

July 7, 2009

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, July 7, 2009 by the Chairman, Stan Christodlous.

Present: Members CeCePattison
Suzanne Howell
Bob Smith, Class I
Lois deVries, Class II
Ellsworth Bensley, Alternate
Stan Christodlous, Chairman

Secretary: T. Linda Paolucci

Absent Board
Members: Gerald Huelbig
Gail Phoebus, Class III
Michael Lensak
Diana Boyce

Professional: Joseph Golden, P.E.

Absent Professionals: 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 and read the rules of the act.

Kate Akkerhuis a Newton, NJ resident came forward and stated that she has conducted research with regard to sustainable development and placement and has also has spent a lot of time with L.E.E.D Corp. (LEED stands for Leadership in Energy and Environmental Design), and she has also been conducting environmental research. After the Board heard some of Akkerhuis’ comments, Christodlous stated that this type of discussion should go before the Township Committee and not the Land Use Board. Smith suggested that Akkerhuis contact the Township Administrator, Jayme Alfano. Golden commented that the township is in the process of obtaining L.E.E.D. certification.

JCP&L d/b/a First Energy, Block 60, Lot 5.01 – Amended Preliminary & Final Site Plan – Completeness Review – Applicant requested to be carried to a future hearing date.

PICCOLO – Block 158, Lot 14.06 – Variance Application for “completion”– Jess Symonds, P.E. of Biggs Engineering Associates, P.A. of Washington, NJ was sworn in as engineer testifying on behalf of the applicant.

Golden stated that all of the requirements as outlined in his reports for completeness issues have been provided and therefore have been satisfied.

Applicant's professional stated cannot make the August 4th meeting and will have applicant provide an extension letter.

Motion was made by Howell to find the application complete, second by Pattison. In favor: Pattison, Howell, Smith, DeVries, Bensley, Christodlous. Opposed: None. Motion carried.

RANNOU, Block 145, Lot 3, Lots 2, 3 & 7 - Site Plan – Completeness Hearing.

Christodlous addressed the Land Use Board members and advised that there is a request for a waiver of the escrow fees from the applicant to lower the minimum amount to what it was at the time of the signing of the Developer's Agreement between the Township Committee and Rannou. Christodlous suggested that if someone were to make this motion that it be "subject to the Township Committee amending the Developer's Agreement to include a note that the escrow fees will be based on the fees at the time of the signing of the contract rather than the revised ordinance" and if we were to approve the waiver it should be based on that condition. Golden stated that McGroarty passed on to him the COAH rules which state that the township should make every effort to minimize the cost for the applicant for a 100% COAH project, which is actually required. Motion was made by Howell who agreed with suggestion made by the Chairman, second by Pattison. In favor: Pattison, Howell, Smith, DeVries, Bensley, Chairman. Opposed: None. Motion carried.

Golden stated that he spoke with the Land Use Board attorney, Tom Germinario, Esq. and it was concluded that he does not have a conflict of interest with regard to this project.

Christodlous asked for a motion in accordance with the applicant's request to waive the application fee. Golden stated the requirements of COAH rules and regulations. After some discussion amongst the Board members a motion was made by Smith to approve the waiver of application fees, second by Howell. In favor: Pattison, Howell, Smith, Bensley, Christodlous. Opposed: DeVries. Motion carried.

Thomas M. Brady, Jr., Esq. stated that he is appearing on behalf of the applicant in this matter. Mike Degliamo, P.E., on behalf of Dykstra Walker stated he is appearing on behalf of applicant.

Golden gave a summation of his report and stated that this is approximately a 10.8 acre lot consisting of four parcels, the applicant is proposing to realign the four parcels and create one new lot, which would be five lots in total with one new lot being created. He continued that this is in the R-5 residential family airport zone, is a one-half acre lot zone, the applicant is proposing 33 townhouse style apartments on the five multi-unit buildings, eighteen will be age-restricted affordable housing and the remaining fifteen will be family units. He continued that on December 5th, 2008 Andover did execute a preliminary agreement with the applicant to put affordable housing on this particular parcel, that agreement basically is a summary outline of various parameters that the applicant is to follow in their layout of their concept plan, which in fact they have based on the plan he now has. He continued that the site will be serviced by on-site wells and standard subsurface sewage disposal systems. The overall density of the project would be about 3.3 units per acre per gross acre and will require variances for disturbance of steep slopes and some front yard set backs.

