per New Jersey law. There was a discussion on the letter being update annually. The Board felt it should not be a condition of an approval.

A motion to approve the application was made by Ms. Gilchrist and seconded by Mr. Degan. Roll Call: Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Eric Olsen – yes. Motion carried.

The Board took a five-minute break.

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS:

1.) Appointment of a Board Planner

Mr. Stoner felt the Board may benefit from a separate Planner from another firm for the larger applications. He said it would be someone different looking at the applications. He said he would stay on as the Planner until the Board found one. There was a discussion on hiring a Board Planner.

A motion to send out an RFP for a Board Planner for 2024 was made by Mr. Karr and seconded by Mr. Ordile. Roll Call: Eric Karr – yes, John Carafello – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Eric Olsen – yes. Motion carried.

2.) 2024 Budget

The Board Secretary handed out and explained a budget worksheet. There was a discussion on a line item for a Planner. Mr. Stoner said he would continue with the Master Plan. Mr. Karr felt there was more than enough money for the Master Plan. Mr. Karr said he wanted to get the

amounts that were carried forward from last year. The Board agreed to carry this matter to the next meeting date.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr had nothing new to report.

Environmental Commission –Eric Olsen

Mr. Olsen said the Commission reviewed the Ringo application and would be submitting a report to the Board. He said they had received an extension from the County for the grant they received to purchase benches.

Sustainable Andover – Eric Olsen

Mr. Olsen had nothing new to report.

Economic Development Committee – John Carafello

Mr. Carafello said he met with Strauss News to discuss getting information out to the public.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Stoner said the draft zoning map is complete and would be distributed to the Board. He said there are some streets missing which is due to outdated tax maps. He said he would work with the Tax Assessor to get those updated.

Master Plan – Joseph Ordile

Mr. Ordile said the subcommittee met with Mr. Stoner and Mr. Morris on the draft survey which would be updated. Mr. Stoner said the survey was based on the goals and objectives of the past Master Plans and Re-examination Reports however it may have been too technical for the general public. He said they would simplify it and make it a useful document.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$960.00	Budget
Weiner Law Group	Redevelopment Study for Pace Glass	\$864.00	Applicant’s Escrow
Weiner Law Group	Ringo Properties	\$80.00	Applicant’s Escrow
Weiner Law Group	Feels of Green	\$1,216.00	Applicant’s Escrow
Weiner Law Group	Barone, Pat	\$128.00	Applicant’s Escrow
Weiner Law Group	DePinho, Stephen	\$80.00	Applicant’s Escrow
Weiner Law Group	Walsky, Barry	\$48.00	Applicant’s Escrow
Harold Pellow Associates	Engineering	\$414.00	Engineering Budget
Harold Pellow Associates	Ringo Properties	\$1,256.50	Applicant’s Escrow
Harold Pellow Associates	Feels of Green	\$1,115.00	Applicant’s Escrow
Harold Pellow Associates	DePinho, Stephen	\$726.25	Applicant’s Escrow

A motion to approve the vouchers as presented was made by Ms. Gilchrist and seconded by Mr. Ordile. Roll Call: Eric Karr – yes however; abstained on the voucher for Mr. Walsky, John Carafello – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Eric Olsen – yes. Motion Carried.

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. Olsen opened the meeting to the public. With no public remaining, the meeting was closed to the public.

PENDING APPLICATIONS:

- Braen Supply – Deemed Incomplete 2.7.23
- Ringo Properties – Deemed Incomplete 9.19.23.
- Puff City – Hearing Date 11/21/23
- 698 Route 206 South, LLC – Deemed Incomplete 10.3.23
- Andover Munsee Realty, LLC – Submitted 9.8.23
- DePinho – Deemed Incomplete 9.19.23
- Open Space Plan – Hearing Date 12.5.23

UPCOMING MEETINGS: November 21, 2023, December 5, 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. Carafello and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator