

April 17, 2008

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

Present: Members Bob Smith, Class III
 Lois deVries, Class II
 Stan Christodlous
 Suzanne Howell
 Diana Boyce
 CeCePattison
 Ron Raffino, Alt.
Secretary T. Linda Paolucci
Absent: Gail Phoebus, Class I
 Gerald Huelbig
 Michael Lensak

FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT

OPEN TO THE PUBLIC – The Chairman opened the meeting to the public.

From the public Diane Gillespie of Andover-Mohawk Road spoke and questioned if Jim Cutler’s letter (the Zoning Official of Andover Township) that is mentioned on the agenda would be open for public discussion. Also, Carla Kostelnik of 50 Greendale Road questioned if the issue of well monitoring listed on the agenda would be open for public discussion. The Chairman stated that “yes” both topics would be open to public when addressed at tonight’s meeting.

Michael Crane of the public wished to discuss articles that appeared in the local newspaper regarding Board members and was advised by that this was not considered a Land Use Board matter and if he wanted to, he should bring it before the Township Committee. Crane also requested information regarding this year’s budget and Smith advised that it was public information and he could go to the Town Hall to obtain the information.

MINUTES – January 15, 2008. A motion was made by Smith, seconded by DeVries to approve the minutes as distributed. In favor, Howell, Pattison, Smith, DeVries, Boyce, Christodlous, Raffino. Opposed: None.

OPEN SPACE – Adoption of Open Space Plan as an Amendment to the Master Plan. Dan Freed, 85 Lawrence Road, Andover, NJ, Chairman of the Open Space Committee, stated that in the year of 2006 the Open Space referendum was passed, which gave the township the opportunity to set up the Open Space Committee. He continued that over the past year the committee has been working on a primary pre-requisite for working on obtaining matching funds in order to be able to carry out long term open space initiatives. He stated that the Open Space Plan was produced with the assistance of the Morris Land Conservancy, and is only a planning tool, which is an outline of the work that needs to be done by the Open Space Committee. One

of the key requirements and purposes of the Open Space Plan is to put the committee in a position to apply for “green acre” funding, he stated. Freed went on to explain there are two primary maps shown in the Open Space Plan, one is open space map which takes the tax map information and categorizing all the different parcels within the township so that the planning body can start looking at the different target areas and understanding that this is an opportunity to look at areas for land acquisition. He explained that nothing happens without a willing seller. In conjunction with that, he continued, the other map is a “greenways map” which indicates the parks, farm belts and trails where there may be opportunities to expand upon. Freed stated that the Open Space Plan is a planning document and not a commitment to any particular property unless there is a willing seller for that particular piece of property.

Freed explained that the look of the Open Space Committee going forward is to take a look at both open space opportunities, greenways planning and opportunities to the township to evaluate for open space.

Smith commented that in his opinion the Open Space Plan is a beautiful piece of work and also a very good source of history of the township of Andover. He commented on some of the changes that he believes should be corrected in the document such as on *Page 2.2* it mentions that Mayor Phoebus opened the meeting, whereas it was Mayor Tom Walsh at that time. He continued that on 2-5 it mentions “properties that are about to be, or pending” for farmland preservation, which mentions the *Pattison Farm*, and the fact is that at this point in time it has taken place. He continued that the other question is on 3-2 there is mention of a parcel on Lake Iliff Road of 19 acres and Smith believes that that parcel is 60 acres and it should be checked for the correct reference to the size of the parcel. Smith stated that on the survey, he was one of the first to respond and his name is not indicated on the list.

Chairman Christodlous stated that the role of the Land Use Board in approving the Open Space Plan is to make it an integral part of the township’s Master Plan. Christodlous also advised that if a motion is made to approve the Resolution for the adoption of the Plan that it should be approved with the incorporation of the recommended changes as previously stated by Mr. Smith.

A motion was made to approve the Resolution Adopting the Open Space Plan Element of the Andover Township Master Plan. The motion was made by Smith, seconded by Ms. Howell. In favor: Pattison, Howell, Smith, deVries, Boyce, Raffino, Christodlous. Opposed: None. Motion carried.

Christodlous stated that the next item on the agenda is the Water Well Testing Ordinance and the task of the Land Use Board tonight is to find that this Ordinance is consistent with the Master Plan and if so, to forward it to the Township Committee for introduction. Germinario pointed out that the Board members have already received the Board’s Planner, Russell Stern’s, report dated April 13, 2008 which analysis states that this ordinance is consistent with the Master Plan.

The Chairman opened up to the public any comments on the ordinance. Carla Kostelnik of Goodale Road questioned the contents of this ordinance when it comes to farmland and who is

exempt and who is non-exempt from the NJDEP requirements as to agricultural wells. Germinario explained that the provision that Kostelnik is questioning is being inserted in two provisions of the Land Use Ordinance that deals with subdivision approval and site plan approval. Therefore, he continued, if the farmer is not involved with either of those two conditions, it will not apply to him or her.

There was additional discussion concerning the well testing. Christodlous explained that the motion to be made by the Board was to find that the ordinance is consistent with the Master Plan and that there will be open discussion at the Town Committee meeting. He went on to explain that the Town Committee has had its introduction concerning the well testing ordinance and will have a public hearing on it.

A motion was made to approve that the Ordinance Consistent with the Master Plan by DeVries and seconded by Howell. Approved: Howell, Pattison, Smith, DeVries, Boyce, Raffino and Christodlous. Opposed: None. Motion carried.

Germinario recommended that the letter received by James Cutler, Zoning Official dated March 28, 2008 detailing possible sites for zone changes, be discussed at the next Master Plan Subcommittee meeting and to invite Cutler to that meeting. Germinario went on to explain that before anything can be done it would have to be incorporated into the Master Plan Re-examination report. He explained that there is an on-going amendment to the Re-exam report in the works, therefore, it would be best to meet with Cutler at the Subcommittee meeting and go over the suggestions and then to come back before the Board with what transpired at that meeting and will be open to the public for any comments. Smith stated that he agreed with Germinario that the letter is simply the attempt of Cutler to create some type of consistency and logic out of what is existing now and is not an attempt to go through a zoning. Christodlous explained that Cutler was not requested by the Board to produce the letter and he, Cutler, is basically producing a list of the things that he finds are incongruous with the zoning as it exists now.

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

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A.

ADJOURNMENT - Time 8:33 p.m. A motion was made by Smith, seconded by Huelbig, to adjourn. All in favor. Opposed: None. Motion carried.

Respectfully submitted,

Stan Christodlous, Chairman

T. Linda Paolucci, Secretary