

February 15, 2011

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, February 15, 2011 by the Chairman John O'Connell.

Present: Members Diana Boyce
 Suzanne Howell (late arrival)
 Gerald Huelbig
 Rick Melfi
 Christine Kretzmer, Class II
 CeCe Pattison
 Ellsworth Bensley, IV
 Paul Messerschmidt, Alt. No. 1
 Ken Roberts, Alt. No. 2
 John O'Connell

Secretary T. Linda Paolucci

Absent: Gail Phoebus

Professional Present: Attorney Richard Brigliadoro, Esq.
 Joseph Golden, PE
 Robert Guerin, PE, Conflict Engineer
 Chuck McGroarty, PP, Special Planner
 Michael Hanifan, Esq. Conflict Counsel

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.

OATH OF OFFICE – Richard Brigliadoro, Esq. administered the oath to the following members: Diana Boyce, Class I, Mayor Designee and Rick Melfi, Class IV, who took the Oath of Allegiance and Office.

HEARINGS

SUSSEX & WARREN HOLDING CO., Block 1, Lot 5.03 – Use Variance for SMA Corp – Route 206, Truck Repair –

Richard Brigliadoro, Esq. stepped down and conflict attorney Michael Hanifan, Esq. stepped in to represent the Board.

Michael Selveggi, Esq. of Courter Kobert & Cohen, Hackettstown, NJ announced that he is representing Sussex & Warren Holding company and stated that he had last appeared before the Board in October and at that time there was testimony offered by the applicant with respect to the operations and the idea to refurbish an existing 12,000 sq. ft. building and use it for flex storage and there were some associated site plan recommendations. Selveggi informed the Board members of a critical change in the contractual awards by SMA Truck Repair and that they lost the hauling of refuse and waste contract with the City of New York and which now

changes the dynamics and eighty percent of the truck usage will go to the quarrying and fill and only twenty percent would be left for garbage.

Selveggi stated that he would like to bifurcate the application and go for the use variance first before the expenditures of any more monies on the site plan and revisions. The other important significant change from the last time is that planners have been changed on behalf of the application and would like to have Wayne McCabe sworn in, Selveggi stated who will continue on the planning testimony.

McCabe, P.P. of Newton, New Jersey was sworn in and McCabe stated his credentials to the Board. McCabe gave an overview of the site and said that the property consists of 47 acres, is on the east side of Highway Route 206, along with the land is a body of water. The site is accessible from Route 206 which accessibility is right through Andover Borough, which includes a one story concrete structure which measures approximately 12,700 sq. feet and was designed as a commercial/truck garage, which also has a small office area inside. There is also a shed and an above ground storage tank set on a concrete pad just north of the building. McCabe continued to describe the details of the balance of the property.

McCabe spoke of the traffic to and from the site, site maintenance of only oil changes, lubrication and minor repairs, which will not include washing of vehicles or major repairs. He also stated that there will be no hazardous materials use nor loading or unloading of materials on site.

McCabe stated that the existing building is in disrepair and use of the existing structure would be cleaned and painted to rejuvenate its appearance, insulation, if needed, new garage overhead doors, gateway into the facility, landscaping, drainage, rain garden etc. He stated that items are what the applicant is willing to undertake in order to enhance the site. McCabe stated that in terms of positive criteria the applicant is not proposing to disturb more land, nor create more drainage problems, but to re-use an existing structure with a small amount of materials to revitalize the existing buildings which is a more efficient use of land.

McCabe discussed the negative and positive impacts of the application in accordance with the township's ordinance and master plan. McCabe stated that normally a use variance runs with the land and stated what the applicant is proposing is that the use variance being sought would be limited for its term of time and that the use variance, if it is granted, would run for a period of 5 years of only. Furthermore, McCabe stated, if the applicant wished to continue the use of that site beyond the five year period, he would be required as part of the resolution of approval to file another application for a use variance, come back before the Board, but that the application would have to be filed at least six months prior to the end of the five year period. He stated that the applicant feels that by placing a limit on the time that the use variance is enforceable, it can also help to preserve the site for future alternatives for redevelopment.

The Chairman interrupted McCabe to state for the record that Sue Howell, Land Use Board member, had arrived and asked McCabe to give an overview of his previous statements for the benefit of Howell.

The Chairman had questions with regard to the property layout and questions with regard to the PCD (Planned Commercial Development) Ordinance and past litigation with regard to this property.

Hanifan questioned Selveggi with regard to the five year proposal and the presentation of its terms. Selveggi and Hanifan discussed the proposal and its possible consequences.

There was further discussion with regard to security, municipal boundary, pre-existing use, D.O.T. approval, fencing and property clean-up.

Fred Fiesler, the representative of the property owner, was sworn in to answer some questions for the Board with regard to the property as to cleaning up the property, to which he stated that he had no problem with cleaning up the property. O'Connell asked for verification that Fiesler was referring to the total 47 acres and not just the immediate vicinity of the building. Fiesler agreed that it would be more than the immediate vicinity of the building.

Mohammed Sarfraz, the applicant, who had been previously sworn in, came forward to explain to the Board the significant changes in his operation since being before the Board within the last few months. Sarfraz stated that only twenty percent of his truck traffic would be hauling of municipal waste and eighty percent would be salt, sand and stone, and items like that. There was further discussion and questions from the Board as to traffic flow, municipal waste transportation and the length of time the vehicle would be inside the building and unloaded trucks outside the building.

