

1 Andover Township
2 Land Use Board

3

4 THE TRANSCRIPT OF THE MINUTES . TRANSCRIPT
5 OF THE . OF
6 ANDOVER TOWNSHIP LAND USE BOARD . OPEN PUBLIC MEETING
7

8
9 Date: March 29, 2011
10 Time: 7:13 p.m.
11 Place: Municipal Building
12 134 Newton-Sparta Road
13 Andover Township, N.J. 07860

14 B E F O R E:
15 SUZANNE HOWELL,
16 Acting Chairperson

16 BOARD MEMBERS: Diana Boyce
17 Gail Phoebus
18 Ellsworth Bensley
19 CeCe Pattison
Christine Kretzmer
Rick Melfi
Paul Messerschmidt
Kenneth Roberts

20 STAFF: Richard Brigliadoro, Esq., Board Attorney
21 Joseph Golden, P.E., P.P., Township Engineer
22 Charles McGroarty, P.P., Township Engineer

23
24 ACCURATE TRANSCRIPTIONS, LLC
25 93 Brink Road
Wantage, New Jersey 07461
Tel. 973.271.1410
Fax. 973.702.8018

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ROLL CALL

PAGE

4

1 ACTING CHAIRPERSON HOWELL: Okay. Would you please
2 join us with the pledge of allegiance?

3 (Flag salute conducted.)

4 ACING CHAIRPERSON HOWELL: Open meeting. A meeting of
5 the Andover Township Land Use Board will be held Tuesday, March
6 29th, 2011 at 7:00 p.m. at the Municipal Building, Andover
7 Township, New Jersey. The items listed below are scheduled for
8 consideration by the Board at this meeting. Formal action may
9 be taken. Roll call, please.

10 BOARD SECRETARY: Ms. Boyce.

11 BOARD MEMBER BOYCE: Here.

12 BOARD SECRETARY: Mr. Huelbig.

13 (No verbal response recorded.)

14 BOARD SECRETARY: Mr. Melfi.

15 BOARD MEMBER MELFI: Here.

16 BOARD SECRETARY: Ms. Kretzmer.

17 BOARD MEMBER KRETZMER: Here.

18 BOARD SECRETARY: Ms. Pattison.

19 BOARD MEMBER PATTISON: Here.

20 BOARD SECRETARY: Mr. Bensley.

21 BOARD MEMBER BENSLEY: Here.

22 BOARD SECRETARY: Mr. Messerschmidt.

23 BOARD MEMBER MESSERSCHMIDT: Here.

24 BOARD SECRETARY: Mr. Roberts.

25 BOARD MEMBER ROBERTS: Here.

1 BOARD SECRETARY: Chairwoman Howell.

2 ACTING CHAIRPERSON HOWELL: Here.

3 Open Public Meetings Act notice. This is an open
4 public meeting of the Andover Township Land Use Board. Notice
5 of this meeting was given in accordance with the Open Public
6 Meetings Act, Chapter 231, Public Law 85. The rules are
7 generally as stated on the agenda.

8 Okay. Ladies and gentlemen, we have a problem. We
9 are over capacity. The police will not allow us to continue
10 the meeting because we are so far over capacity. We are going
11 to reschedule, carry this to another date. There will be no
12 need for --

13 MR. BRIGLIADORO: No.

14 ACTING CHAIRPERSON HOWELL: No? Aren't we going to --

15 MR. BRIGLIADORO: The new date will be?

16 ACTING CHAIRPERSON HOWELL: Well, we have to make that
17 decision.

18 MR. BRIGLIADORO: Counsel?

19 ACTING CHAIRPERSON HOWELL: So if I could have counsel
20 up here --

21 UNIDENTIFIED MALE: Yeah, let's --

22 ACTING CHAIRPERSON HOWELL: -- to go over the dates.

23 MR. BRIGLIADORO: What dates are you available,
24 counsel?

25 ACTING CHAIRPERSON HOWELL: Thanks.

1 UNIDENTIFIED MALE: We've got April 19th, which I know
2 is one of your regular meeting nights.

3 MR. BRIGLIADORO: That's fine. The location will be
4 changed, though, to the Hillside Barn, if everybody knows that?
5 This will not be re-noticed. That means you will not be
6 receiving a mailer from the Applicant again. Can everybody
7 outside here me?

8 UNIDENTIFIED FEMALE: No.

9 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: What's the
10 date?

11 MR. BRIGLIADORO: The 19th at Hillside Barn.

12 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: You got a --
13 on that?

14 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: What time?

15 UNIDENTIFIED FEMALE: 7:00.

16 MR. BRIGLIADORO: 7:00.

17 ACTING CHAIRPERSON HOWELL: No, 7:30.

18 UNIDENTIFIED MALE: It's great with me.

19 MR. BRIGLIADORO: Seven, 7:30, then.

20 BOARD SECRETARY: 7:30.

21 ACTING CHAIRPERSON HOWELL: 7:30.

22 MR. BRIGLIADORO: 7:30, then.

23 UNIDENTIFIED FEMALE: We're meeting at 7:30.

24 UNIDENTIFIED MALE: 7:30.

25 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Excuse me?

