

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
JUNE 16, 2015**

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
Vincent DeLuca – Absent
Rick Melfi, Vice Chairman – Present
CeCe Pattison – Present
Christine Kretzmer – Absent
Dolores Blackburn – Present
Wayne Grenewicz – Present
John O'Connell – Present
Suzanne Howell, Chairman – Present
Paul Messerschmidt, Alternate 1 – Present
Richard Skewes, Alternate 2 – Present

PROFESSIONALS PRESENT:

Richard Briigliodoro, Esq., and Joseph R. Golden, P.E., P.P., C.M.E.

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 May 19, 2015* was made by John O'Connell and seconded by Paul Messerschmidt. There was no discussion. Roll Call: Ken Roberts – yes, Rick Melfi – yes, CeCe Pattison – yes, Dolores Blackburn – yes, Wayne Grenewicz – yes, John O'Connell – yes, Paul Messerschmidt – yes, Richard Skewes – yes, Suzanne Howell – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled.

COMPLETENESS REVIEW: A-4-15-2, F. William LaVigne, “D” Variance, Block 60 Lot 5 – Board members reviewed correspondence dated June 15, 2015 submitted by Allen J. Campbell, P.E., P.P., C.M.E., which requested the matter be “considered for appeal of a Zoning Permit denial only.” F. William LaVigne, Esq., presented that following a February 2015 zoning permit denial issued by Fred Suljic, Zoning Officer, a second Zoning Permit Application was submitted and not considered. The Applicant submitted a letter dated June 3, 2015 prepared by Mr. Suljic that transmitted the second zoning permit application and filing fee back to the Applicant. Mr. LaVigne stated his second Zoning Permit Application should have been reviewed, and that he would like the Board to hear the appeal.

Board professional, Richard Briigliodoro, Esq., reviewed the matter. He stated he agreed that Mr. Suljic should have reviewed the second application. He advised the Board could consider the June 3, 2015 letter issued by Mr. Suljic a reaffirmation of his prior denial of the zoning permit application, and the request to be heard as an appeal could be granted. Joseph R. Golden, P.E., P.P., C.M.E., stated sufficient information was provided by the Applicant to deem the appeal application complete. Mr. Briigliodoro stated notice would be required. He suggested the Applicant notice for the “D” Variance as well.

A motion to consider the matter as an appeal was made by Richard Skewes and seconded by John O'Connell. Roll Call: Ken Roberts – yes, Rick Melfi – yes, CeCe Pattison – yes, John O'Connell – yes, Paul Messerschmidt – yes, Richard Skewes – yes, Suzanne Howell – yes. The motion carried.

A-3-15-1, Holland, Barry. Minor Subdivision, “C” Variances, Block 38 Lot 11: Ken Roberts recused. Roger Thomas, Esq., appeared on behalf of the Applicant and provided an overview of the application. He stated the intent is to divide one lake front lot into three nonconforming lots. Two of the lots would not be developed but would provide passive recreational opportunities as well as access to Lake Lenape. Joseph R. Golden, P.E., P.P., C.M.E., discussed completeness and his report dated 5/17/15. Mr. Golden stated he did not see the proposed use as a permitted use and felt that the proposal is contrary to the purposes of planning. He stated the creation of lots as proposed is not typical to open space designations. He stated a “D1” variance is required for the subdivision. He presented that he did not support many of the waiver requests. He stated he needed information to address parking location concerns noting that the road is winding and an existing curve is dangerous. He stated he needed additional information regarding site distance and additional information for steep slope assessment noting the presence of significant steep slopes on the lot. He also expressed concern about the law and lot consolidation.

Mr. Thomas discussed the proposed use stating the lots would be used for pedestrian access to Lake Lenape, open space, and passive recreation. He confirmed that an existing access easement would remain. Mr. Thomas stated open space and playgrounds are permitted uses. He opined the waivers should be granted as there is no development proposed. Mr. Briigliodoro noted the property will remain in its natural state. Mr. Golden suggested restrictions on the property including prohibitions against tree cutting, boat launches, and docks.

Board members discussed the matter. A motion to deem the application complete was made by Dolores Blackburn and seconded by Rick Melfi. Roll Call: Rick Melfi – yes, CeCe Pattison – yes, Dolores Blackburn – yes, Wayne Grenewicz – yes, John O'Connell – no, Paul Messerschmidt – no, Richard Skewes – no, Suzanne Howell – no. The motion failed.

Board members considered the use. A motion to determine that the matter required a “D” Variance was made by Paul Messerschmidt and seconded by Richard Skewes. Roll Call: Rick Melfi – no, CeCe Pattison – yes, Dolores Blackburn – no, Wayne Grenewicz – no, John O'Connell – no, Paul Messerschmidt – yes, Richard Skewes – yes, Suzanne Howell – yes. The motion failed.

A motion to carry to the July 21, 2015 hearing date was made by John O'Connell and seconded by Dolores Blackburn. All were in favor. The matter was carried without further notice required to the July 21, 2015 hearing date.

Chairman Howell called a 5-minute recess. Ken Roberts returned to the meeting. The meeting resumed at 8:50 p.m.

HEARINGS: No matters were heard.

PUBLIC PORTION: The meeting was opened to the public. There were no participants. The meeting was closed to the public.

OLD/NEW BUSINESS: Pending Ordinance Referral: Board members reviewed a draft ordinance regarding sidewalk cafes and outdoor dining. Board members suggested the following: include a barrier to provide protection for individuals in the outdoor seating area; include a definition of sidewalk; add that the seating does not impact parking requirements; remove the planter requirement; and include a provision that animals are not permitted. Dolores Blackburn agreed to present the suggestions to the Township Committee. Ms. Blackburn also agreed to discuss electric auto charging stations with the Township Committee as well.

VOUCHERS: Board members reviewed the vouchers attached to the June 2015 Finance Report. A motion to approve the vouchers was made John O'Connell and seconded by Ken Roberts. There was no discussion. Roll Call: Ken Roberts – yes, Rick Melfi – yes, CeCe Pattison – yes, Dolores Blackburn – yes, Wayne Grenewicz – yes, John O'Connell – yes, Paul Messerschmidt – yes, Richard Skewes – yes, Suzanne Howell – yes. The motion carried.

UPCOMING MEETINGS: Chairman Howell cancelled the August 4, 2015 meeting following a quorum review and unanimous vote to cancel the meeting. She confirmed the July 21 and August 18, 2015 hearing dates.

ADJOURNMENT: Having no further business, a motion to adjourn was made by John O'Connell and seconded by Paul Messerschmidt. All were in favor. The meeting concluded at 8 p.m.

Minutes respectfully submitted by:

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