

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
SEPTEMBER 20, 2011**

OPEN MEETING: Chairman O'Connell called the meeting to order at 7:30 p.m.

FLAG SALUTE: Chairman O'Connell led the flag salute.

ROLL CALL:

Diana Boyce – Present
Sue Howell – Present
Gerald Huelbig – Present
Gail Phoebus – Present
Ellsworth Bensley Jr. – Present
CeCe Pattison – Present
Christine Kretzmer – Excused
Rick Melfi – Present
Paul Messerschmidt (Alt.1) – Excused
Ken Roberts (Alt. 2) – Present
Chairman John O'Connell – Present

PROFESSIONALS PRESENT: Richard Briigliodoro, Esq., Michael Hannifan, Esq., and Robert P. Guerin, P.E., P.P.

OPEN PUBLIC MEETINGS ACT NOTICE: Chairman O'Connell read the following statement: This is an open public meeting of the Andover Township Land Use Board. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85. The rules are generally as stated on the agenda.

RULES: Chairman O'Connell read the following rules: No new cases after 9:30 p.m. or testimony after 10:00 p.m. Comments from each member of the public are limited to 5 minutes during the public portion of the meeting. Transcript requests are to be in writing with check for 100% of costs. Material for the meeting is to be filed fourteen days before the next meeting once it has been heard for completeness. Individuals or members of a partnership must be present at the meeting or be represented by an attorney. Testimony is under oath. False testimony constitutes perjury.

MINUTES: *Minutes of the Andover Township Land Use Board Meeting Held*

September 6, 2011: A motion to approve was made by Sue Howell and seconded by Gerald Huelbig. Roll Call: Diana Boyce – yes; Sue Howell – yes; Gerald Huelbig – yes; Ellsworth Bensley, Jr., – yes; Rick Melfi – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

RESOLUTIONS: #08P-747APFMA, Sussex & Warren Holding Corporation, Amended Preliminary and Final Major Subdivision, Block 105 Lot 6.01 and 12.02; Block 105 Lot 7; Block 105.02 Lot 12; Block 72.03 Lot 1.02 and Block 117 Lot 10.02: Michael Hannifan, Esq., appeared on behalf of the Board as special counsel. There was no discussion.

A motion to approve the attached resolution was made by Ken Roberts and seconded by Rick Melfi. Roll Call: Sue Howell – yes; Gerald Huelbig – yes; Gail Phoebus – yes; Rick Melfi – yes; CeCe Pattison – yes; Ellsworth Bensley, Jr., – yes; Ken Roberts – yes. The motion carried.

Chairman O'Connell amended the agenda to include the following resolution review.

A-7-11-01, Thompson, Robert B. "C" Variance, Block 121 Lot 1: A motion to approve the attached resolution was made by Rick Melfi and seconded by Gerald Huelbig. There was no discussion. Roll Call: Sue Howell – yes; Gerald Huelbig – yes; Rick Melfi – yes; Ellsworth Bensley, Jr., – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

COMPLETENESS REVIEW: There were no matters scheduled for a completeness review.

HEARING: 10Z-780PSPV, Cambridge Pavers, Inc./Limecrest Quarry Developers, LLC, Preliminary Site Plan, "C" Variances, and Waiver Relief, Andover Township Block 108 Lot 4.02, Block 108.01 Lot 1, and Block 107 Lot 5; Lafayette Township Block 1.01 Lot 1.01; and Sparta Township Block 34 Lot 2: Bernd E. Hefele, Esq., appeared on behalf of the Applicant. He presented a summation of the matter stating the following points:

- The Applicant has met every condition of the conditional use ordinance, and the zoning of the property indicates the town wants this type of use at this location.
- The property is ripe for redevelopment and the proposal is a nice planning fit as it is located across from the quarry.
- The Applicant has provided substantial testimony and engineering testimony detailing the site plan elements, has reviewed letters and commentary from Robert P. Guerin, P.E., P.P., and has agreed to all of the comments made by Mr. Guerin.
- He stated planning testimony has been presented for both the parking and steep slopes variance.
- He noted substantial traffic testimony was presented, and the traffic expert concluded that the use does not set-up an unsafe condition.
- He confirmed that the County has given their approval. Mr. Hefele stated that as long as there is a safe condition, traffic concerns are not a reason to deny an application.
- Mr. Hefele presented that substantial environmental testimony was submitted, the Applicant complies with the requirements, and all environmental permits are forthcoming.
- Mr. Hefele noted that the endangered species studies concluded there would be no impact to same.
- He stated the environmentalist concluded that post development would be better environmentally than what exists there now.
- He stated the water study concludes there is an enormous amount of water at the site and in the area. He stated the 800 gallons per day proposed is no problem based upon the studies.
- Mr. Hefele noted that the site would be able to comply with all the municipal noise ordinances.
- He stated the Applicant has addressed all the requirements legally and factually giving the Board the ability to grant an approval.

Mr. Hefele thanked the Board and the public.

Chairman O'Connell opened the meeting to the public.

Mr. Roberts asked why the operation needed to be a 24/7 operation. Mr. Briigliodoro confirmed that there is no ordinance prohibiting 24/7 operations. He explained the hearing process noting that the Applicant has summed up. Mr. Roberts withdrew the question.

Ms. Patricia Wolfrum was sworn. She stated the Applicant has dealt with the property, and the experts were wonderful. She stated that when questions were asked about the traffic and water, it was just this area. She stated that none of the Board has gone to a facility. She stated you have to see what you want to do. She stated she is worried about the community. She stated let them go home at 5:00, not 24/7. She stated she is worried about the safety and traffic on the road. She asked if prohibiting a right hand turn would stop 240 trucks from passing her home. She stated not one Board member has seen one of the paving companies. Ms. Wolfrum thanked the Board.

Mr. Anthony Massaro was sworn. He stated he would like to speak to Mr. Roberts. He stated the town did spot zoning for this application and that is the real problem here. He stated he is concerned with safety, water use, and a 24/7 operation. He stated the zoning should not have been changed.

Mr. Stan Christodlous was sworn. He stated that the Board has the authority to establish the hours of operation. He stated it would have been fair if Mr. Briigliodoro stated that. He stated the Board could reject the application if it creates environmental problems including those involved with the supply of groundwater and noise. He stated the first concern should be for the citizens of the Township. He stated he would like to ask for a straw vote. Chairman O'Connell stated he would not conduct a poll. Richard Briigliodoro, Esq., stated he did not feel a straw poll would be proper. A member of the public stated the attorney should not interrupt and participate in the proceedings. Chairman O'Connell did not poll the Board. Mr. Christodlous stated he would like to hear from the Board. He asked if there has been any discussion of COAH payments. He asked why it was not discussed. Richard Briigliodoro, Esq., noted there is a moratorium for nonresidential matters. Mr. Christodlous stated it would need to be part of the resolution. Mr. Briigliodoro stated the Applicant has to comply with whatever the law is.

Mr. Richard Skewes was sworn. He stated he has heard the expert testimony. He stated he could not see one reason why it should not pass. He stated there is no reason to deny the application.

Mr. James Woodstrom was sworn. He stated his objection was that the operation would be 24/7. He stated he does not know why the company needs to work around the clock.

Mr. Jeffrey Wolk was sworn. He stated that he has been trying to get minutes, they have to be adopted prior to a decision, and they must be typed as required by the AMERICAN DISABILITIES ACT. He stated he has asked for the minutes and has been unsuccessful. He stated he asked the Board to retain new experts on the premise that two experts are better than one. He stated the Town's hydroengineer did not appear. He stated the Board has to ask if they have enough information. He stated he generally supports the project as long as it does not interfere with the public's health, safety, and welfare. He asked if anyone knows if the aquifer is able to tolerate the commercial use of a drawdown of 11 million gallons. He asked about the uses from the aquifer and stated this is a significant issue. He questioned the impact on well water. He asked about consideration of a bond to protect the Township in the event this type of commercial use exhausts the supply. He asked how many other towns also draw from the aquifer. He stated he believed a long-term analysis would be significant. He stated the Board

has a right to impose any restrictions they want. He asked if the Board had considered enforcement. He asked if video cameras would be utilized. He asked about noise pollution. He asked for verification to test for noise pollution. He stated he believed restrictions should be imposed to protect the health, safety, and welfare of the citizens. He stated the Board has to think about protecting the public.

