

October 5, 2010

The regular meeting of the Andover Township Land Use Board was called to order at 7:35 p.m. on Tuesday, October 5, 2010 by the John O’Connell, Chairman.

Present Members: Diana Boyce
Sue Howell
Gerald Huelbig
Christine Kretzmer
Ellsworth Bensley
CeCe Pattison
Paul Messerschmidt, Alt. 1
John O’Connell

Secretary T. Linda Paolucci

Absent: Gail Phoebus
Rick Melfi

Professionals Present: Engineer - Joseph Golden, P.E.
Richard Brigliadoro, Esq.
Michael Hanifan, 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.

Completeness Review

ANDOVER ANIMAL HOSPITAL, Block 106, Lot 17.02, 234 Newton-Sparta Road – Use Variance application.

Michael Selveggi, Esq. of Courter Kobert, Hackettstown, NJ stated that he is representing the applicants. Selveggi informed the Board that his client has decided to proceed only on the use variance right now and if approved will be back before the Board for site plan approval.

Brigliadoro, Esq. explained to the Board that this is a bifurcated application and if the use variance is approved, the applicant will proceed with the site plan application.

Motion was made to find the application approved for completeness by Huelbig, second by Boyce. In favor: Boyce, Howell, Huelbig, Kretzmer, Pattison, Bensley, Messerschmidt, O’Connell. Opposed: None. Motion carried.

RESOLUTION

In the Matter of Consistency Review for Ordinance No. 2010-10 – “ORDINANCE AMENDING ARTICLE IV ENTITLED “ESTABLISHMENTS OF ZONES” AND ARTICLE V ENTITLED “USE AND BULK REGULATIONS” IN CHAPTER 190 ENTITLED “ZONING” TO ELIMINATE THE PLANNED RETIREMENT COMMUNITY (PRC) ZONE DISTRICT AND TO MODIFY ARTICLE IX ENTITLED “ZONE MAP” §190-74, “BOUNDARIES” TO EFFECT SAID ZONE CHANGE ON THE TOWNSHIP’S ZONING MAP AND TO REZONE

THE AREA IN QUESTION TO THE R-2.5 SINGLE FAMILY RESIDENTIAL ZONE DISTRICT". Motion was made to approve the resolution with the modifications as suggested by the Board Engineer and Board Attorney.

Motion to approve resolution with proposed modifications was made by Messerschmidt, second by Bensley. In favor: Huelbig, Kretzmer, Pattison, Bensley, Messerschmidt, O'Connell. Opposed: None. Motion carried.

HEARING

SUSSEX & WARREN HOLDING LLC – Block 1, Lot 5.03, Route 206 – Site Plan & Use Variance – Truck Repair Facility

Michael Selveggi, Esq. of Courter Kobert, Hackettstown, NJ announced that he is representing Sussex & Warren Holding, as well as SMA Trucking. He stated that they are before the Board for a use variance and site plan application. Selveggi stated that he would first discuss the use variance and stated that this is an application for rehab of existing property known as Lot 5.03, Block 1, and are looking to secure use variance approval for a truck storage and maintenance facility. He continued that the property is currently zoned in the township "PCD", which contemplates large scale shopping centers and retail development. Selveggi stated that he will be guided in his statements by Golden's report of October 1, 2010.

Robert Tessier, professional planner was sworn in to testify on behalf of the applicants and his credentials were qualified. Tessier showed an aerial photo of the property to the Board (*Exhibit A-1*) and showed that there are two properties, one is in Andover Township, which is where the application is for, and the only access to that property is through the borough which is a separate block and lot in the front of the property, all the access is on Route 206 he stated. The property is 42 acres all together, Tessier continued and spoke of the former use of the building and the property. There were no architectural drawings submitted, however Tessier produced four pages of photo with four photos on each page and handed them to the Board members and were marked *Exhibits A-2(a), A-2(b), A-2(c), A-2(d)* Tessier responded to the Board's questions and stated that the abandoned vehicles on the property will be removed, there will be no truck washing, no truck painting, no truck maintenance other than taking care of tires and oil repairs. Tessier stated that the applicant is planning on using 1.29 acres of the 42 acre site that has previously been disturbed and rather than leaving the building empty it will be put to a better use. Tessier continued that the property is digitally isolate and the proposed will not add any impervious surface to the site and the acre of disturbances is under one-quarter and will not be disturbing any environmentally sensitive areas. There was further discussion regarding how many vehicles will come and going, overnight storage, fenced in areas, number of employees and noise level.

Mohammed Sarfraz, applicant and the owner of SMA Truck Storages was sworn in by Board attorney, Michael Hanifan, to give testimony. Sarfraz stated that his company also has an operation in Netcong, NJ and is a trucking company that has a dump trailer and tractor and works for New York and DEP plants and transports waste to Pennsylvania.

Selveggi asked the applicant if there was any storage of municipal waste and the applicant answered "No". It was stated that there will approximately 11 tractor trailers stored on the property but some will be on the road and some drivers take the trucks home. Selveggi asked the Sarfraz if in the worst case scenario would 11 trucks be stored on the property. Sarfraz stated that it is possible to have that many on week-ends and holidays.

There was further discussion and questions from the Board members and professionals regarding type of maintenance, existing lighting on the building, but if necessary will put lighting on rear and install security cameras, hours of operation, storage of vehicles and the operation is

subject to DOT and DEP regulations, possible leakage, there will be no fueling on the property, idling time of trucks, and type of ventilation.

McGroarty questioned Selveggi with regard to both lots, one in Andover Township, and one in Andover Borough, and whether or not it is considered as one contiguous lot and a use variance. Selveggi answered that he will look into it.

There were further questions from McGroarty and Golden. The attorney for the applicant noted length of time of the meeting and stated that he would like to come back before the Board for continuation of the application. Golden advised the Board referring to his memo that the applicant should be prepared to answer at the next meeting various items, such as what type of refurbishment will be done, the Environmental Impact Statement needs to address some of the things that were discussed this evening such as salt coming off of the vehicles, the potential for leachate and drainage. Golden also questioned the manhole at the driveway entrance and what it is used for. Tessier stated that he will provide the information.

Golden also stated that the plans will need to be revised to refer to the correct lot number, correct acreage, expansion of the fence and number of tractor trailers.

The chairman asked for a motion to carry the application no further notice to November 9th, 2010. Motion was made by Huelbig, second by Howell. In favor: Boyce, Howell, Huelbig, Kretzmer, Pattison, Bensley, Messerschmidt, O'Connell. Opposed: None. Motion carried.

MINUTES

Minutes of September 21, 2010 – Motion was made by Bensley to adopt the minutes as presented, second by Messerschmidt. In favor: Huelbig, Pattison, Kretzmer, Bensley, Messerschmidt, O'Connell. Opposed: None. Motion carried.

PUBLIC PORTION – With no one stepping forward from the public, the Chairman announced that the public portion of the meeting is now closed.

VOUCHERS – Motion to approve the vouchers by Huelbig, second by Bensley. In favor: Aye. Opposed: None. Motion carried.

OLD BUSINESS/NEW BUSINESS – The Chairman announced that the Board is accepting the resignation of Boyce from the Historic Committee. Boyce made a recommendation that someone from Open Space take part in the historic committee.

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A

ADJOURNMENT – Time 10:33 p.m. A motion was made by Howell, seconded by Messerschmidt to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

John O'Connell, Chairman

T. Linda Paolucci, Secretary