

June 27, 2007

The regular meeting of the Andover Township Land Use Board was called to order at 7:33 p.m. on Tuesday, June 27, 2007 by the Chairman Stan Christodlous.

Present: Members     Thomas Walsh, Class I  
                             Gerald Huelbig, Class II  
                             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, P.P.  
                             Secretary Mary Spector  
Absent:                     Gail Phoebus, Ron Raffino

**FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT**

**OPEN TO PUBLIC** – Meeting open to public for discussion of items not on the agenda. There were no comments from the public.

**WAWA** – Bl. 158, Lot 6, HC zone, Rt. 206 and Brighton Rd., amended final site plan for gas station and convenience store. The applicant's attorney, Timothy Prime, Esq., explained the reason for the proposed amendment. He stated the company is now using a different model of trash compactor which requires a new location on the site. He stated it is a self-contained unit that is picked up and emptied by a truck. Prime notes this change has been made company-wide. Mark Whitaker, P.E., was sworn in and qualified as an expert witness. Whitaker further described the new unit and answered questions from the Board. He stated it is water-tight. He noted recycling is handled separately from the trash and would be done in the same way as presented at the earlier hearing. He stated one advantage to the new container is that it requires fewer trash pickups. Stern noted he made several minor comments on this site plan change in his memo of June 20, 2007. The applicant stated they will agree to those comments. It was noted Condition #7 of the resolution which prohibits external trash enclosures would be changed by this amendment because the trash compactor will be outside of the building.

The hearing was opened to the public. Bob Smith asked how the unit is maintained. Prime responded there is a sanitizer inside the compactor. There being no further questions, the Chairman closed the meeting to the public. In response to a question from deVries, Whitaker explained the means of truck turn around. A motion was made by Howell, seconded by Walsh, to approve the amendment to the site plan for the outdoor trash container. In favor: Huelbig, Howell, Lensak, Walsh, deVries, Crane, Boyce, Christodlous. Opposed: None. Motion carried.

**SALLY DOBSON** – Block 1, Lot 617, Forest Lake Drive, R-0.5 Zone, Minor subdivision/lot line adjustment, carried from June 12, 2007. Paul Abramo, Esq. was present to represent the applicant. He stated the applicant has submitted revised maps and also a new statement from property owners Cocchi and McGowan incorporating the revised maps in their consent to the conservation easements. Germinario confirmed the new submittal is as described. It was marked Exhibit A-2.

Abramo referred to the report from Stern dated June 16, 2007. He stated the applicant can now adequately address the issues of driveways, turns and access on the proposed lots. Stern noted these items may need some further testimony. He also pointed out that the report from the Board Engineer indicates ways to identify the boundaries of the conservation easements. Guerin referred to item #7 in his report of June 20, 2007 wherein he discusses the need to limit development on each lot to “those improvements necessary and incidental to construction of one single family home.” The report stated any development proposed beyond those limits should be referred back to the Board for approval. As an example, Guerin explained there had been discussion of two septic systems on one lot. If that was proposed, it would have to go back to the Board as it is not a situation incidental to a single family home.

There was discussion about the percentage of slope disturbance. Abramo noted they had previously submitted the amount of disturbance for the total parcel. Now they have given the percentages for each lot. DeVries asked about Lot 6.07 and the figure of 71% disturbance in an area that allows only 15% disturbance of steep slopes. Guerin stated they could perhaps disturb less of this area. He noted some of the sloped area included in the calculations is actually less than 15%. He pointed out the applicant wanted to provide a decent backyard area. Guerin thought the calculation of 6,239 sq. ft. of disturbance in this category was conservative. He stated he is certain there are two buildable lots here. Huelbig noted some of the slopes are less than 15% and the primary disturbance is the driveway. Guerin agreed.

