

MINUTES
Andover Township Land Use Board
November 25, 2008

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, November 25, 2008 by the Chairman Stan Christodlous.

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

Secretary T. Linda Paolucci

Professionals: 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. As no one from the public stepped forward Christodlous closed the public session.

GREGORY FISCHER – Block 59, Lot 3.03 – Steep Slopes Variance.

Anand Dash, Esq., of Dolan and Dolan, Newton, NJ stated that he is representing the applicant, Gregory Fischer. He stated that the application is for a single family dwelling and the lot has an existing driveway, the major note is the steep slopes variance that is required. Dash stated that he understands that the Board requires to see architectural plans and his client does have architectural plans and can provide them. Golden commented that the plans are not required for this evening's meeting that for the purpose of "completeness" but the applicant must provide them at least ten days in advance of the hearing. Stern agreed.

Golden commented that in accordance with his report of October 28, 2008 – Completeness II – he had no problem with waiving the need for an L.O.I. as the property is on a steep slope and a report has been provided with information for the run-off. Christodlous asked DeVries if she agreed with this and after further discussion it was agreed upon. Golden continued that he recommends in accordance with his report of October 28th that the matter be deemed complete for "completeness review". Items to be waived from the Checklist are *Item 5, Item 20, 25, 26, 27, Item 30* (for completeness only), *Item 32 and Item 33*. Christodlous asked for a motion to deem the application complete. Lensak made the motion, second by Phoebus. In favor: Pattison, Huelbig, Howell, Phoebus, Smith, DeVries, Lensak, Boyce, Christodlous. Opposed: None. Motion carried.

ALMA LANE – Block 156, Lots 1 & 2 – Final Major Subdivision.

Jeff Careaga of Careaga Engineering of Budd Lake, NJ stated that he is representing the applicant, Alma Lane. Careaga stated that he now has copies of the Environmental Impact Statement to provide to the Board and handed out some copies to its members, others to be

provided if necessary. Careaga stated that Wade Wander of Wander Ecological Property has co-authored the EIS with Careaga and discusses the fact that there are no wetlands within the site. He continued that a Letter of Interpretation from the DEP will be applied for if the Board requires it, and, therefore, requests a waiver for completeness. Golden suggested that the LOI can be a condition of approval. The Board agreed and asked the applicant to provide the Board secretary with a copy of the cover letter requesting the LOI. DeVries had questions about the flagging of the property to investigate certain conditions of the property and Careaga stated that the property is currently flagged.

Careaga requested a waiver for completeness with regard to the testing of wells. He continued that the well testing will be done but would like to be able to proceed with an initial public hearing before meeting all of the conditions of the well testing ordinance. The Board agreed to waive the well testing for completion only.

Stern stated that information should be provided from the applicant with regard to his statements to the Board of August 29th.

Golden mentioned that there will be off-site improvements which will require from the applicant a phasing plan, traffic control report, vehicle access, etc. and the hearing cannot be heard until all these documents are submitted. Stern asked whether or not the information can be provided to the Board within the next two weeks. The motion made was to deem the application complete subject to receipt of information regarding off-site improvements and to waive for completion only. Motion made by Howell, second by Phoebus. Approved: Pattison, Howell, Huelbig, Phoebus, Smith, DeVries, Boyce, Lensak, Christodlous. Opposed: None. Motion carried.

Christodlous reminded the applicant to be prepared to discuss the issue of COAH at the time of the hearing and that the units are usually required to be built on site.

DINA'S LLC – Block 106, Lot 19, Preliminary & Final Site Plan (Amended) –

The Engineer was sworn in, Alfred Stewart, Jr. of 25 Pine Street, Suite 204, Rockaway, NJ. The applicant and owner of Casa Bellisma/Dina's LLC, Eddie Xhudo of 269 Newton-Sparta Road, was also sworn in. Dina Xhudo, owner/applicant of Casa Bellissima/Dina's LLC was also sworn in.

The Engineer gave a summary of the application. He stated that for the preliminary and final site plan the applicant is proposing an addition to the building and providing information of a previous application and approval which is the addition of some excavation in the rear parking area that was proposed and the wall was extended out further than what was originally provided and proposed and the applicant is before the Board to clear these matters up.

Golden summarized in his report that the applicant is applying for a 3600 sq. foot expansion and has twenty-seven seats and asked the applicant's engineer if this is consistent with their plans. The applicant's engineer stated that "yes" it is. Some of the Board members stated that they do not have a set of maps show the addition. Christodlous stated that he was informed by the Board secretary that only the professionals are in receipt of the correct maps that included the expansion. Christodlous stated that there are many conditions that still need to be discussed without the maps that still need to be provided to some members of the Board.

F. William Lavigne, Esq. of Dover, NJ stated that he is representing the applicant.

The Engineer stated that he has a copy of the Certificate of Compliance for the septic system that was put in place and the design was for 99 seats in the structure and there are currently 72 seats and is proposing an additional 27 seats which equates to 99 seats total. Christodlous questioned why the design was made for 99 seats when the applicant originally applied for 72

seats approval. There was much discussion regarding the septic design and the extra parking area. Christodlous asked that the Board secretary be provided with a copy of the Certificate of Compliance.

