

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
FEBRUARY 21, 2012**

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

PROFESSIONALS PRESENT: Richard Brigliadoro, Esq.; Joseph Golden, 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*

February 7, 2012: A motion to approve was made by CeCe Pattison and seconded by Suzanne Howell. Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

RESOLUTIONS: A-12-11-01, Malkin, Kenneth. Amended Preliminary and Final Site Plan, Block 126, Lot 5.02. A motion to approve was made by Ellsworth Bensley, Jr., and seconded by Suzanne Howell. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; CeCe Pattison – yes; Ken Roberts – yes. The motion carried.

COMPLETENESS REVIEW: A-1-12-3, Casa Bellisima, Amended Preliminary and Final Site Plan, Block 106 Lot 19: Bennett Wasserstrum, Esq., appeared on behalf of the Applicant. Jason Dunn, P.P., also appeared and agreed to provide a revised landscaping plan. Joseph Golden, P.E., P.P., provided an overview of the completeness report dated January 30, 2012. He recommended that the application be deemed complete.

A motion to deem the application complete contingent upon the granting of waivers for completeness only was made by Paul Messerschmidt and seconded by Ellsworth Bensley, Jr. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

The matter was assigned a 3/6/12 hearing date.

A-1-12-4, Scordato, Mark. C Variances, Block 102 Lot 3.09: Diana Boyce, Christine Kretzmer, and Gail Phoebus recused. Mr. Mark Scordato appeared. Joseph Golden, P.E., P.P., provided an overview of the completeness report dated February 7, 2012 and recommended that the application be deemed complete.

A motion to deem the application complete was made by Rick Melfi and seconded by Ken Roberts. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

The matter was assigned a 3/20/12 hearing date.

HEARING: A-11-11-1, Jason and Laura O'Brien, "C" Variance, Block 137 Lot 1: Diana Boyce, Christine Kretzmer – yes; Gail Phoebus recused. Michael Garofalo, Esq., appeared on behalf of the Applicant. He provided an overview of the matter stating that the Applicant would like to put a covered entranceway on the front of the house that will encroach into the front yard setback. He noted that a 50' setback is required and the Applicant does not have 50'. He stated this condition presents a classic hardship. He also stated that several homes in the area have similar entranceways and noted that photographs were submitted showing same.

Mr. Garofalo addressed Flood Hazard Control Act concerns. He stated the property is shown on the tax maps with a pond. He stated the privately owned pond is part of a farm owned by another party. Mr. Garofalo stated the pond/wet area does not have a channel or a drainage area of less than 50 acres. He stated he believes it is not truly a pond. He stated if the Applicant needs any permits, he would comply. Mr. Golden stated that the application's proposal would be outside of the riparian buffer.

Mr. Jason O'Brien was sworn. He explained that the small covered porch would provide shelter for the front door area and prevent snow and rain from blowing into the home at the door. He confirmed that he planned a 6' x 7' covered entranceway.

Joseph Golden, P.E., P.P., noted that he believed the granting of the variance would present no detriments and would enhance the quality of the neighborhood. He stated the application satisfied the objectives of the land use law.

Chairman O'Connell opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to approve the application subject to the comments noted in the engineer's report and a condition that the Applicant provides a permit or certification that no permitting is necessary for flood hazard control areas was made by Ellsworth Bensley, Jr., and seconded by Suzanne Howell. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

PUBLIC PORTION: The meeting was opened to the public. Mr. William Howell inquired about ordinance mandates relative to group homes. He suggested that Board members review the matter. No other members of the public addressed the Board. The meeting was closed to the public.

OLD/NEW BUSINESS: Appointment of Special Conflict Counsel: The matter was carried to the 3/6/12 meeting.

Ms. Kretzmer reported that the Farmer's Market event, a project developed by the Andover Township Green Team, was a success such that the event may be scheduled quarterly.

Joseph Golden, P.E., P.P., reported that JCP&L would need to schedule a shutdown to bring the substation online. He stated his inquiries regarding same have remained unanswered to date. Mr. Golden noted that the company has not posted maintenance or landscaping bonds as required.

Ms. Phoebus presented that the Township Committee has included a residential component to the property maintenance ordinance that is scheduled for review at the next Township Committee meeting.

VOUCHERS: A motion to approve the following bill list recommending payment of same to the Township Committee was made by Ellsworth Bensley, Jr., and seconded by Paul Messerschmidt. Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Christine Kretzmer - abstain; Rick Melfi – yes; CeCe Pattison – yes; Gail Phoebus – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

Richard Brigliodoro, Esq.	148977	717-142	A-12-11-01, Malkin, K.	\$759.50
	148978	717-334	A-12-11-02, Bridgeway Rehabilitation Services, Inc.	\$1,348.50
	148979	717-335	A-11-11-01, Jason & Laura O'Brien	\$80.00
	148236	717-326	ATR&S LLC	\$270.00
	148238	717-334	A-12-11-02, Bridgeway Rehabilitation Services, Inc.	\$510.00
	148239	717-335	A-11-11-01, Jason & Laura O'Brien	\$90.00
	148237	717-142	A-12-11-01, Malkin, K.	\$139.50
Total:				\$3,197.50
Joseph Golden, P.E., P.P.	2078	717-334	A-12-11-02, Bridgeway Rehabilitation Services, Inc.	\$180.00
	2064	706-090	A-1-12-3, Dina's LLC d/b/a Casa Bellisima	\$150.00
	2063	717-099	8P-744-FMA, Ballantine Woods	\$60.00
	2085	717-340	A-1-12-4, Scordato, M.	\$360.00
	2086	706-090	A-1-12-3, Dina's LLC d/b/a Casa Bellisima	\$1,140.00
	2084	717-322	102-781-PFSPC, Andover Animal Hospital	\$120.00
	2083	717-171	09P-760APFS, JCP&L	\$60.00
Total:				\$2,070.00
Chuck McGroarty, P.P.	P11- 19725	717-334	A-12-11-02, Bridgeway Rehabilitation Services, Inc.	\$461.50
Total:				\$461.50
Robert P. Guerin, P.E., P.P.	WO860B	717-142	A-12-11-01, Malkin, K.	\$1,170.00
Total:				\$1,170.00

UPCOMING MEETING: Chairman O'Connell confirmed the March 6, 2012 and March 20, 2012 hearing dates.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Ellsworth Bensley, Jr., and seconded by Suzanne Howell. All were in favor. The meeting was adjourned at 8:40 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm
 Anne-Marie Wilhelm
 Land Use Administrator