Ms. Christine Gallagher was sworn. She stated the project would change the landscape of the community. She stated she expected to see a lot more traffic. She stated she believed the project would draw on resources. She stated she did not understand why the project had to be a 24/7 operation. She stated she strongly opposed the project.

Mr. John Reed was sworn. He stated he has lived in town for 38 years and saw the heyday of the quarry operation. He stated that should the project be approved he feared an increase in traffic to the same amount of traffic the quarry had in its heyday. He asked if this is an industrial town. He stated he views Andover as a bedroom community, and many residents will be negatively affected. He stated he has not heard people saying the property needs to be redeveloped. He asked about people that jog or bicycle down Limecrest Road. He stated there are no sidewalks on Limecrest Road. He noted there are many woodland creatures that live on and frequent the property. He stated he is opposed to the project in general. He stated that the Board should impose conditions on the operation. He asked about a referendum regarding the hours of operation. He stated that when the quarry was in full-swing operation, it was open five or six days; and it was not generating any more traffic by 4:30-5:00. He asked about the *Dark Sky Initiative*. He asked if the lights could be on motion sensors so as not to contribute to light pollution. He asked about increased noise. He asked what the guarantee is. He asked would the plant shut down until the noise issue was addressed. He asked about the 94' height structure and its color. He suggested that any part of this structure that is more than 34' high should be painted sky blue so as not to present a monolithic appearance. He stated he wanted Andover to be known as a bucolic community where residents play, live, and recreate. He stated he did not want Andover to be known as the area with the huge factory.

Ms. Irene Christodlous stated she would read from the minutes of a Township Committee meeting. She stated Mr. Semrau stated the Land Use Board could impose restrictions on operations. She stated the Township Planner concurred with Mr. Semrau.

Mr. Victor Capo was sworn. He read a statement and summarized his understanding of the matter. He discussed ethics and the Board's decision-making process. He commented about the noise and traffic studies. He stated the Board could impose restrictions of the hours of operation. He stated he would like a 7:00 a.m.-5:00 p.m., Monday-Friday restriction on the operation.

Mr. Bob Tiefenbacher was sworn. He stated he is opposed to the project. He stated the noise and traffic on Limecrest Road is unbelievable. He stated the Board should consider what is in the best interest of the town and what the condition would be five years from now.

Ms. Marlene Coppolino stated she and her husband are totally against the project. She stated she is concerned about noise, light, and truck pollution. She stated she is concerned about the safety of people walking and bicycling on the road. She asked if Board members have seen the Lyndhurst operation. She stated she believed that the Board members should go see the plant as a paver plant is not the prettiest plant to have in the back yard. She asked about the impact of the project on property values.

No other members of the public addressed the Board.

The meeting was closed to the public.

Mr. Briigliodoro discussed the law, preliminary site plan, and conditional use application review. He reviewed the variance relief requested. He thanked the members of the public for their participation.

Chairman O'Connell called a recess at 8:45 p.m. The meeting was called to order at 9:00 p.m.

Each Board member presented their opinion on the matter and thanked the professionals and public for their input.

