

February 20, 2007

The regular meeting of the Andover Township Land Use Board was called to order at 7:33 p.m. on Tuesday, February 20, 2007 by the Chairman Stan Christodlous

Present: Members Gerald Huelbig, Class II
 Gail Phoebus, Class III
 Stan Christodlous
 Michael Crane
 Lois deVries
 Suzanne Howell
 Michael Lensak
 Ron Raffino, Alt. 1
 Attorney Thomas J. Germinario, Esq.
 Engineer Robert Guerin, P.E., Joseph Golden, P.E.
 Secretary Mary Spector
Absent: Thomas Walsh, Diana Boyce

FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT

ALTERNATES SITTING – Raffino for absent member.

The Chairman introduced Ron Raffino, Alternate 1. He also introduced acting Board Engineer, Robert Guerin, who is sitting in on the Dobson hearing because of a conflict.

OPEN TO THE PUBLIC – The Chairman opened the meeting to the public for discussion of items not on the agenda. There were no comments from the public.

SALLY DOBSON – Block 1, Lots 6 and 17, minor subdivision and lot line adjustment, Forest Lakes Rd., R-1.0 and R-2.0 zones. Paul Abramo, Esq., attorney for the applicant, submitted the affidavit of notice and accompanying documents. The Chairman asked Acting Engineer Robert Guerin for his input on completeness of the application. Guerin referred to his memo to the Board of Feb. 6, 2007 wherein he stated the applicant has filed everything as required by the checklists and Review Committee recommendations. A motion was made by Phoebus, seconded by Huelbig, to find the application complete. In favor: Crane, Howell, Lensak, Phoebus, deVries, Huelbig, Raffino, Christodlous. Opposed: None. Motion carried.

Abramo described the proposed minor subdivision and lot line adjustment. He noted the property line between Lot 17 and Lot 6 was on a tangent when first established for reasons that are not clear. The application proposes to rotate the line 30 to 40 degrees to make it more perpendicular to the road and provide sufficient acreage to the proposed new lot. Abramo stated the resulting lots meet all bulk requirements. He referred to the report from the Board Planner which questioned the purpose for the lot line adjustment. Abramo mentioned the owners planned to sell the new lot. He stated the Planner's report refers to three bedroom houses. Abramo noted the size of those houses would depend on what the future owners want. He stated what is shown

is a feasible configuration. Guerin pointed out the footprint shown on the plans would determine the limit of disturbance of the property. Germinario noted if the footprint is altered they would have to return to the Board. Abramo stated they are not making an application for a residential site plan but they do need to show the stormwater can be handled on site. DeVries noted the ground to the back of the property is relatively impermeable. Abramo stated the permeability is very good. DeVries disagreed with that statement. Guerin explained they would probably want to discharge stormwater into the wetlands. He noted a flat area on proposed Lot 6.07 could handle a dry well.

There was discussion about the location of the driveways. Abramo noted the driveway on the proposed new lot was relocated to avoid the need for a DEP permit at this time. Guerin indicated the location of the driveway on Lot 17 is shown between the wetlands. Germinario pointed out that because of the steep slopes ordinance the property owner can't just change things around. A modified version of the site plan dated 1/7/07 was marked Exhibit A-1. It shows how the lot line would be rotated to create the lot line adjustment. Abramo noted areas A and B would be exchanged. He stated it improves the feasibility of the septic for Lot 17.

The applicant's surveyor, Gary Schick, P.L.S., gave his credentials. He has been a licensed surveyor in NJ for 16 years. Guerin stated he would accept Schick's qualifications to testify. Schick stated the sight lines are accurately drawn on the plans to the best of his knowledge. Guerin had no questions. Abramo referred to item 1.6 in Stern's report concerning the architectural design of the homes. He stated this is an appropriate concern for the future owners. Abramo pointed out the ordinance does not require showing the traveled way on the plan. Guerin noted the information is shown on the plan by Schick. He suggests it be on the site plan also. It is a minor item. As to item 1.8, Guerin stated the plans should show the existing area of Lot 6 and Lot 17.

John McMonagle, P.E. from Global Engineering was sworn in. McMonagle stated he has a current license to practice engineering in NJ and has been practicing for 20 years. His qualifications to testify were accepted by the Board. Referring to the Stern report, Abramo stated he did not know about retaining walls. Guerin stated this comment is to advise the applicant that a building permit would be necessary for a retaining wall. After some discussion Abramo agreed they would add a note to the plans about electrical wires being put underground. McMonagle noted they would be disturbing slopes between 25-35%. They did not consider the whole tract when making the calculations. Had they done so the numbers would have been reduced. Abramo pointed out they will not be disturbing the existing Lot 6 and it would be expensive to make a theoretical calculation. He didn't think the number was necessary for this Board to make an informed decision.

Guerin stated it wouldn't serve any purpose to do additional topo work. He suggested the area of disturbance in the 15% to 24.99% range be limited to 1,502 sq. ft., no matter what the percentage is. DeVries asked about 11% figure. McMonagle stated he had revisited that question and the worst case scenario is 30%. Guerin noted the Board would be limiting the area of disturbance. He explained the 1502 sq. ft. represent 30% of the area of the tract for which they did topo. This percentage would be some percentage less if they included the entire tract.