Golden and Stern stated that more information needs to be provided on the site plan, such as dimensions to the buildings from the property lines, driveways, etc. There was much discussion regarding waivers and the items that still need to be provided. The Board agreed to waive the Letter of Interpretation for completion only.

Christodlous asked for a motion to deem this application incomplete. DeVries made the motion, second by Howell. In favor: Pattison, Howell, Huelbig, Smith, DeVries, Lensak, Boyce, Christodlous. Opposed: None. Motion carried.

MULFORD ROAD LLC – Block 105, Lot 6.01 & 12.02, Block 105.01, Lot 7, Block 105.02, Lot 12, Block 105.01, Lot 7, Block 105.02, Lot 12, Block 72.03, Lot 1.02, Block 117, Lot 10.02 – Amended Preliminary Major Subdivision & Final Major Subdivision.

DeVries discussed with the applicant's engineer the open space on the property and suggested that the engineer attend an Open Space meeting for discussion. Engineer, Owen Dykstra, stated that he thought it would be a good idea to do so.

Kevin Hahn, Esq. of Courter, Kobert & Cohen stated that he is the attorney representing the applicant and introduced Owen Dykstra as the engineer for the application.

Hahn stated that he is in receipt of Golden's latest revised report which is in response to Dykstra's letter of November 5th. Stern mentioned that this application is for amended preliminary and final major subdivision and is not for the use variance for the COAH units. Dykstra commented that the COAH units on the plans are for conceptual purposes only. Golden stated that there is a separate application being reviewed for the COAH units.

Hahn went over the background of the project and commented that the Board is aware that the project was previously granted for preliminary approval and there was an issue with the water table and an amendment had to be made with respect to the road, which is the reason for coming back to the Board on an amended approval.

Golden went over the items in his report and there was discussion amongst the Board members as to the waivers and items still needing to be provided before the hearing. Golden stated that *Item No. 7* in his report is regarding the connecting of the Mulford basin across the street and said that if the Town intends to construct it before the subdivision happens the Town will be asking for a Right to Discharge document and will change the request for the applicant to install it, to the Right to Discharge.

Christodlous asked for a motion to approve the application for completeness. Smith recused himself. Lensak made the motion, second by Huelbig. In favor: Pattison, Howell, Huelbig, DeVries, Lensak, Boyce, Christodlous. Opposed: None. Motion carried.

PROPOSED ORDINANCE REVISIONS:

Chapter 140 – Section 140-11 – Soil Removal, Application Fees

Chapter 155 – Article I, Section 155-2 & 3 Excavations

Chapter 155 - Article II, Section 159-8 – 10 – Street & Sidewalks

Chapter 190 - Article II, Section 190-28 Peat Harvesting

Chapter 74 – Article VI, Section 74:56 – Prof. Review & Expert Witness Fees

Chapter 74 – Article VI, Section 74-57 – Fee Schedule

Chapter 136, Soil Erosion, Section 136-11 – Fees

Chapter 131, Article III, Section 131-5, Applicability of Site Plan Requirements

There was discussion regarding the raising of escrow fees and the necessity of it and the application fee are pretty much remaining the same.

Motion was made to approve all of the above proposed ordinance revisions and to recommend to the Township Committee for approval. Motion made by Lensak, second by Smith. In favor: Pattison, Howell, Huelbig, Smith, DeVries, Lensak, Boyce, Christodlous. Opposed: None. Motion carried.

DRIVEWAY ORDINANCE -

Golden commented that this was already discussed before the Board and the only revision made after the first review was the “alter driveway” definition which was to help grandfather some of the existing driveways.

Christodlous asked for a motion to approve the Driveway Ordinance. Motion made by Boyce, second by Howell. In favor: Pattison, Howell, Huelbig, Smith, DeVries, Lensak, Boyce, Christodlous. Opposed: None. Motion carried.

MINUTES – October 7, 2008.

Christodlous asked for a motion to approve the minutes with a minor change as discussed. Motion made by DeVries, second by Pattison. In favor: Pattison, Howell, Huelbig, Smith, DeVries, Lensak, Boyce, Christodlous. Opposed: None. Motion carried.

VOUCHERS – Motion was made by Howell, second by Pattison. All in favor. Opposed. None. Motion carried.

OLD/NEW BUSINESS – The Chairman notified the Board that there is a Stop Work Order currently in effect at the site of the JCP&L project. He asked the Board if they are willing to give approval to Joe Golden to do research in locating an expert with experience in this type of work. The Board approved.

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A.

There was approval to cancel the meeting of December 2, 2008 for lack of business.

ADJOURNMENT - Time 9:57 p.m. A motion was made by Lensak, seconded by Howell, to adjourn. All in favor. Opposed: None. Motion carried.

Respectfully submitted,

Stan Christodlous, Chairman

T. Linda Paolucci, Secretary