

September 21, 2010

The regular meeting of the Andover Township Land Use Board was called to order at 7:35 p.m. on Tuesday, September 21, 2010 by the John O’Connell, Chairman.

Present Members: Gerald Huelbig
Gail Phoebus
Rick Melfi
Christine Kretzmer
Ellsworth Bensley
CeCe Pattison
Paul Messerschmidt, Alt. 1
John O’Connell

Secretary T. Linda Paolucci

Absent: Diana Boyce
Sue Howell

Professionals Present: Engineer - Joseph Golden, P.E.
Richard Brigliadoro, Esq.
Chuck McGroarty, P.P., AICP

FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT

OPEN TO THE PUBLIC – The Chairman opened the meeting to the public and read the rules of the act.

SUSSEX & WARREN HOLDING LLC – Block 1, Lot 5.02, Route 206 – Site Plan & Use Variance – Truck Repair Facility – The Chairman announced that the applicant has submitted an extension request to be heard October 5th, 2010. Motion was made to approve the extension by Huelbig, second by Bensley. Abstained: Phoebus, Melfi. All in favor: Aye. Opposed: None. Motion carried.

SITE PLAN WAIVER

ANDOVER SUBACUTE & REHAB CENTER II – Block 108, Lot 1.05, 99 Mulford Road – Site Plan Waiver for water tank and pump building.

The board members reviewed the report of the board engineer, Joe Golden, and some of the members had questions with regard to the set backs and location of the water tank and pump building. Golden answered the Board’s questions and with no further questions, the Chairman asked for a motion from the board to grant the waiver of the site plan. Motion was made by Huelbig, second by Bensley. Approved: Huelbig, Melfi, Kretzmer, Pattison, Bensley, Messerschmidt, O’Connell. Abstained: Phoebus. Opposed: None. Motion carried.

MASTER PLAN CONSISTENCY

-Ordinance to Amend Article IV “Establishment of Zones” and Article V “Use and Bulk Regulations in Chapter 190 entitled “Zoning” to Eliminate the Planned Retirement Community (PRC) Zone District.

Chairman O’Connell explained to the Board members that the revision to the ordinance would be to change the Planned Retirement Community as defined now and return it to the 2.5 acre residential zone that it had been previously. Brigliadoro explained to the Board members that it is up to them to find whether or not the proposed ordinance is consistent with the township’s master plan. McGroarty gave an overview of how the PRC zone came into place and where it stands now in accordance with the housing plan. McGroarty commented that the PRC zone is no longer consistent with the Housing Element and Fair Share Plan and is not consistent with COAH’s rules and calculations as it stands in the ordinance today. Brigliadoro reviewed McGroarty’s comments with the Board members that the existing higher density PRC zoning is inconsistent with the 2007 Master Plan Re-Examination, 2008 Housing Element and Fair Share Plan and it needs to be changed to make it consistent.

After further discussion amongst the Board members, the Chairman asked for a motion to recommend to the Governing Body that the Land Use Board finds the proposed ordinance as presented is consistent with the Master Plan. Motion was made that the Board finds the ordinance consistent with the Master Plan by Huelbig, second by Bensley. Approved: Huelbig, Kretzmer, Pattison, Bensley, Messerschmidt, O’Connell. Opposed: None. Abstained: Phoebus, Melfi. Motion carried.

WORK SESSION

MASTER PLAN – Presentation by Chuck McGroarty, P.P. with regard to zoning modifications. McGroarty explained to the Board members what had been reviewed in the past and stated that there was discussion with the past Board regarding the potential changes to the town’s zoning for residential and non-residential zoning districts. In a brief overview he stated that residential districts were looked at in order to modify densities to reduce the density which was driven largely by wastewater management rules that were promulgated by the NJDEP. However, at this time, the rules and regulations that will take effect have now been postponed until April, 2011, the point being that the State have held off in posing these requirements. McGroarty further explained the conditions that would be imposed with what is known as the “HUC11” (sub-watershed areas) regulations, which would be to assign a maximum number of septic systems in each area of “HUC 11” which would be throughout each municipality. Therefore, the town needs to figure out how this would translate into what is left in developable area, which is how the calculations were reached for zoned areas and thus reinforces the issue that the town should move ahead with changes to the zoning. If this were not done and the septic issue was not taken into consideration, the repercussion would be that the town would not have approval of their wastewater management plan if they refused to cooperate.

McGroarty went on to discuss the changes to the non-residential zones and stated that the previous Board worked on it last year and it is still an on-going working document. He explained that what is used in calculations is a floor/area ratio standard. It is typical way of saying – if in a non-residential zone you have an acre of land and you have a floor/area ratio of one, that means you get a building of 42,560 sq. ft. Which is a ratio of how much building can you build to the land you have which is not a footprint, but the total building. When this is done, he explained, you have a way of gauging how much real developable capacity there is. Although again there is no urgency to changing the zoning in these areas, it should be looked into, McGroarty stated.

