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July 3, 2024

VIA EMAL rbrigliadoro@weiner.law

Richard Brigliadoro, Esq.

Weiner Law Group

PO Box 438

Parsippany, NJ 07054

RE: 662 Route 206 South, Andover Twp.
Block 158 Lot 6

Dear Mr. Brigliadoro:

As a follow-up to the hearing last night, this firm represents an adjoining property owner who is interested in the Ringo Property LLC application for Block 158 Lot 6 in Andover Township.

I appeared at the hearing last night with my client and our engineer, Alan Campbell.

I understand that this matter has been carried to July 16th without further notice. However, I believe there is a notice issue. I wanted to raise the notice issue in advance so we do not waste the Board's time with convening again if the application needs to be re-noticed.

The Andover Township Code 140-4 C makes it clear that the Township Committee shall be the issuing authority for soil and rock removal permits. However, the section of the Code specifically states that an application for a permit cannot be made unless conditional use has been approved by the Planning Board.

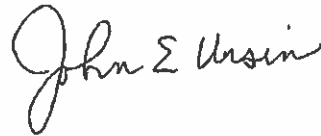
The applicant in this case did not notice for a conditional use for soil removal. Accordingly, the notice is defective. There cannot be an argument that this is not a separate distinct use and separate part of the application. In fact, the applicant's engineer testified last night that the soil and rock removal operation would be an exclusive use of the lot for two years or more. The testimony indicated that there would be an operations trailer and rock crushing equipment on site. The applicant's engineer specifically stated that the applicant would be seeking to pursue the soil and rock removal operation even before all the other conditions of any approval were satisfied. Obviously, my clients would object to that request, but it clearly demonstrates that this is a separate and distinct use that must be included in the application and the notice.

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Thank you for your consideration.

Very truly yours,

SCHENCK, PRICE, SMITH & KING, LLP



By: _____
John E. Ursin, Esq.

JEU/tls

Cc: client

Cc: Stephanie Pizzulo via email spizzulo@andoverwp.org