A motion to approve the application subject to the standard conditions and the conditions noted below was made by Rick Melfi and seconded by Ellsworth Bensley, Jr. Roll Call: Diana Boyce – no; Ellsworth Bensley, Jr., – yes; Sue Howell – yes; Gerald Huelbig – yes; Rick Melfi – yes; CeCe Pattison – yes; Ken Roberts – no; John O'Connell – yes. The motion carried. The conditions noted are as follows:

- The Applicant is required to install a 30,000-gallon underground water storage tank to be used for the manufacturing operation and a 12,000-gallon fire suppression tank with fittings that would allow a draw from the 30,000-gallon tank as needed.
- The water used for production and manufacturing purposes cannot be derived from onsite groundwater resources or any other groundwater resources located beneath Andover Township unless the Applicant agrees to comply with the Township Aquifer Testing Ordinance.
- The Applicant shall not have more than 21 persons employed in a 24-hour period.
- Any wells constructed on site shall be used for drinking and sanitary needs.
- The Applicant shall be required to install a calibrated meter on the onsite well, and said meter shall be recalibrated on an annual basis with appropriate certifications being submitted to the Land Use Board Engineer. If it is determined that for three consecutive months the number of gallons permitted is exceeded, the Applicant will be required to comply with Andover Township Code §159-28.
- The Applicant is required to comply with the Township Noise Ordinance, i.e., — 10:00 p.m.-7:00 a.m., the noise will not exceed 50 decibels at the property line and during the daytime – 7:00 a.m.-10:00 p.m., the Applicant will not exceed noise levels of 65 decibels at the property line.
- The Applicant will provide details of the sound barrier walls around the raw material delivery and loading area.
- The Applicant will provide signage advising that right turns are prohibited from the site.
- The Applicant is required to submit a lighting plan demonstrating compliance with the Ordinance. The plan may be modified for minimal lighting in storage areas. The lights in driveways and parking areas are required to meet the standards.
- The Applicant is required to comply with Fire Department recommendations including a standpipe system and exterior ladders on the building.
- The plant may operate 24/7, Monday – Saturday, for production facility purposes. Shipping and receiving will be limited to 7:00 a.m.-10:00 p.m.

Mr. Hefele noted that the lighting plan condition was agreeable and the plan will be modified. He stated that a suggestion of flip-flopping the location of the storage areas is very inconvenient and the Applicant would rather not. With regard to the hours of operation, he stated that it was made clear to the Board that the 24/7 hours of operation is a necessity to the Applicant. He

stated a modern paving plant facility could not go in there without it. He noted that a significant amount of testimony presented that 80% of all operations happen during the day. Mr. Hefele stated the Applicant complies with the ordinance.

PUBLIC PORTION: The meeting was opened to the public. Mr. John Reed asked a question regarding the Cambridge matter. He was advised that the hearing had been closed to the public. No other members of the public addressed the Board. Chairman O'Connell closed the meeting to the public.

OLD/NEW BUSINESS: Ms. Howell suggested that the Township's Website Directory entries for Land Use be revised and updated. She also suggested that in the event the Environmental Commission appointee is recused, another Environmental Commission member could sit as an alternate. Mr. Briigliodoro stated he would review the matter. Ms. Boyce reported that work was continuing on bat houses. Ms. Phoebus provided an update on COAH matters. She also presented information regarding Township subcommittee work in the matter of the Quarry's dewatering permit.

VOUCHERS: A motion to recommend the Township's payment of the vouchers listed below was made by Ellsworth Bensley, Jr., and seconded by Ken Roberts. Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Sue Howell – yes; Gerald Huelbig – yes; Rick Melfi – yes; CeCe Pattison – yes; Gail Phoebus – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

