

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
APRIL 1, 2014**

OPEN MEETING: Chairman Howell called the meeting to order at 7:30 p.m.

FLAG SALUTE: Chairman Howell led the flag salute.

ROLL CALL:

Ken Roberts – Present
Ellsworth Bensley, Jr., – Present
Rick Melfi, Vice Chairman – Present
CeCe Pattison – Present
Christine Kretzmer – Present
Dolores Blackburn – Present
Diana Boyce – Present
John O'Connell – Absent
Suzanne Howell, Chairman – Present
Paul Messerschmidt, Alternate 1 – Present
Richard Skewes, Alternate 2 – Present

PROFESSIONALS PRESENT: Richard Brigliadoro, Esq., and Joseph Golden, P.E., P.P.

OPEN PUBLIC MEETINGS ACT NOTICE: Chairman Howell 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 Howell 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: A motion to approve the *Minutes of the Andover Township Land Use Board Meeting Held March 18, 2014* was made by Ellsworth Bensley, Jr., and seconded by Ken Roberts. There was no discussion. Roll Call: Ken Roberts – yes; Ellsworth Bensley, Jr., – yes; Rick Melfi – yes; Christine Kretzmer – yes; Dolores Blackburn – yes; Paul Messerschmidt – yes; Richard Skewes – yes; Suzanne Howell – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled for review.

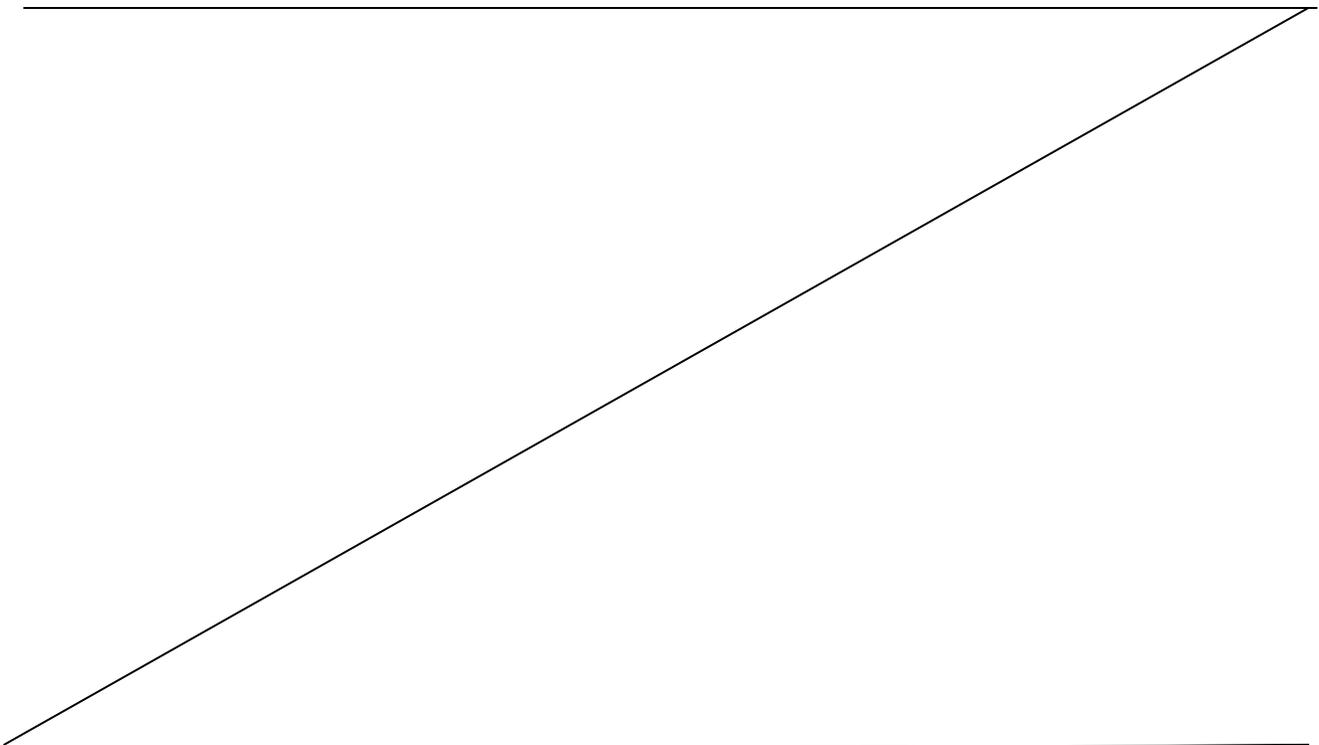
COMPLETENESS REVIEW: There were no matters scheduled.