Golden had questions with regard to hours of operation, hours of gates being locked and accessibility of emergency equipment. Golden questioned the applicant whether or not there would be a set number of hours which the site would be accessible for the trucks. The applicant answered that there would not be a set time, but explained the timing as to the different days of the week. Golden also had question with regard to security, lighting, fire control and the contiguous piece of property that extends into a different borough. The applicant was advised to investigate the considerations that need to be taken when a municipal boundary line crosses the property.

There was further discussion between the Board and the applicant's attorney with regard to site plan issues, truck washing, traffic and garaging, fencing and screening, environmental issues.

The meeting was open to the public. Jeryl Turco Maglio of Wayne, N.J. stepped forward from the public and stated her concern with regard to the applicant and use of the property. Maglio told the Board that she does not believe that this property is negatively impacted by this recession and that the property is zoned for planned commercial development for banks, etc.

Another member of the public, Jeff Vincent, Andover, NJ stated that he is the President of the Forest Lakes Club and is representing both the club and the water company of Forest Lakes and wished to go on record objecting to the variance requested. Vincent stated that the Forest Lakes Water Company aquifers and pumping stations are very close to the property and any contamination will be bad intrusion to the system. He continued that he is also concerned with the noise, fuel storage on the site and potential leaks. Vincent handed to the Chairman of the Board a letter and asked that it be put into the record book. The Chairman read the letter dated February 15, 2011 addressed to the Andover Township Land Use Board into the record which consisted of the reasons for the objection to the application.

Another member of the public came forward, Vic Capo, Andover, NJ discussed the issue of large trucks, municipal waste storage and wished the Board to consider the forbidding of storage of municipal waste. Capo asked whether or not the building has any air quality control.

The Chairman requested that the Board take a ten minute break. Roll call was taken for the Board members upon their return from break. The Chairman asked Selveggi if he would allow him to make an announcement of the next to be heard application before getting back to his client's application, to which Selveggi agreed.

The announcement was for **CAMBRIDGE PAVERS INC./LIMECREST QUARRY DEVELOPERS LLC, Block 108, Lot 4.02, Limecrest – Preliminary Site Plan**

The Chairman announced that Cambridge Pavers would not be heard this evening at the request of the applicant. Cambridge Paver is being carried at their request to February 22nd and there will also be another meeting for Cambridge Pavers on March 9th, 2011.

Brigliadoro announced that Cambridge Pavers has provided notice of the February 22nd date, and we are also making the announcement here publicly and expect the application to go for more than one hearing date, so the two hearing dates initially scheduled for Cambridge Pavers will be February 22 and March 9th and anyone interested in that application should return to this room on February 22, which is a special meeting and the only application on will be Cambridge Pavers, which starts at 7:30 p.m.

Bernd Hefe, Esq., attorney for Cambridge Pavers came forward and asked the Board if on the regularly scheduled March 1st meeting, if the application could be put on for that meeting, if there is room for it. Briigliadoro answered that we can address that at the meeting of February 22nd.

Hefe asked if the March 9th meeting is notice by virtue of the announcement this evening, to which Briigliadoro answered "yes" no further notice is required.

The Chairman continued the hearing of SMA Trucking and asked if anyone else from the public wished to come forward.

Alice Griffith of Forest Lakes, Andover, NJ spoke of her concern for traffic on Route 206, sounds travelling at night, odors and idling noise of the diesel trucks and sand and stone spills.

With no one else from the public stepping forward the Chairman opened it back to the Board. The Chairman stated that earlier there was discussion amongst the Board attorney and the applicant's attorney that they would draw up the document for the Board's review to show the conditions that were enumerated and the Board would take it into consideration at the March 1st meeting. Hanifan requested that the Board give him permission to share his draft of the document to be provided with the counsel for the applicant as it would be technically a privileged document but if the Board would allow him to corroborate with him the Board would have a more thorough and accurate representation so there would be no conflict on the issue and if this is acceptable to the Board. Golden asked that the issue of the municipal boundary line also be investigated by the applicant's attorney.

The Chairman asked for a motion to accept Hanifan's request to have our attorney draft the document and be reviewed by the applicant's attorney for the Board's consideration at the March 1st meeting. Motion was made by Messerschmidt, second by Bensley. In favor: Howell, Huelbig, Melfi, Kretzmer, Pattison, Bensley, Messerschmidt, Roberts, O'Connell. Opposed: None. Motion carried.

OPEN TO THE PUBLIC – With no response from the public, the Chairman closed the public portion.

MINUTES – January 25, 2011 – Motion was made to adopt the minutes of January 25, 2011 by Bensley, second by Messerschmidt. In favor: Howell, Kretzmer, Bensley, Messerschmidt, Roberts, O'Connell. Opposed: None. Motion carried.

OLD/NEW BUSINESS – Under "new business" Boyce wished to commend Andover Township's Department of Public Works for the great job they do. She also to wished commend the businesses here in Andover Township for the type of work they do and the way they go about it as she had personal experience on a week-end with the answer to a water problem that was handled promptly and efficiently.

VOUCHER Schedule A. A motion was made by Bensley, second by Messerschmidt to the vouchers submitted. In favor: Roberts, Messerschmidt, Bensley, Pattison, Melfi, Howell, Boyce, O'Connell. Recused: Kretzmer Opposed: None. Motion carried.

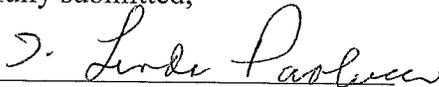
MATERCEIVED, GENERAL INFORMATION - See Schedule A.

ADJOURN - Time 9:58 p.m. A motion was made by Huelbig, seconded by Pattison to adjourn favor. Carried unanimously.



Sue Howell, Chairwoman

Respectfully submitted,

By: 

T. Linda Paolucci, Secretary