

November 9, 2010

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, November 9, 2010 by the Sue Howell, Vice-Chairman.

Present Members: Diana Boyce  
Sue Howell  
Gerald Huelbig  
Gail Phoebus  
Rick Melfi  
Christine Kretzmer  
Ellsworth Bensley  
Paul Messerschmidt, Alt. 1

Secretary T. Linda Paolucci

Absent: John O’Connell

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

**FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT**

**OPEN TO THE PUBLIC** – The Acting-Chairperson, Sue Howell, opened the meeting to the public and read the rules of the act.

EXTENSION REQUEST

**CHESSIE ASSOCIATES LLC, Block 159, Lot 7 – Request for Extension of Time for Meeting Conditions of Approval**

Brigliadoro, Esq. explained to the Board the reasons for the applicant’s request of an extension of time and read to them a copy of a letter received from the applicant dated October 12, 2010 that he is continuing to pursue outside agency government approval and requests a third and final extension of time.

Motion was made to approve the request for the third and final one year extension of time to November 21, 2011 by Phoebus, second by Bensley. In favor: Boyce, Howell, Huelbig, Phoebus, Melfi, Kretzmer, Pattison, Bensley, Messerschmidt. Opposed: None. Motion carried.

SITE PLAN WAIVER

**LENTINI FARM MARKET, LLC, Block 104, Lot 1.02 – Site Plan Waiver for a shed**

Golden stated that the shed is used to store materials and used for a sales office. The shed was moved from one area to another on the property and does not affect drainage, lighting, circulation, etc. and made recommendation that the Board grant site plan waiver.

Brigliadoro concurred that the ordinance permits site plan waiver as indicated on the record.

Motion was to grant the site plan waiver was made by Bensley, second by Phoebus. In favor: Boyce, Howell, Huelbig, Phoebus, Melfi, Kretzmer, Pattison, Bensley, Messerschmidt. Opposed: None. Motion carried.

**HEARING – Carried****SUSSEX & WARREN HOLDING CO., Block 1, Lot 5.02 – Use Variance for SMA Corp – Truck Repair.**

The applicant has requested to be carried to the December 7<sup>th</sup> meeting with no further notice.

**MASTER PLAN CONSISTENCY**

**An Ordinance Amending Article IV Entitled “Establishment 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 and to Adopt An Updated Zone Map For the Township of Andover**

Brigliadoro reviewed with the Board the fact that the Township Committee forwarded to this Board *Ordinance 2010-10* which is an ordinance that affects our PRC Zone and will be changing the zoning map to rezone the area to the R-2.5 residential district and to update the zone map. He continued that when this ordinance came before the Board, the purpose of the township committee was to refer it to this Board for review for consistency with the Master Plan. When it was reviewed in September this Board did find it consistent with the Master Plan, however, Golden indicated that there were a couple of lots and blocks that were missing that should have been included in the ordinance. Therefore, it was sent back to the Township Committee suggesting that although it is consistent, the other properties should also be addressed.

The ordinance has since been amended to include the suggested lots and blocks and now is back to this Board for a second review.

Motion was made to declare that the Planning Board finds that the proposed ordinance is consistent with the Master Plan and recommends that the Township Committee adopt it as presented by Bensley, second by Messerschmidt. In favor: Howell, Huelbig, Kretzmer, Pattison, Bensley, Messerschmidt. Opposed: None. Recused: Phoebus, Melfi. Motion carried.

**RESOLUTIONS**

**PG&S LLC, Block 154, Lot 48, 202 Fredon-Springdale Road, Minor Subdivision and Use Variance – Request for Extension of time for Meeting Conditions of Approval –**

Motion was made to approve the resolution by Messerschmidt, second by Bensley. In favor: Boyce, Howell, Huelbig, Bensley, Messerschmidt. Abstained: Kretzmer. Opposed: None. Motion carried.

**ANDOVER ANIMAL HOSPITAL (Hummel), Block 106, Lot 17.02, 234 Newton-Sparta Road – Use Variance relief.**

Motion was made by Boyce to approve the resolution, second by Bensley. In favor: Boyce, Howell, Huelbig, Kretzmer, Bensley, Messerschmidt. Opposed: None. Motion carried.

**MASTER PLAN CONSISTENCY - An Ordinance Amending Article IV Entitled “Establishment 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 and to Adopt An Updated Zone Map For the Township of Andover**

Motion was made to approve the Master Plan Consistency resolution by Bensley, second by Messerschmidt. In favor: Boyce, Howell, Huelbig, Kretzmer, Pattison, Bensley, Messerschmidt. Recused: Phoebus, Melfi. Opposed: None. Motion carried.

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

MINUTES

Minutes of October 19, 2010 – Motion was made by Messerschmidt, second by Kretzmer to adopt the minutes as presented. All in favor: Boyce, Howell, Huelbig, Kretzmer, Bensley, Messerschmidt. Opposed: None. Motion carried.

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

**OLD BUSINESS/NEW BUSINESS –**

Golden wanted to advise the Board about a planner that will be subletting space in his office and stated how they have worked out an agreement in order to avoid a conflict of interest when it comes to Golden’s professional service on the Board.

Phoebus gave an update on the Abbey project and stated that the township has been interviewing various groups that has shown an interest in the developing the project to help meet our COAH obligations. Phoebus stated that a 45 lease has been signed with the Abbey and advised that an environmental study will be conducted on the site in order to provide information to keep the project moving forward.

Brigliadoro gave an update as to the latest rulings by the Appellate Division. He stated that they looked at the Third Round Rules, which is based on Growth Share, which was thrown out. He continued, the First and Second Round Rules are in effect, COAH has five months to adopt the new methodology which basically goes back to the original methodology of the First and Second Round Rules to come up with something. The opinion also states that you can get a “stay”. Phoebus stated that in accordance with all of the rulings being considered, it is important that Andover satisfies the COAH obligations of Round I and Round II, which still have not been satisfied to date and moves ahead on the affordable housing.

Phoebus also advised the Board that the Economic Development Committee has been nominated for a municipal award by the Sussex County Partnership of Economic Development and believes they should be commended for the work that they are doing for the township.

**MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A**

**ADJOURNMENT** – Time 8:13 p.m. A motion was made by Messerschmidt, second by Bensley to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

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Sue Howell, Vice-Chairman

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T. Linda Paolucci, Secretary