

August 18, 2009

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, August 18, 2009 by the Chairman, Stan Christodlous.

Present: Members CeCePattison
 Suzanne Howell
 Bob Smith, Class I
 Lois deVries, Class II
 Diana Boyce
 Stan Christodlous, Chairman

Secretary: T. Linda Paolucci

Professional: 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 and read the rules of the act. No one stepped forward from the public.

RANNOU – Block 145, Lot 3, Block 146, Lots 2, 3 & 7, Stickles Pond Road – Preliminary Major Subdivision and Site Plan – Westview Housing – Applicant requests to be carried to September 1, 2009 with no further notice necessary.

DINA’S LLC – Block 106, Lot 19 – Amended Preliminary Final Site Plan – Applicant requests to be carried to September 15, 2009 with no further notice necessary.

PICCOLO – Block 158, Lot 14.06, Brighton Road – Steep Slopes Variance – Ken Krause, Esq., of Hope, New Jersey, stated that he is the attorney representing the applicant. He stated that this is a steep slopes variance and his client previously received subdivision approval in the year of 2004. He continued that in 2005 his client received a Letter of Interpretation with regard to the property and before his client applied for a building permit, the ordinance of the township enacted a steep slopes ordinance in 2007, which is the reason for his appearance before the Board.

The applicant, Piccolo of North Carolina, was sworn in and stated that he and his wife are the owners of the property and is seeking a steep slopes variance for the property. The attorney questioned the applicant what his plans are for the property. Piccolo answered he plans to put a house on it and sell it. Piccolo stated that he has applied for site line approval from the County and it was granted.

Jess Symonds, professional engineer of Biggs Engineering of Washington, NJ was sworn in to testify on behalf of the applicant. Krause asked that Symonds reply to the comments in Golden’s report of June 22, 2009. Krause stated that the second comment in Golden’s report is that the applicant’s supply a copy of the permit from the NJDEP. Symonds stated that the permit is a GP10A, a general permit, with a stamped approval date of October 14, 2005, which is for the crossing and the driveway and clearing for sight distance as required by Sussex County.

Kraus commented that the filing of the driveway easement has not been filed yet and stated that it can be a condition of approval. DeVries had a question on the deeds and stated that the lot adjacent has changed owners in 2008 and the deeds require that the shared driveway is on the property of the new owner and questioned if they are apprised of the fact that the new driveway will be on their property. Kraus answered that he spoke with the attorney of the owners of the property and believes that the owners are aware of the fact. Kraus stated that he will provide a copy of the deed book and page number for the driveway easement as a condition of approval.

Golden had questions on receiving a copy of the letter from the County of its approval and also on whether or not the conditions of the GP10 have been satisfied. Golden stated that he does have in the file citations with regard to certain works that were done prior to the Soil Erosion Permit in place, which would be contrary to the conditions of the approval. Golden stated that he has not had a chance to review the prior conditions as he did not receive a copy of L.O.I or the GP 10 and, therefore, can't respond whether or not it has been resolved. With regard to the Deed, book and page of the easement, he continued, clearly the previous resolution required the maintenance requirements and filing of the easement. Kraus commented that the information pertaining to the deed will be provided for *Item No. 3* of Golden's report.

Kraus asked Symonds to address *Item N. 4* of Golden's report. Symonds stated that the soil logs will be provided and they have received approval from Sussex County Health Department for the disposal system, which was agreed will be a condition of approval. Golden stated that the deed does reference an L.O.I. and, therefore, there should be provided an L.O.I. Symonds agreed that there will be provided a copy of the L.O.I. Referencing *Item No. 5* - Symonds stated that he has recalculated the detention basin areas and the information will be provided to Golden. There was further discussion regarding the conditions of approval as outlined in Golden's report.

The applicant's engineer went over the items outlined in Stern's report with regard to variance issues as to the amount of disturbance with regard to the steep slopes category. Stern was asked by Kraus if he would comment on some of the negative and positive criteria of the application. Stern commented that there are steep slopes throughout the tract, the septic has been located in one of the flatter areas of the site, discussed impervious coverage, and stated that a modest size home is being proposed. The Board has to determine whether or not the deviation is a "substantial detriment to the master plan, the zoned plan and the zoning offices of the community and stated that there is a scattered steep slopes character in general of the area and that the Board can draw conclusion that this is consistent with the character in that area, Stern commented.

DeVries commented that she would like to see a little more due diligence in the way that the applicant has had the L.O.I. and the GP10 for four years and the fact that she and Golden have not been given a copy of it yet.

Stern commented that his area of concern is the front of the property between the road and the dwelling and suggests that the area should be conservation easement, something that would be parallel to the wetlands buffer line but just short of the proposed well. The applicant stated that he has no objection to the conservation easement which will be marked by Golden.

DeVries stated that Golden should evaluate whether the seepage pits are adequate. Golden stated that the stormwater management plan needs to be revised and approved in accordance with current standards, which will be a condition of approval. Golden continued that relative to the driveway and the easement he would consider the stormwater features to be part of the driveway in the easement and would consider that to be part of the maintenance agreement.

Motion was made by Howell to approve the application subject to the conditions as agreed to by the applicant second by Pattison. In favor: Pattison, Howell, Smith, DeVries, Boyce, Christodlous. Opposed: None. Motion carried.

RESOLUTION --SUSSEX & WARREN HOLDING- Block 117, Lot 33, Mulford Road, Preliminary & Final Major Site Plan (COAH). Motion was made by Howell to approve the resolution, second by Pattison. In favor: Pattison, Howell, Smith, DeVries, Boyce, Christodlous. Opposed. None. Motion carried.

MINUTES – June 16, 2009

DeVries made a motion to approve the minutes as corrected by the comments of Golden, second by Boyce. All in favor. Opposed: None. Motion carried.

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

OLD/NEW BUSINESS –

Christodlous stated that the Mayor and he attended a Master Plan meeting earlier today along with Chuck McGroarty and the Planning Board attorney, Thomas Germinario. Christodlous said that he is looking for either a September 1st or September 15th meeting with Chuck McGroarty to give a presentation to the Board on the Master Plan to be followed, hopefully by a public hearing on October 1st. Christodlous stated that because of DEP regulations it turns out to be much easier than usual, because as some of you know, based on nitrate solution models the township is obligated to have approximately five acre average for the township. McGroarty is in the process of finding all of the available land, taking out the constraints and the 300 foot buffers, steep slopes, etc. to see how many acres are left and then making a determination of what percentage of that will be commercial/industrial and what percentage should be residential. Also, he continued in discussion with Joe, based on the DEP information we are limited either to slightly less than 1200 septic to be divided up amongst future residential and future commercial/industrial which McGroarty will give details of in his presentation. Christodlous stated that sometime between October 1st and 6th there will be a public hearing.

ADJOURNMENT – Christodlous asked for a motion to adjourn. Motion was made to adjourn the meeting by Pattison, second by Heulbig. In favor: all. Opposed: None. Meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Stan Christodlous, Chairman

T. Linda Paolucci, Secretary