HEARING: A-9-13-1, Sommerset Investors, In c., T/A Econolodge, “D” Variance, Site Plan Waiver*, Block 153 Lots 22.01 and 23. * Site Plan Waiver granted 11/19/13.

Chairman Howell advised the public that the matter would not be heard as notice was deficient. Mr. Briigliodoro explained that the Board could not answer substantive questions about the matter and advised members of the public that the file was available for public inspection during business hours.

Board members reviewed the letter inserted below, which Board Attorney Briigliodoro read into the record. Mr. Briigliodoro provided an overview of statutory notice requirements and advised that the Township did not have an obligation to include the New Jersey Department of Transportation (DOT) on the property owner’s list as inferred in the Applicant’s letter. He further stated that the lack of a DOT listing did not absolve the Applicant’s responsibility to satisfy statutory notice requirements. Board members acknowledged the numerous adjournments previously granted at the Applicant’s request.

Following discussion, a motion to dismiss the application without prejudice and return unused escrow money due was made by Rick Melfi and seconded by Paul Messerschmidt. Roll Call: Ken Roberts – yes; Ellsworth Bensley, Jr., – yes; Rick Melfi – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Paul Messerschmidt – yes; Richard Skewes – yes; Suzanne Howell – yes. The motion carried.



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Attorney ID#: 0319911997

* Member of the NJ and PA Bar
+ Member of the 3rd Circuit Federal Court of Appeals

Of Counsel

April 1, 2014

Gerald B. Hanifan, Sr.

VIA FACSIMILE (973) 383-9977 AND HAND DELIVERY

Andover Township Land Use Board
134 Newton-Sparta Road
Newton, New Jersey 07860
ATTN: Ann Marie Wilhelm

Re: **SOMERSET INVESTORS, INC. T/A ECONOLIDGE, A-9-13-1**
(D Variance) Site Plan Waiver, Block 153, Lots 22.01 and 23

Dear Ms. Wilhelm:

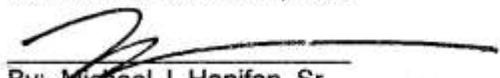
I would respectfully request that the above referenced matter be adjourned from this evening and would request a consent for continuance to May 30, 2014. Please accept my apology for the lateness of this request but unfortunately there was an error in our Notice that was published and circulated. Due to an editing issue the statutory cite was omitted. Therefore, if you would kindly request this adjournment, it will be greatly appreciated.

Further, please note that apparently the list from the town did not include the N.J. Department of Transportation as a needed party and we omitted sending them the proper notice, as the building is on State Highway Route 206 and the New Jersey Department of Transportation is a party that is required to be served. It is my understanding that the town has recently edited the service list to include this party.

We apologize for any inconvenience this may have caused the board and thank you for your courtesies in this matter.

Respectfully submitted,

THE LAW OFFICE OF
MICHAEL J. HANIFAN, P.A.


By: Michael J. Hanifan, Sr.

MJH/ds

cc: Client (via Regular Mail)

Dykstra Associates, PC (via Fax 973-579-7777 & Regular Mail)

PUBLIC PORTION: The meeting was opened to the public. No members of the public addressed the Board. The meeting was closed to the public.

OLD/NEW BUSINESS: Mr. Roberts led a review of: *Final Draft: Wind and Solar Energy Ordinance*. There were no additional comments or suggestions. A motion to forward the document to the Township Committee was made by Ken Roberts and seconded by Paul Messerschmidt. Roll Call: Ken Roberts – yes; Ellsworth Bensley, Jr., – yes; Rick Melfi – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Paul Messerschmidt – yes; Richard Skewes – yes; Suzanne Howell – yes. The motion carried.

Mr. Melfi led a review of pre-referral draft ordinance revisions to Andover Township Code §190-87 through §190-90 [in the matter of temporary signs] dated 4/1/14, which were prepared by a Township Committee subcommittee. He stated the revisions were endorsed by the Zoning Official and Economic Development Committee. Board members agreed the draft was “fine as is” and directed Secretary Wilhelm to forward the Board’s endorsement of the revisions to the Township Committee.

Ms. Kretzmer provided an update on the Hurricane Sandy tree recovery program.

Board members discussed their experiences at a NJPO training event held on March 22, 2014.

Secretary Wilhelm distributed administrative tools for the Board’s consideration.

VOUCHERS: There were no vouchers scheduled for review.

UPCOMING MEETINGS: Chairman Howell confirmed the scheduled May 6, 2014 and May 20, 2014 meeting dates.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Ellsworth Bensley, Jr., and seconded by Ken Roberts. All were in favor. The meeting adjourned at 8:25 p.m.

Minutes respectfully submitted by:

/s/Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land Use Administrator