DeVries pointed out these numbers are for Lots 17 and 6.07. Abramo stated the area in question is a small disturbance. Christodlous stated he wanted to know how much less the percentage of disturbance would be if the total lot was used for the calculation. Germinario stated Bob's suggestion is a practical one if the Board wants to grant a variance. He noted whether the variance is justified goes to the issue in part of the extent of the disturbance and how serious that is, as the applicant's attorney stated, and also the issue of limiting the slope disturbance and whether the disturbance can be further minimized.

McMonagle stated the driveway on Lot 17 is on the slope because of the location of the wetlands. It is the least amount of disturbance they could figure based on three tries. Guerin noted the driveway on Lot 6.07 would have to cross steep slopes to get to the flat area. He pointed out there would be less disturbance if the footprint of the house were reduced. Germinario noted the house is a relatively modest size and they have made an effort to reduce the disturbance. Lensak asked how much would be disturbed on each lot. McMonagle stated they can supply those figures. Germinario stated a lot by lot breakdown is not required by ordinance. Christodlous stated they have not met the requirements of the ordinance. Germinario noted they could require the topo on Lot 6 although Guerin has stated it may not be necessary.

DeVries asked if the 1500 sq. ft. were split evenly, whether either lot would be buildable. Guerin stated the applicant would have to determine the amount of disturbance on each lot based on this plan. That way each buyer would know how much could be disturbed and if they wanted to exceed this amount they would have to return to the Board. This could be made a condition of the resolution and a deed restriction. Germinario asked for c1 or c2 evidence for the variance relief. He summarized McMonagle's testimony noting the applicant would most likely need variance relief based on the topographical features that uniquely affect this property. As to the negative criteria, McMonagle stated the driveway conforms to the slope and provides the best alternative. There is no adverse affect on the neighborhood or the zone plan. Discussion turned to the Planner's suggestion to consider conservation easements on the slopes to the rear. Germinario stated the easement requires that the slope be left in its natural state. He stated it is a standard procedure and part of the mitigation effort. Abramo stated the applicant does not have the authority to grant a conservation easement for Lot 17. Germinario stated the Board can not made a variance subject to conditions. He suggested the applicant get the permission needed from the property owner and return to the Board with that consent. The Board was unanimous in that they wanted to see a conservation easement on the area of steep slopes. It was decided to carry the hearing to March 20, 2007 without further notice.

RECESS – The Chairman called a recess from 9:20 p.m. to 9:30 p.m.

WAWA – Bl. 158, Lot 6, HC zone, Rt. 206 and Brighton Rd.; final site plan for gas station and convenience store. Timothy Prime, Esq. was present for the applicant. He explained they are here tonight for final approval. The site is a 9 acre lot. They are granting a conservation easement of 6 ½ acres for open space. The conforming site plan for a 5,700 sq. ft. convenience store and gasoline tanks meets or exceeds the bulk requirements. Sign variances were granted.

Prime reminded the Board that no access was permitted from Rt. 206. Sussex County Planning Board will allow two driveways from Brighton Rd. The County approval is still pending because of off site improvements required. Prime noted no contributions are required to the Township for off site improvements because the applicant is installing them. He noted the driveway closest to Rt. 206 is limited to right turn in, right turn out only. They have agreed to put in a left turn lane. That agreement delayed them and it required they make some minor adjustments on the plan. They will have an on-site septic system that requires a TWA. That will delay things because of the time needed to get DEP permits. Prime summarized they are waiting for permits from the DEP, the LOI and SCPB. He stated they are confident those will be coming soon. They are also waiting for word from the Township Attorney on the amount required for the affordable housing contribution.

Prime referred to reports from the Board professionals. He noted minor revisions are needed and those will be made. He stated they have a problem with the requirement for foundation plants in the front as recommended in the Planner's report. They agreed to meet with Stern to discuss that issue further. Germinario stated the conservation easements have been submitted and the application will be deed restricted against further subdivision. He noted the recommendations of the Board professionals will be incorporated into the resolution of approval. It would include a generic condition on bonding. Golden asked that they show that delivery vehicles can get in and out. Mark Whitaker, site engineer with Kendarian, stated they will provide information on truck turns for Golden. Golden also mentioned the submission of autocad plans. DeVries reminded the applicant about the window between April and October for the Indiana bat and asked if there wasn't another time they had agreed to. Prime stated he would check on that. The Chairman opened the hearing to the public. Carla Kostelnik asked about role of Applied Water Management. Prime stated they will manage the septic and well on site.

A motion was made by Howell, seconded by Phoebus, to approve the Wawa final site plan application, subject to conditions as mentioned during the hearing. In favor: Crane, Howell, Lensak, Phoebus, deVries, Huelbig, Raffino, Christodlous. Opposed: None. Motion carried.

VOUCHERS - See Schedule A. A motion was made by Howell, seconded by Lensak, to approve the vouchers submitted. All in favor. 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 9:53 p.m. A motion was made by Phoebus, seconded by Lensak, to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

Stan Christodlous, Chairman

Mary Spector, Secretary