

November 21, 2006

The regular meeting of the Andover Township Land Use Board was called to order at 7:33 p.m. on Tuesday, November 21, 2006 by the Chairman Stan Christodlous

Present: Members Gail Phoebus, Class I
 Robert Webster, Class III
 Diana Boyce
 Stan Christodlous
 Michael Crane
 Lois deVries
 Suzanne Howell
 Michael Lensak
 Attorney Thomas J. Germinario, Esq.
 Engineer Joseph Golden, P.E.
 Planner Russell Stern
 Secretary Mary Spector
Absent: Gerald Huelbig

FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT

OPEN TO PUBLIC – Meeting open to public for discussion of items not on the agenda. Diane Gillespie had a question relating to The Mews application but she agreed to return to it later in the meeting.

CHESSIE ASSOCIATES – Bl. 159, Lot 1, HC zone, Route 206, preliminary and final site plan for garage/storage facility. Charles Gormally, Esq. was present to represent the applicant. The applicant, Brian Lenker, was sworn in. He stated he is the sole member of Window Genie of Northwest New Jersey LLC and a contract purchaser of the property in question. The company has two divisions – Window Genie and Dream Screens. He described the proposal to construct a building to store vehicles. The Window Genie franchise has Ford Rangers with ladders; the Dream Screen business uses box trucks. They don't utilize hazardous materials. Lenker stated the work is seasonal. Window Genie trucks are busy between March and December and the Dream Screens business is most active in the winter months. Lenker described truck activity stating they pull out at 8:30 a.m. and return by 6:00 p.m. weekdays and occasionally on Saturday. They have six vehicles stored in Byram. The business has grown and they need more room.

The new building would have six doors and could hold up to 12 Rangers (two per door) or 6 Rangers and 3 box trucks. The building is larger than what they currently need. They will not rent out space. They need some area for storage of screens. There will not be toxic materials on the site. They do power washing and the trucks carry one gallon of gasoline. Lenker estimates 6 to 8 employees would park at the site. He described the Dream Screens, noting the screens are cut to fit on location. Customers do not come to this site. Lenker stated employees could park inside the building. Candice Davis was sworn in. She is a licensed professional

engineer in New Jersey. She has appeared before municipal Boards in the State as an expert witness. The Board accepted her qualifications to testify.

Davis referred to Sheet 2 of the site plan which was marked Exhibit A-1, existing conditions. She noted the areas of steep slopes are designated according to the category of the slope. She described the topography in that area. Sheet 3 of 11, the site layout, was marked Exhibit A-2. Davis pointed to the conservation easements marked on the plan in the area of the slopes. She showed the 3,750 sq. ft. building on Sheet 4 of 11, marked Exhibit A-3. The orange line delineates the limits of disturbance. Davis stated she contacted the County about the well location. They had no evidence of a well on the property. Davis submitted copies of the County septic approval and County Planning Dept. communications. She described the drainage and detention basin. She noted inlets collect runoff and direct it to the basin. The basin is for infiltration but also provides temporary storage.

Diane Gillespie of the Environmental Commission stated the Commission would like to see a deed restriction against further infringement in the steep slopes area. Germinario pointed out the area would be protected by the conservation easement. The Zoning Officer would flag any use changes to the Board because a different use could have a different parking requirement. Gillespie also noted the trees at the bottom of the rock outcropping have large snags which are useful for wildlife. The Commission would like to see those trees left intact. Davis pointed to the line of disturbance on Exhibit A-3 and stated they would attempt to keep those trees. Gillespie asked that the conservation easement area be cleared of debris. She suggested the detention basin could be designed as a vegetative basin similar to the basin in the Frelinghuysen Arboretum and noted she had a BMP Handbook for the construction of this type of basin. Stern observed they are considering a recommendation that the basin be put underground. Golden noted this is a small basin with a sand bottom and side walls. The vegetative basin might not be appropriate here. DeVries asked about the effects of recharge on shallow wells in the area. Golden did not think that would be a problem.