BILL DATE	INVOICE	CONSULTANT	ACCOUNT	CASE	TOTAL
8/30/2011	1961	Joseph Golden, P.E., P.P.	717-326	ATR&S LLC	\$180.00
8/30/2011	1960	Joseph Golden, P.E., P.P.	T13-56-717-322	Andover Animal Hospital	210.00
9/8/2011	1973	Joseph Golden, P.E., P.P.	1-01-20-165-130	Planning OE	\$60.00
9/8/2011	1974	Joseph Golden, P.E., P.P.	T1356-717-332	A-7-11-01, Thompson, R.	120.00
9/1/2011	146001	Richard Briigliodoro, Esq.	1-01-20-155-130	Planning OE	945.00
9/1/2011	146002	Richard Briigliodoro, Esq.	T-13-57-057-011	A-10Z-780SPV, Cambridge Pavers/Limecrest Quarry	1,967.40
9/1/2011	146003	Richard Briigliodoro, Esq.	T-13-56-717- 7329	A-6-11-01, McNellis, B. A-10Z-780SPV, Cambridge	345.00
8/30/2011	1393	M2 Associates	T-13-57-057-011	Pavers/Limecrest Quarry	742.50
9/12/2011	805H	Robert P. Guerin, P.E., P.P.	T-13-57-057-011	A-10Z-780SPV, Cambridge Pavers/Limecrest Quarry	2,160.00
9/12/2011		Escrow Close-Out	T-13-57-057-010	Refund Due Applicant	0.20

UPCOMING MEETINGS: Chairman O'Connell announced the October 4, 2011 and October 18, 2011 meeting dates.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Ellsworth Bensley, Jr., and seconded by Sue Howell. All were in favor. The meeting was adjourned at 10:00 p.m.

Minutes respectfully submitted by:



Anne-Marie Wilhelm
Land Use Administrator

ANDOVER TOWNSHIP LAND USE BOARD

RESOLUTION

Decided: April 5, 2011

Memorialized: September 20, 2011

IN THE MATTER OF SUSSEX & WARREN HOLDING CORP.
AMENDED PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL
B105/L6.01 & 12.02; B105/L7; B105.02/L12; B72.03/L1.02; B117/L10.02
APPLICATION NO. #08P-747APFMA

WHEREAS, Sussex & Warren Holding Corp. (hereinafter the "Applicant") applied to the Andover Township Land Use Board (hereinafter the "Board") for amended preliminary and final major subdivision approval on 8/22/08; and

WHEREAS, the application was deemed complete by the Board, and public hearings were held on 3/3/09 and 3/17/09; and

WHEREAS, it has been determined that the Applicant has complied with all procedural requirements, rules and regulations of the Board, and that all required provisions of procedural compliance have been filed with the Board; and

WHEREAS, the Board makes the following findings and conclusions based upon the documents, testimony and other evidence comprising the hearing record; and

WHEREAS, the Applicant filing an application on or about February 23, 2011 for an extension of the March 17, 2009 resolution; and

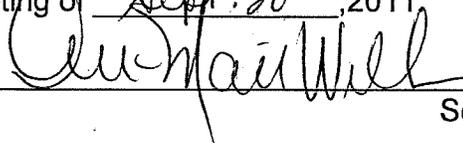
WHEREAS, the Board having hearing testimony through counsel as to the condition of approval of April 7, 2009; and

WHEREAS, the Board has acknowledged and taken notice that the following conditions have made it non-conducive for any building to occur at this time but wish to move forward with the project and keep it as a viable development option in the Township of Andover and upon review it is hereby and upon, all members of the Board reviewing said application, it hereby agreed that the application shall be extended for two (2) years from the date of the hearing of April 5, 2011.

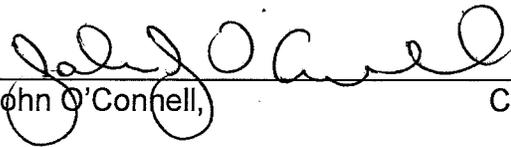
1. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

2. This approval is subject to the payment in full by the Applicant of all taxes, fees, escrows, assessments and other amounts due and owing to the Township and/or any agency thereof.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Andover Township Land Use Board memorializing the action taken by the Board at its meeting of Sept. 20, 2011.



