

MINUTES
Andover Township Land Use Board

August 5, 2008

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, August 5, 2008 by the Chairman Stan Christodlous.

Present: Members: Stan Christodlous
Bob Smith, Class III
Lois deVries, Class II
Suzanne Howell
Michael Lensak
Gerald Huelbig
Diana Boyce
Absent: Gail Phoebus, Class I
CeCe Pattison
Ron Raffino, Alternate

Secretary T. Linda Paolucci

Professionals: Joseph Golden, P.E.
Absent: Thomas Germinario, Esq.
Russell Stern, P.P.

FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT

OPEN TO THE PUBLIC – The Chairman opened the meeting to the public. Carla Kostelnik of 50 Greendale Road, Andover, NJ from the public spoke regarding the concern of the public about the zoning around the airport. Kostelnik discussed the history of the zoning around the airport and how it got to be that way. She stated that there is an administrative law that applies to airports that are deemed as “public-use” and that there is such a thing as the “air safety hazard zone” and that under the shadow of this envelope, the State says that you cannot zone anything that is not developed under that shadow as “residential”. Kostelnik further stated that she is not sure whether or not the law has changed but wished to inform the Board about it for consideration of any future re-zoning. Smith thanked her for the information and told her that they are aware of the situation.

BALLANTINE WOODS, LLC – Block 6, Lot 3.02 & Block 7, Lots 10, 10.01 & 10.03 – Final Major Subdivision, Phase A. Chairman Christodlous informed the public that tonight’s hearing is for “completion only” and, therefore, is not open to the public for discussion. Howell and Boyce recused themselves from the application.

Joel Kobert, Esq. of Courter Kobert of Hackettstown, NJ stated that he is representing the applicant. Kobert reviewed the report of the township engineer, Joseph Golden. Golden stated that the applicant responded to his initial comment letter and has subsequently received additional information from the applicant. He continued that everything the he requested in the

comment letter has been provided. He stated that there is an issue with the As-Built profiles as far as the storm drain system and that our checklist says that the As-Built will include profile views of the storm drain system, but that is not typical to an As-Built and has not been provided and, therefore, this is an item that can be waived for completeness. He stated that the information that is contained in the As-Built drawing profile view is redundant with the information that is shown in the plan view. He continued that the other item is the key map, as since the original application the key map has been changed a bit, which he finds to be complete. He stated that technically he does not have a problem with the three waivers that the applicant had requested in his report of August 5th, given to the applicant, which paragraphs are know as *Paragraphs 4, 5 & 6*.

Christodlous asked for a motion to approve with the three waivers noted by Golden and Kobert. Lensak made the motion, second by Smith. In favor: Huelbig, Smith, DeVries, Lensak, Christodlous. Opposed: None. Motion carried.

DYKSTRA (AN45 LLC) – Block 106, Lots 15, 9.03, 9.05, 9.06, 9.97, 9.08 & 9.09, Limecrest Road, Minor Subdivision/Lot Line Adjustment – Chairman Christodlous recused himself from this application and turned the meeting over to the Vice-Chairman Mr. Lensak. Lensak stated that this is a “completeness hearing” for Dykstra application. Coleen Cunningham, Esq. of Lucas & Gaus, 61 Spring Street, Newton, New Jersey stated that she is the attorney representing the applicant. Bob Tessier of Dykstra Engineering, Andover Township, NJ introduced himself as the planner for this project.

Tessier informed the Board that the property consists of 57 acres and was originally in the Turco Estate. Also, at one time it was in a proposed sewer extension area but the township took it out of that. AN45 LLC purchased the property to subdivide it for some houses. A wetlands delineation was conducted and the owner found that the cost of getting a road in through some of the surrounding three lots would be quite expensive and, therefore, the surrounding neighbors were willing to cut up the piece of property and purchase it. He explained that of the 57 acres 37 acres would be attached to Stan Christodlous property, next to that is 15 acres which would be merged with Lee Dykstra’s lot and four other pieces will be taken out and merged for the other four home owners. He continued that this is a minor subdivision and is not proposing any development or construction but just creating one less lot and some large lots. Tessier stated that the applicant has applied for a Letter of Interpretation but is not really proposing any development there. He continued that a boundary survey and new deeds will be filed for each home which will make the merged piece a part of their individual lots. He stated that with the L.O.I. application, of which the Municipal Clerk received a copy of, contains the soil classifications as that map must be included with the application. He continued that the applicant has requested waivers from producing certain drawing at this time as this property will now be divided up into a series of lots which all have a principal use on them of a single family home, therefore, if there were to be any further subdivisions or different principal use it would need to come back before the Board.