There was further discussion about the detention basin. Davis stated it is strategically located so that runoff goes from the rear to the front and it provides for gravity flow. The big advantage, she maintained, is that it is visible for maintenance. Davis noted underground basins can have maintenance issues. Above ground, they can see that it is working properly. They want the runoff to infiltrate into the soil. Davis stated they can change the 1% slope to a 2% slope in the rear. Golden stated he doesn't see a need for concrete curbing around the gravel parking area and would support the applicant's request for a waiver. Davis stated it is not necessary to pave that area. It is flat. Webster asked if the gravel would be hard to plow. Golden noted the gravel allows for some infiltration and cleaning of runoff. Lenker pointed out if it snows they don't work. He stated they have not had a problem with the gravel drive at their Byram site. Stern raised the issue of protecting the well from errant trucks. Golden recommended some bollards in that location. Davis noted the block wall in the rear would be six ft. at the highest. Christodlous stated he had no major objections to the waiver of the curbing.

Golden returned to the question of the detention basin. He stated they could put the basin below the parking area to the rear and leave room for an open swale area in front. Davis stated

they thought their model is adequate. It satisfies the DEP regulations for water quality, etc. She noted there is less than one acre of disturbance. Christodlous asked about the cost of the underground basin. Gormally stated the applicant's concern is that there could be maintenance problems over time if the basin is under the parking area. Stern pointed out the need for the walls in front which would be visible to the motoring public. He stated the basin in front would not leave much room for landscaping. Lenker stated he supports the proposal from an aesthetic standpoint and noted it makes sense from a liability perspective also. Davis noted they did not take soils information in the area of the parking. Lenker stated he would be willing to go with this suggestion. They would like to keep the current plan as an acceptable alternative.

Golden brought up that the original design needs discussion, including on the question of architectural revisions. Christodlous stated if there is no consensus among the professionals the applicant would return to the Board. In a discussion of lighting Davis stated they will submit isolux candles. Lenker stated the lights will be on timers. Discussion turned to the Planner's report. There were questions about the request for a variance on parking. Nineteen spaces are required per the square ft. size of the building. They are providing nine spaces, one per employee. Lenker stated employees can also park inside the building. He stated the building will most likely be used for storage in the future as there is a need for that in this area. Stern stated the variance can be granted just for this specific use. Germinario agreed. Any other use would return to the Board. Davis stated the sight lines are in line with DOT specifications for 500 ft. in either direction at 50 mph. She stated landscaping would be minimal within the line of sight. The applicant confirmed there will be no tractor trailers and no outdoor storage.

In respect to the design waiver for gravel in the parking area, Stern suggested they could mark spaces on the wall but that is not a critical issue. Davis stated they do not propose to do that. Germinario stated a variance is not required for the undersized lot as long as they meet the bulk requirements for the zone. Davis stated they are asking for a variance on the steep slopes. The calculations are shown on Sheet 5. She stated the slopes create a handicap. Golden noted a portion is probably a manmade slope. Crane recalled a lot of debris was left on the site after the prior structure burned down. Stern pointed out the conservation easement protects the rock outcroppings and the applicant has attempted to minimize disturbance by putting the building at the front setback line. The applicant noted no one knows where the well is located. Golden recommended they add a note to the plans stating the well will be capped if it is found.

There was discussion about the appearance of the building. Stern's report recommended alternatives to make it more attractive. The applicant stated he didn't like the idea of windows. They were not consistent with the garage use. Stern suggested false dormers. Lenker stated he would rather alter the appearance with landscaping to break up the façade. Stern stated his concern was the appearance of the foundation across the front. Lensak stated dormers would break up the roof line. He thought 125 ft. of wall in front is overwhelming. Lenker stated he objected to regular windows because they take up wall space that can be used for storage. Phoebus suggested false windows with shutters. Golden suggested cupolas on the roof to break up the look. Howell noted that the garage is next door to the bus company and people traveling 50 mph on the highway are not going to be looking at this building. Stern stated he recommends the false dormers. Cupolas are an attractive feature. He wants to see them on the drawing.