Secretary



John O'Connell, Chairman

**RESOLUTION
TOWNSHIP OF ANDOVER LAND USE BOARD
IN THE MATTER OF
ROBERT B. THOMPSON
DECIDED ON SEPTEMBER 6, 2011
MEMORIALIZED ON SEPTEMBER 20, 2011
BLOCK 121, LOT 1
ANCILLARY "C" VARIANCE RELIEF FOR
INSTALLATION OF A FENCE
APPLICATION NUMBER A-7-11-01**

WHEREAS, Robert B. Thompson (hereinafter "Applicant" or "Thompson") is the owner and applicant of premises situated in the Township of Andover, County of Sussex, State of New Jersey and located at 94 Newton-Sparta Road, in the municipality of Andover Township, and known and designated as Block 121, Lot 1 on the Tax and Assessment Map of the Township of Andover, which premises are located in the R-1.0 single family residential district (hereinafter "R-1.0 Zone"); and

WHEREAS, a public hearing was held on September 6, 2011 after the Board determined it had jurisdiction; and

WHEREAS, the Applicant was not represented by legal counsel.

NOW THEREFORE, the Land Use Board makes the following findings of fact, based on evidence presented at its public hearing at which time a record was made. The Applicant proposes the installation of a six-foot in height poly vinyl chloride (PVC) fence on the property. The subject property is located at 94 Newton-Sparta Road, in the municipality of Andover Township, and is known and designated as Block 121, Lot 1 on the Tax and Assessment Map of the Township of Andover. The site is located at the intersection of Linda Lane and Newton-Sparta Road. This site is a corner lot which therefore contains two front yards, Newton-Sparta Road and Linda Lane.

Thompson testified that it was his intention to install a PVC fence six-feet in height in order to provide privacy as well as providing a safe environment for his family. In addition, Thompson contends that it is necessary to have a fence six-feet in height because it would also serve to block some noise from Newton-Sparta Road which is heavily trafficked.

Thompson also stated that the installation of a six-feet in height PVC fence would not interfere with any sight lines for vehicles traveling along Linda Lane or Newton-Sparta Road. Thompson also referred to a memorandum issued by Nancy Holleran from the Sussex County Division of Engineering which indicates that the right-of-way at 94 Newton-Sparta Road, Newton, New Jersey, in the municipality of Andover Township, and known and designated as Block 121, Lot 1, Andover Township – County Route 616 – is a total of 66 feet or 33 feet from the center line as per filed map #241.

Thompson also stated that the installation of the fence six feet in height would enable him and his family to have more usable yard space. Furthermore, he represented that it was his intention to plant and landscape in the area in front of the fence in order to improve the aesthetics of the lot.

The Applicant requires bulk variance relief or “c” variance relief because the maximum fence height for a fence located in a front yard shall not exceed four (4) feet in height.

The meeting was opened up to members of the public and the Board was addressed by Mr. Anthony Massaro, who expressed support for the granting of relief in order to permit the Applicant to install a six-feet in height PVC fence as proposed.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an Applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Board concludes that the installation of a PVC fence six (6) feet in height will not compromise existing sight distances. The Board is mindful that the property is located at the intersection of Newton-Sparta Road and Linda Lane and, therefore, the lot is subject to the ordinance regulations governing front yard setbacks on both streets.

The Board is satisfied that based upon the representations of Thompson, that the fence will be maintained and appropriately landscaped to ensure there is no appreciable negative visual impact from the installation of the fence. In addition, the Applicant agreed that the installation of any landscaping would be subject to the review and approval of the Board Engineer. Furthermore, the Board is also satisfied that the installation of a PVC fence six (6) feet in height, where the ordinance permits a maximum fence height of four (4) feet in the front yard will enable the Applicant to have more usable yard space, and would also improve privacy as well as blocking some of the noise generated by heavy traffic along Newton-Sparta Road. The installation of the fence would also provide a safe environment for the Applicant and the Applicant’s family. The Board finally concludes that allowing the Applicant to install a six (6) feet in height PVC fence as opposed to a four (4) feet in height fence will not compromise

existing sight distances along Newton-Sparta Road (County Route 616) because the fence will be located approximately twenty-one (21) feet from the corner of the fence to Newton-Sparta Road and thirty-one (31) feet from the corner of the fence to the stop sign on Linda Lane. Thus, there will be no negative impact on sight distances.