1 Why the police doesn't allow a meeting to take place here --

2 MR. BRIGLIADORO: Okay.

3 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: What's the
4 reason the police won't allow it?

5 MR. BRIGLIADORO: Fire capacity. The capacity for
6 this space is 96 people. We're well over 110.

7 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: So if we --

8 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: So ask some
9 of us to leave.

10 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: If we go
11 outside and keep it at --

12 MR. BRIGLIADORO: We can't do that.

13 UNIDENTIFIED MALE: We cannot do that, by --

14 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: -- 96 --

15 MR. BRIGLIADORO: But we cannot do that. It's a
16 reason for appeal by a person that was denied to be in here at
17 the time that the hearing was going on.

18 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: No, no, no,
19 volunteers.

20 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: If we're
21 willing to go --

22 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: We volunteer
23 to get out of here so you could have a quorum.

24 MR. BRIGLIADORO: Unfortunately, that's not the way it
25 works. It creates an appealable issue for the --

1 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: But --

2 MR. BRIGLIADORO: -- Applicant, and as well as a
3 person that's a resident.

4 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Because it
5 seems to me, by doing so, you're going to confuse these people,
6 and they're not going to show up, and these guys are going to
7 get away with it.

8 MR. BRIGLIADORO: Okay, sir --

9 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: I realize --

10 UNIDENTIFIED MALE: Hold on, hold on, hold on.

11 MR. BRIGLIADORO: Sir, sir, sir, sir, this is --

12 UNIDENTIFIED MALE: No one is trying to get away with
13 anything. I mean, I agree with counsel that there is case law
14 out there that suggests that the gentleman out there in the
15 back, who may not be able to participate in a meaningful way,
16 is denied an opportunity --

17 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: The only --
18 what exactly is the definition of "meaningful way"?

19 UNIDENTIFIED MALE: A meaningful way is to do --

20 MR. BRIGLIADORO: Sir, sir --

21 UNIDENTIFIED MALE: We're not doing this. Hey, we're
22 not doing this.

23 UNIDENTIFIED MALE: Yeah.

24 UNIDENTIFIED MALE: The meeting is over. That's it.
25 It's rescheduled. Done. We're over capacity.

1 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Because we
2 have to know exactly --

3 UNIDENTIFIED MALE: You can argue it at another time.

4 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: We --

5 UNIDENTIFIED MALE: We can argue it at --

6 ACTING CHAIRPERSON HOWELL: Yes, sir.

7 UNIDENTIFIED MALE: -- another time. The meeting is
8 over. We're over capacity.

9 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: -- have to --

10 UNIDENTIFIED MALE: We're in violation of Fire Code.

11 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Well, we get
12 out of here --

13 MR. BRIGLIADORO: Sir --

14 UNIDENTIFIED MALE: We're in violation of fire code.

15 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: I said, when
16 you bring --

17 MR. BRIGLIADORO: Sir, the Chairman's not going to --
18 fine, sir.

19 UNIDENTIFIED MALE: You're --

20 ACTING CHAIRPERSON HOWELL: Everybody, calm down --

21 UNIDENTIFIED MALE: I'm telling you, the meeting's
22 over.

23 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Okay.

24 ACTING CHAIRPERSON HOWELL: -- right now.

25 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: No, no, it's

1 not going to be over. We're going to take 10 people out and
2 you're going to --

3 UNIDENTIFIED MALE: No.

4 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: -- have a
5 meeting over this.

6 UNIDENTIFIED MALE: Let's end it now.

7 ACTING CHAIRPERSON HOWELL: This --

8 UNIDENTIFIED MALE: Dismiss everyone, please.

9 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Okay?

10 ACTING CHAIRPERSON HOWELL: Okay.

11 UNIDENTIFIED FEMALE: No.

12 ACTING CHAIRPERSON HOWELL: You --

13 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: 7:30.

14 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: 7:30.

15 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: 7:30, April
16 19th.

17 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Excuse me.

18 ACTING CHAIRPERSON HOWELL: Excuse me.

19 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: The 19th --

20 ACTING CHAIRPERSON HOWELL: Excuse me.

21 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: -- people are
22 on vacation.

23 MR. BRIGLIADORO: There's no excuse --

24 UNIDENTIFIED MALE: The meeting's over.

25 UNIDENTIFIED FEMALE: Yeah.

1 ACTING CHAIRPERSON HOWELL: The next meeting will be
2 on here for -- this hearing application will be April 19th at
3 7:30 at Hillside Barn.

4 UNIDENTIFIED MALE: 7:30, the barn.

5 ACTING CHAIRPERSON HOWELL: There will be no further
6 notification.

7 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: This is the
8 week before Easter. There's a lot of people going on vacation.
9 Give us two weeks and we'll --

10 UNIDENTIFIED SPEAKER FROM THE AUDIENCE: Exactly.

11 ACTING CHAIRPERSON HOWELL: Thank you very much. The
12 meeting is over. Adjourned.

13 (Proceedings concluded.)

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T I O N1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, ERICA L. VAN OSTRAND, certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

Erica L. Van Ostrand

Erica L. Van Ostrand, CERT**D-521

October 18, 2011