

DRAFT  
MINUTES  
Andover Township Land Use Board

June 17, 2008

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, June 17, 2008 by the Chairman Stan Christodlous.

Present: Members     Gail Phoebus, Class I  
                               Bob Smith, Class III  
                               Lois deVries, Class II  
                               Stan Christodlous  
                               Suzanne Howell  
                               Michael Lensak  
                               CeCe Pattison  
                               Gerald Huelbig  
                               Diana Boyce  
                               Ron Raffino, Alt.  
                               Secretary T. Linda Paolucci  
Professionals: Thomas Germinario, Esq.  
                               Joseph Golden, P.E.  
                               Russell Stern, P.P.

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

**OPEN TO THE PUBLIC** – The Chairman opened the meeting to the public. With no member of the public coming forward the Board continued to the next item on the agenda.

**MINUTES –May 20,2008.** A motion was made by Pattison, seconded by Howell to approve the minutes. All in favor: Aye. Opposed: None. Motion carried.

**RESOLUTION – A Resolution of the Township of Andover, County of Sussex and State of New Jersey Endorsing the Lackawanna “Cut-Off” Passenger Rail Restoration Project and Urging New Jersey Transit Corporation, The Commonwealth of Pennsylvania and the Federal Transit Administration To Work Together for a Timely Completion of the Project**

– There was discussion regarding the contribution the rail restoration would make to the community. Phoebus stated what was explained to her was that the project is still four to five years off and when it is built it will be a small platform with sixty parking spaces and the maximum that will ever be put there is 125 parking spaces. She continued that there will be no one working there, there will be a platform with a ticket requirement and within another 5 to 6 years after the platform is built there will be a tunnel constructed that is going under the Hudson. Phoebus continued that an engine is being designed that will operate on diesel up into the tunnel and then switch over to electric. She stated that within another five years a passenger will be

able to get on the station and go directly into the heart of Manhattan. There was further discussion amongst the Board members as to the impact that the station would have on Andover Township.

A motion was made by Pattison to approve the Resolution, seconded by Boyce. In favor: Pattison, Howell, Huelbig, Phoebus, Smith, Lensak, Boyce, Christodlous. Abstained: DeVries. Motion carried.

#### **INFORMAL DISCUSSIONS -**

- **An Ordinance of the Township of Andover, County of Sussex, and State of New Jersey Amending and Supplementing Chapter 3, Administration of Government, of the revised General Ordinances with the Creation of Article XXVII, Code of Ethics**

There was discussion regarding the typographical errors and some missing items. Smith stated that there are missing functions such as Construction Official, Electrical Inspector, Fire Inspector and Court Clerk. Golden said also missing are Land Use Board Engineer and Planner. Christodlous stated that the suggestions that were made by Smith and Golden should be added to the ordinance. There was much further discussion regarding inaccuracies, typographical and grammatical errors. The Board members agreed that the Ordinance needs to be edited in accordance with the discussion had this evening. Some of the members of the Board suggested that Chairman Christodlous be the person to do the editing. Christodlous stated that he would be willing to make the editions if the Township Committee recommends that he do so. Germinario stated that the Board seems to be in agreement that the ordinance as it is written is not ready for introduction. Phoebus stated that this ordinance would be brought up at the next township committee meeting to see if they agree on allowing Christodlous to edit the ordinance.

- **An Ordinance of Andover, County of Sussex, and State of New Jersey Amending Chapter 74, "Land Use Procedures", Section 74-56, "Professional Review and Expert Witness Fees", of the Revised General Ordinances**

There was discussion regarding the language of the ordinance and the attached draft of the newly proposed escrow fees. The Board members discussed the problems with escrow fees running out before all of the professionals have been paid for their services. Christodlous questioned whether or not it was possible to request a larger amount of monies from the applicant for escrow fees after approving an application in order to allow the Board some options should the developer not build the project as planned. Golden stated that there are many towns that have a section of the ordinance that deals with what happens to escrows after approval for inspection and require four percent of construction costs of which the township presently does not impose. Golden spoke of the soil erosion fees also. Germinario stated that a note needs to be made that when revising the ordinance for fees language must be added that before you get to the point where work on the project or the processing of the application is going to stop, the applicant must be notified of it. There was questions regarding how to charge for special meetings or if someone wants to come in and meet with a subcommittee. Christodlous suggested that the whole

matter be revised in accordance with the discussion had tonight and to come before the Board again for review.

- **Protocol for completeness and public hearing.**

Christodlous commented that his understanding was that the Board members agreed that they were not going to hear an application on the same night of completion review. Golden commented that he understood that it was left at the discretion of the Board to hear both and was only supposed to be meant for the second round, not the first round, the concept being that if Golden and/or Stern review the plan and find it only deficient for two items or so and it is deemed "incomplete" subject to those two items. He continued that if the applicant gets it in two weeks in advance of the full hearing and the Board feels the information to be provided is trivial and there is enough time for the professional to do their review, then it may still be heard. Stern said that on the simple applications this may be possible but on larger applications it will be difficult. Golden agreed and said that this is the reason why it is written into the memo to keep the level of discretion in to be able to hear an application on the same night as completeness. Stern recommends that the Board "hear" an application 28 days after it is deemed complete by the Board. There was further discussion amongst the Board members.

- **Discussion of modification to checklist as required as a pre-application meeting with the County for any subdivision with a discharge greater than 2,000 gallons p/d regarding Wastewater Management.**

Golden explained that the County Wastewater Management Plan and the new septic regulations are at present somewhat vague and believes that somewhere down the road this will be clarified, however, right now it is difficult to advise an applicant on what the criteria is. Germinario stated that the general principal is that if an applicant is applying for a site plan or a subdivision and it is an essential element is of course, wastewater management and the burden is on the applicant to demonstrate that they can meet the county's criteria. Golden stated that the suggestion is that the applicant goes to the County for a pre-application meeting before coming before the Board. There was agreement that this should be a checklist item for major site plans and major subdivisions. The Board agreed that Golden should meet again with the County before making the changes to the checklist, which ordinance will also be amended.

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

**MATERIAL RECEIVED, GENERAL INFORMATION** - See Schedule A.

**OLD/NEW BUSINESS** - Golden informed the Board that Casa Bellisima is not in compliance with their approval and the next steps are being taking. Germinario stated that he sent a letter to the township attorney indicating that in his opinion is the Board at this stage can do nothing further without the applicant coming before us for an amended site plan approval and we cannot compel the applicant to do so and stated that the township attorney is investigating this further.

A motion was made by Lois DeVries to cancel the meeting of July 1<sup>st</sup>, 2008 for no new business. Seconded by Gail Phoebus. All in favor: Aye Opposed: None. Motion carried.

**ADJOURNMENT** - Time 9:27 p.m. A motion was made by Phoebus, seconded by Howell, to adjourn. All in favor. Opposed: None. Motion carried.

Respectfully submitted,

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Stan Christodlous, Chairman

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T. Linda Paolucci, Secretary