Furthermore, under the c(2) criteria, the Board determines that it is appropriate to grant ancillary "c" variance relief. In Kaufman v. Planning Board for Warren Twp., 110 N.J. 551, 563 (1988), the New Jersey Supreme Court held:

By definition, then, no c(2) variance should be granted when merely the purposes of the owner will be advanced. The grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of a c(2) case, then, will be not on the characteristics of the land that, in light of current zoning requirements, create a hardship on the owner warranting a relaxation of standards, but on the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.

Thus, the Board determines under the c(2) analysis, that the positive and negative criteria were met by the Applicant and the granting of "c" variance relief as set forth herein is appropriate. Based upon the foregoing, the Board also concludes that ancillary "c" variance relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. Furthermore, the benefits of any deviation substantially outweigh any detriment and, thus, variance relief may be granted.

The Board is satisfied that under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(2), that the Applicant is entitled to ancillary "c" variance relief or bulk variance relief.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of Andover Township with regard to the application of Robert B. Thompson for property located at 94 Newton-Sparta Road, in the municipality of Andover Township and known and designated as Block 121, Lot 1 on the Tax and Assessment Map of the Township of Andover and bearing Application No. A-7-11-01 requesting land use relief is determined as follows:

1. Ancillary "c" variance relief or bulk variance relief with respect to the installation of a six (6) feet in height PVC fence located in the front yard of both Newton-Sparta Road and Linda Lane is hereby granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(2); and

IT IS FURTHER RESOLVED that the requested ancillary "c" variance relief or bulk variance relief is granted subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.

2. The Applicant agrees to comply with all terms and conditions set forth in the Board Engineer's review report dated July 26, 2011.

3. The Applicant represents that all of its representations and stipulations made either by the Applicant or on the Applicant's behalf to the Andover Township Land Use Board are true and accurate, and acknowledges that the Land Use Board specifically relied upon the Applicant's stipulations in the Board's granting of approval. If said representations and stipulations are false, this approval is subject to revocation.

4. This approval is granted strictly in accordance with any recommendations set forth on the record by the Land Use Board at the time of the hearing on September 6, 2011.

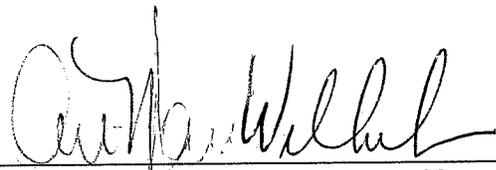
5. This approval is subject to the payment in full by the Applicant of all taxes, fees, escrows, assessments and other amounts due and owing to the Township and/or any other agency. Any monies are to be paid by the Applicant within twenty (20) days of said request by the Board Secretary.

6. This approval is subject to and conditioned upon the Applicant submitting a landscaping plan to the Board Engineer which shall be subject to the review and approval of the Board Engineer.

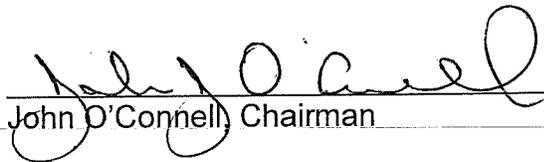
7. Certification that taxes are paid to date of approval.

8. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Andover, County of Sussex, State of New Jersey or any other agency having jurisdiction hereunder.

The undersigned secretary certifies that the within Resolution was adopted by the Land Use Board on September 6, 2011 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on September 20, 2011.



Anne-Marie Wilhelm, Andover Township
Land Use Administrator/Board Secretary



John O'Connell, Chairman

IN FAVOR: Sue Howell; Gerald Huelbig; Rick Melfi; Ellsworth Bensley, Jr.,
Ken Roberts; John O'Connell

AGAINST: 0

ABSTAINED: 0

BOARD MEMBERS ELIGIBLE TO VOTE: Sue Howell; Gerald Huelbig; Rick Melfi;
Christine Kretzmer; Ellsworth Bensley, Jr.; Paul Messerschmidt; Ken Roberts;
John O'Connell

AND027E Thompson Resolution
447864