O'Connell had a question on what is used for the "build out" analysis and whether or not the DEP allows you to include the conservancy areas in the calculations. Golden and McGroarty discussed the areas allowed to be used in the calculations. Golden further explained the present need for being consistent with the County Plan and the nitrate dilution models for future development. Golden stated that what McGroarty has presented will be consistent with the County Plan. McGroarty explained again that the new rules have been adopted by the NJDEP but are on hold at this time.

McGroarty was questioned by the Board with regard to the consequences once the rules are enacted. McGroarty explained that if the town's build out or development capacity exceeds the number of septic systems that will be allowed, the township will have to change the zoning, which would be adjusting the densities on the residential side, and so on.

Melfi asked if he were to recap what was said it would be that the way it is set up is the potential amount of unit yield is 1500 with the current zoning and in the proposed it would drop down to 735 which is at maximum build out. Golden answered that it would and stated that if you keep the zoning as it stands now you would be using up the potential allowable septic systems from both any future residential as well as industrial development.

Phoebus asked if this would also be applied to an area that is designated as a "town center". McGroarty answered that it would not, as a town center if served by a treatment facility would not need to be figured into the configuration as the wastewater treatment plant would take care of the sanitary sewerage, as opposed to individual septic systems.

Phoebus also asked, if you go into an industrial area, how does the State determine the gallonage to be used. Golden answered that there is a chart that must be used with regard to the type of use of the property in order to calculate the septic requirements.

McGroarty discussed the various industrial zones and stated that in the most recent Re-Examination Report of March 2010, there are areas mentioned that should be rezoned to a "public use" category. There are properties fronting on Stickle Pond Road on both sides that are in the "industrial" zone today that should be looked at for different zoning to make them more productive and to expand the type of uses that are permitted to be either redesigned and perhaps combined. There are three areas where this would work well, McGroarty said, Stickle Pond Road, the Jump airport area and the third would be the Strawberry Farm area.

After further discussion with regard to various areas and zones, McGroarty suggested that there needs to be clarification of our zoning definitions: the need to look to add flex space buildings to be added the industrial zones as a category; issues of "offices" needs to be defined; "service activity" needs to be defined. It would be worthwhile to go through the various definitions and create a better clarity and definition as to the zones and where they would best fit, stated McGroarty without any detriment to the neighboring properties. An example of the types of zones and categories are mentioned in his memo to the Board of September 21, 2010. Phoebus stated that she agreed as there are various businesses that would like to come into the area, however, the current zoning and non-clarity of definitions are an issue especially in the commercial/industrial zones.

Phoebus asked the chairman if a subcommittee could be put together to work on the areas of discussion and then come back to the Land Use Board with their comments. O'Connell agreed that there is a need to look at the definitions that should be cleaned up and to evaluate the various zones. He asked for volunteers to create a subcommittee to review the issues presented tonight, which would include the Zoning Officer. The discussion should also include the Route 206 area.

MINUTES – **August 17, 2010** – Chairman O’Connell stated that there needs to be a revision to the first page of the minutes and asked for a motion to adopt the minutes as amended. Messerschmidt made the motion to approve, second by Pattison. In favor: Huelbig, Phoebus, Kretzmer, Pattison, Messerschmidt, O’Connell. Motion carried.

PUBLIC PORTION – Charles Grotyohann of Brescia Court, Andover, NJ stepped forward and stated that he is a member of the Economic Development Committee. He commended the Board on their looking to review the status of the zoning and what needs to be done. He stated that he felt that the Board should also look at the property known as “Life Care Mews” which he believes is an area that should be considered for re-zoning in the Board’s discussion as to whatever they see fit for future use of that property in the best interest of the township.

With no one else stepping forward the public portion was closed.

OLD/NEW BUSINESS – Phoebus stated that she has concerns with regard to the Willowglen Academy and the status of the fire suppression system.

Brigliadoro, Esq. stated that the Planning/Zoning Secretary provided him with a letter regarding the status of the Testa litigation and informed the Board that it was dismissed with prejudice by Judge Bonzanellis.

The Secretary asked that Golden inform the Board of the activity taking place at Long Pond School that she was made aware of. Golden stated that as he understands it, the school was putting out an RFPs for a purchase agreement, which means that there will be solar panels installed at the school, which will not owned by the school, but a third party company, which will sell the power generated back to the school at a discount and the school will not have to pay for the installation or the solar panels.

VOUCHERS – Motion to approve the vouchers by Huelbig, second by Phoebus. In favor: Huelbig, Phoebus, Melfi, Kretzmer, Pattison, Bensley, Messerschmidt, O’Connell. Opposed: None. Motion carried.

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A

ADJOURNMENT – Time 9:16 p.m. A motion was made by Phoebus, seconded by Bensley to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

John O’Connell, Chairman

T. Linda Paolucci, Secretary