There was further discussion about the slope disturbance. Abramo noted there is no disturbance of slopes between 25-35% on Lot 6.07 and less than 1% disturbance of slopes over 35%. He observed the site plan is not proposed for a particular residential dwelling. Crane asked if the house could be moved to the left side of the lot to avoid disturbing slopes. Abramo noted the applicant wants to provide usable space for a yard. There was discussion about the labeling of the soil logs. John McMonagle, P.E., was sworn in. He was noted he was previously qualified by the Board to testify. He stated that he performed the trial septic tests. Crane stated he was curious about the labeling. Jason Lloyd was sworn in. He addressed the labeling of the logs. Christodoulos asked if the Board gets to hear from the applicant when the house is built. Germinario explained that if the house reflects what is on the plans in terms of lot disturbance they would not have to return to the Board. He noted the applicant is locked in as to the amount of disturbance and the wetlands boundaries. Germinario added this is a conceptual layout showing that a house and accessory uses will work. The Board professionals think this represents a reasonable balance in terms of the disturbance of steep slopes.

Lensak noted if the house on Lot 6.07 were flipped to the left side of the driveway the slope disturbance would be eliminated. He stated the location as shown is a poor one. Abramo noted putting the house on the other side would lead to violations of the wetlands boundary.

Germinario stated it would be difficult to develop Lot 6.07 without a variance. He pointed out the Board is not determining the location of the house but only showing that the lot can work. He noted the Board professionals have not stated that the degree of disturbance is excessive. Christodlous asked whether relocating the building envelope would substantially reduce the amount of disturbance. Guerin stated the house could be flipped. It would have a 20 ft. backyard. In the present location the house will have a 50 ft. backyard on a relatively flat area. He noted it could be moved up slightly. He repeated his observation that the rear yard in this location is not as steep as is shown.

The Chairman opened the hearing to the public. Diane Gillespie asked to speak on behalf of the Environmental Commission. She had three exhibits to present which were marked O-1, photos of the property; O-2, Environmental Commission written statement; and O-3, reduced tax map. Gillespie stated she did not take the photos. They were taken by Lois deVries. There was discussion about Abramo's request that deVries recuse herself. Germinario stated she did not have to recuse herself. Walsh questioned that decision. Germinario repeated that deVries did not have to recuse herself and that she should respond to the questions. He also stated she did not need to be sworn in as any Board member can present material. DeVries stated she had been concerned about the size of the wetlands on Lot 17 after a significant rainfall in the spring of this year. Diane Gillespie was sworn in. DeVries stated the storm did not exceed the 100 year storm. Germinario noted deVries has identified that she took the photos.

Gillespie identified Exhibit O-3 as a map of the property in question here. She responded to questions concerning the statement she was prepared to make. DeVries explained the procedure used by the Environmental Commission. She stated she took the photos and talked about them with subcommittee members. She stated no minutes were taken at the meeting. Abramo objected to her giving this report. DeVries described the photos. She asked Guerin how the boundaries of the wetlands are defined, noting they are looking for assurance that the proposed drainage will solve the problems of flooding and not cause future problems. Guerin stated the wetlands were approved by the DEP and the applicant will supply information on drainage at the time of seeking a building permit. The meeting was closed to the public.

A motion was made by Lensak, seconded by Howell, to approve the minor subdivision application and grant the variance relief for steep slopes as shown on the approved plan, subject to conditions. Germinario noted the building envelope is shown on the plans. Guerin stated the building envelope is to be within the limits of disturbance and the setbacks. In favor: Huelbig, Howell, Lensak, deVries, Christodlous. Opposed: Crane. Abstained: Walsh, Boyce. Motion carried.

**RECESS** – The Chairman called a recess from 9:29 p.m. to 9:41 p.m.

**EXECUTIVE SESSION** – A motion was made by Lensak, seconded by deVries, to go into executive session to discuss matter of pending litigation – Ballantine Woods major subdivision. Howell and Boyce recused themselves at this time and left the room. The Board came out of executive session at 10:01 p.m. Howell and Boyce rejoined the Board.

**VOUCHERS** - See Schedule A. A motion was made by Huelbig, seconded by Howell, to approve the vouchers submitted. All in favor. Motion carried.

**OLD BUSINESS** – Crane asked about the status of the Acquavella property. Christodlous asked the Secretary to follow up with the Zoning Officer regarding the outcome of the Court case on this matter. There were also questions about the location of the garage and the number of businesses on that property.

**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 10:22 p.m. A motion was made by Lensak, seconded by Boyce, to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

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Stan Christodlous, Chairman

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Mary Spector, Secretary