Golden went over the checklist for completeness items for which he has no objection to for "completeness" purposes only: electronic copies of plans can be accepted after the drawings have been approved; the application to the Sussex County Planning Board it is not necessary to apply to the County until after obtaining the Boards approval; request for waiver of L.O.I. the applicant's design firm stated that their office has conducted an on-site evaluation of potential wetlands, etc. and Golden stated that he looked it up on the landscape project map and did not see any wetlands reference, however, he did not do a wetlands site visit, but has no problem

waiving for “completeness only” but should not be taken off the table until a more thorough evaluation has been done on the environmental constraints; the applicant is requesting a waiver on a recharge area and yield - this is all part and parcel to a water study, which the applicant is proposing to ask for a waiver for, or as a condition of a favorable resolution; confirmation of lot numbers, the applicant has a verbal from the tax assessor and is in the process of requiring the written; the earthwork summary he has no issue with not receiving it yet for “completeness only”; fire protection plan, the applicant needs to be advised that they will be required to supply a fire protection plan and that the buildings will be required to be “sprinkled”; the well testing plan – the applicant intends to request either a waiver or a change to the plan and Golden stated that it should be as a “condition”; organizational documents (any homeowners association, maintenance plans, common detention basins, etc. – no objection to waiving for completeness; developers agreement – we have a draft of the developers agreement which addresses the affordable housing element; locating the wells within 500 ft. of the property – this will be handled in the aquifer studies, if required. These are the waiver items for checklist #3.

Golden made additional comments that this project with the current layout will require vacating a certain portion of Westview Terrace, which is a paper road which is not connected to anything, and does not see an issue with that, but that it is a requirement that will have to come from the Township Committee. Based on all of the above Golden commented that he does not have an issue to waiving the items for completeness only.

Motion was made by Pattison to approve the application for completeness subject to the waivers identified in Golden’s report, second by DeVries. In favor: Pattison, Howell, Smith, DeVries, Bensley, Christodlous. Opposed: None. Motion carried.

THOMAS CLARK, Block 73, Lot 7 – Endorsement of Applicant’s Request to Apply for a Building Permit on an Historical Site

Motion was made to approve application by Smith, second by Pattison. In favor: Pattison, Howell, Smith, DeVries, Bensley, Christodlous. Opposed: None. Motion carried.

RESOLUTION: THOMAS CLARK, Block 73, Lot 7 – Endorsement of Applicant’s Request for a Building Permit on A Historical Site

Motion was made by Howell to approve the resolution, second by DeVries. In favor: Pattison, Howell, Smith, DeVries, Bensley, Christodlous. Opposed: None. Motion carried.

MASTER PLAN CONSISTENCY RESOLUTION –

In the Matter of Master Plan Consistency Determination Ordinance NO. 2009-26 To Amend Chapter 190, “Zoning,” Article V, “Use and Bulk Regulations” Section 190-34, Tables” Table 1, “Uses Permitted in Residential Zones”-- Review and formal determination for consistency with Master Plan and recommendation to Township Committee for issuance of a certifying resolution that this Ordinance is consistent with the Master Plan.

Motion was made by DeVries to find the resolution consistent with the Master Plan, second by Howell. In favor: Pattison, Howell, Smith, DeVries, Bensley, Christodlous. Opposed: None. Motion carried.

MINUTES – May 19, 2009

Howell made a motion to approve the minutes of May 19, 2009, second by DeVries. All in favor. Opposed: None. Motion carried.

OLD/NEW BUSINESS –

DeVries discussed the timing of minutes being available to the public. Pattison asked what the protocol is for the public to speak once they are notified of an application. Christodlous explained the process. Smith brought up communication between the Land Use Board and the Township Committee when it comes to the passing of ordinances.

VOUCHERS – Motion was made to approve the vouchers by Pattison, second by DeVries. All in favor. Opposed: None. Motion carried.

ADJOURNMENT – Christodlous asked for a motion to adjourn. Motion was made to adjourn the meeting by Pattison; second by Howell. In favor: all. Opposed: None. Meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Stan Christodlous, Chairman

T. Linda Paolucci, Secretary