Golden explained that his review was for “completeness” only and it did not cover all of the technical aspects and defers *Item 31* on the checklist to the Environmental Commission on what their perspective is environmentally with the lot. DeVries stated that she found the field

marking to be poor upon her inspection of the lot. Tessier answered that the wetlands were delineated two years ago and went out and looked at the wetland flagging which was flagged when it was previously inspected but recognizes that it may not be currently flagged as they may now have fallen. DeVries commented that that condition has made the inspection of the Environmental Commission that much more difficult, however, more pertinent is the fact that there were no markings for the portions of Lot 15 to be added onto the persons existing lot and one of the things of interest to the Environmental Commission was particularly the border between Christodlous' lot and Dykstra's lot because it does go through the wetland. However, she questioned Golden as to whether this type of flagging would be done before or after. Golden answered that the wetland flagging could have been done at anytime and applied for. Golden stated that he did notice that on the plan it did say that there were pins set on the property corners and questioned the applicant's planner whether or not they are "to be set" or "have been set". Tessier stated that he believes that the pins have now been set, however, if they are not presently, they will have to be set in order to get the deeds filed. DeVries said that she could not decipher the location of the lots because of the missing information. Golden stated that a reasonable request would be to have the flagging put on the approximate corners before the next hearing. Tessier said that he has a copy of a wetlands map that he had to give to the DEP with his application and Golden asked for a copy of the wetlands map. Tessier stated that he had to make changes to the map in accordance with the request of the DEP. DeVries continued that she has a question that if the wetlands boundaries are not adequately flagged now how would the DEP determine their findings if this be the situation. Tessier stated that the DEP was out approximately eight months ago and the flags were in the field at that time and the DEP went out again and requested that a couple of new flags be put in the area. Golden suggested that it might be helpful to have a colored version of the map indicating wetlands and steep slopes areas. Tessier stated that there are no steep slopes on the property and they may even have the LOI back at the time of the next meeting and will supply the Board with a copy of the map that will show the boundaries, etc. then.

Lensak questioned DeVries on what type of constraints is she talking about putting on the lots. DeVries stated that that would be a matter of discussion with the planner and does not wish to get into the merits of it now. However, the Board is supposed to be planning for the future when looking at this subdivision and the Board may wish to put certain deed restrictions or other legal requirements on the properties once they are subdivided and without having clear information on those matters she would rather the Board have all the information before making those kinds of decisions.

Boyce questioned Tessier regarding a letter from Stacy of the DEP wherein she was requesting modifications to the map submitted with the LOI. Tessier answered that the map that he will be preparing before the next meeting will include the current map that Stacy has with all of the changes requested on it. Tessier mentioned that the DEP had located one vernal pool on the property. Lensak asked for a motion to deem the application complete. Golden suggested deeming the application complete with waivers for *Items 15, 18, 21 & 31* of the checklist subject to a color coordinated graph depicting the constraints. Cunningham asked whether or not the EIS statement was also part of the granted waiver. DeVries stated that she did not have a problem with the waiver for the purpose of this subdivision. A motion was made by Howell,

Second by Smith. In favor: Howell, Huelbig, Smith, DeVries, Lensak, Boyce. Opposed: None. Motion carried.

MINUTES – July 15, 2008. A motion was made by Christodlous, seconded by DeVries to approve the minutes. All in favor: Howell, DeVries, Lensak, Boyce, Christodlous. Opposed: None. Motion carried.

VOUCHERS - See Schedule A. Motion was made for approval. A motion was made by DeVries, seconded by Christodlous to approve the vouchers submitted. All in favor: Aye. Opposed: None. Motion carried.

OLD/NEW BUSINESS – DeVries asked if Golden could give an update on the problem with the septic on the property of Casa Bellissima Golden stated briefly that the engineer went to his office with the intention of submitting a revised plan as to the drainage problems and did not go into further discussion at this time.

Anthony Massaro, from the public stated that he lives on Current Drive in Andover Township and stated that he does not understand a vote for “completeness” and wetlands information, etc.. Golden answered that the identification of “completeness” is to say that there is enough information given in order for the Board to make an informed decision regarding the project. The wetlands were shown on the plans but they just did not have the original map that was sent to the DEP but they did have wetland flagging and did have wetland boundaries marked on the plans that were submitted. He continued that the remaining items that were waived were not pertinent to the application. Golden stated that anything that was needed for the Board to make an informed decision he believes was shown on the plans. There was comment regarding discussion of an application without the applicant being present. Lensak stated, and Massaro agreed, that he was just inquiring about general information as to the “completeness” process. Lensak went on further to explain the process. Massaro also had a question on another matter regarding a left hand turn off of Ballantine Road. Golden stated that the new road is called Ballantine Woods Way, which will be separate from the old Ballantine Road, and it is Ballantine Woods Way that you cannot make the left off of, not Ballantine Road.

Jeff Wolk from the public questioned DeVries on why the environmental impact study was waived at this point in time. He also questioned why since this is essentially a re-structuring of lot lines and eventually this particular minor subdivision is going to be conveyed to all of the individuals who are going to be purchasing various lots from it, he does not know if there will be any deed restrictions imposed and if there are really any reasons for anyone to have to be concerned about environmental issues, etc. if deed restrictions are imposed. Lensak stated that this question will have to wait to be answered for the hearing when the applicant is present.

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A.

ADJOURNMENT - Time 8:25 p.m. A motion was made by Howell, seconded by Smith, to adjourn. All in favor. Opposed: None. Motion carried.

Respectfully submitted,

Stan Christodlous, Chairman

T. Linda Paolucci, Secretary