Gromally raised another question noting if additional land is needed in the rear for drainage, could they move the building 5 ft. closer into the front setback. Golden stated he would not have a problem with that. Germinario stated it would be a contingent variance. Gromally stated they would work with the Planner on the landscaping. Crane asked about the loading zone. Davis stated it would be in a designated area, over gravel. There were no comments from the public on this application.

A motion was made by deVries, seconded by Webster, to approve the preliminary and final site plan application of Chessie Associates subject to conditions discussed this evening. Golden noted if there are substantial changes the applicant will return to the Board. Germinario stated the conditions include a performance guarantee for 120% of the cost and any off-tract improvements required. In favor: Crane, Howell, Lensak, Phoebus, Webster, deVries, Boyce, Christodlous. Opposed: None. Motion carried.

RECESS – The Chairman called a recess of the Board from 9:45 p.m. to 9:55 p.m.

EXECUTIVE SESSION – A motion was made by Crane, seconded by Howell, to go into executive session to discuss a matter of potential litigation pertaining to an extension of The Mews use variance application. Phoebus and Webster recused themselves, as Class I and Class III Board members. Phoebus was excused at this time. In favor: Crane, Howell, Lensak, deVries, Boyce, Christodlous. Opposed: None. Motion carried. The Board came out of executive session at 10:43 p.m. on a motion by Crane, seconded by Lensak. All in favor. Motion carried.

THE MEWS – Bl. 108, Lots 1.01 and 1.02, SR zone, Mulford Rd., extension of amended use variance. Germinario stated the applicant has requested to adjourn this hearing until January 16, 2007. The Chairman opened the meeting to the public. Webster asked about the Board's position on a substantial modification and the effect of changes to the land use law. Germinario stated the applicant is under a stop work order at the present time. When the Board decides on the application those issues may be considered. Dan Freed asked if they would revisit the entire application in January. Christodlous stated the decision will be whether to give an extension or require a new application. Germinario noted if the modifications are minor an extension could be granted. Laura Gilsean asked about the age of the application. DeVries stated it is 15 years old at least. Vic Capo asked about the extent of change required to be a new application. Germinario responded it is decided on a case by case basis. He explained the situation could be resolved by rezoning rather than extending the approval. He noted the applicant does not acquire any vested rights by the hearing being adjourned tonight. A motion was made by Howell, seconded by Crane, to adjourn the extension request until January 16, 2007. DeVries stated she thinks this is wrong and pressure from some other entity doesn't make it right. Boyce also agreed it is wrong. No further discussion. In favor: Crane, Howell, Lensak, Boyce, Christodlous. Opposed: deVries. Motion carried.

UPCOMING MEETINGS – The Board decided to cancel the meeting of Dec. 19, 2006.

MINUTES – October 30, 2006. A motion was made by Lensak, seconded by Howell, to approve the minutes as corrected. In favor: Crane, Howell, Lensak, deVries, Christodlous. Opposed: None. Abstained: Webster, Boyce. Motion carried.

September 19, 2006. A motion was made by Crane, seconded by Lensak, to approve the minutes as distributed. In favor: Crane, Howell, Lensak, Webster, deVries, Boyce, Christodlous. Opposed: None. Motion carried.

NEW BUSINESS – Germinario stated the Township received motion papers from Ballantine Woods asking the courts to reopen the hearing. He noted the judge's court order was written to allow reopening of the case without filing a new complaint. Germinario stated he will be defending the Board's position. Christodlous mentioned the Township Committee will hold a special meeting on the tree ordinance. He has arranged to order a tape from a session at the League Convention in Atlantic City on Plan Endorsement that he thought was of interest. Christodlous also noted some changes have been suggested for the Board rules and regulations to bring them into accord with the requirements of a joint board.

VOUCHERS - See Schedule A. A motion was made by Howell, seconded by deVries, to approve the vouchers submitted. In favor: Howell, Lensak, Webster, deVries, Boyce. Opposed: Crane, Christodlous. Motion carried.

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A.

RESOLUTIONS – Resolutions adopted during this meeting are made a part of these minutes by referral to the specific file.

ADJOURNMENT - Time 11:30 p.m. A motion was made by Lensak, seconded by deVries, to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

Stan Christodlous, Chairman

Mary Spector, Secretary