

December 15, 2009

The regular meeting of the Andover Township Land Use Board was called to order at 7:30 p.m. on Tuesday, December 15, 2009 by the Chairman, Stan Christodlous.

Present: Members Suzanne Howell
 Gerald Huelbig
 Diana Boyce
 Peter Spinney
 Ellsworth Bensley
 Paul Messerschmidt, Alt. No. 2
 Stan Christodlous

Absent: Bob Smith, Class I
 Gail Phoebus, Class III
 CeCe Pattison

Secretary: T. Linda Paolucci

Professional: Thomas Germinario, Esq.
 Russell Stern, P.P.
 Bob Guerin, P.E.

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 from the public stepped forward.

ROLL CALL

CAMBRIDGE PAVERS/LIMECREST QUARRY – Block 108, Lot 4.02 – Preliminary Final Site Plan and Variance – Announcement was made that the application has been withdrawn by the applicant without prejudice.

Objectors Reconsideration of Motion With Regard to Cambridge Pavers – Block 108, Lot 4.02, of the Board Interpretation of Ordinance Section 190-4 pursuant to N. J. S. A. 40:55D-70b.

Donna M. Erem, Esq. of Wolf & Samson of One Boland Drive, West Orange, New Jersey stated that she is the attorney representing the applicant, Ronald Krueger, who is an objector applying for an interpretation of the township's ordinance with regard to light industry.

Bernd Hefele, Esq. stated that he represents the applicants of the Cambridge Pavers project and stated that there is no current application pending as the applicant withdrew his application and questioned why we are meeting on this tonight. Hefele continued that the objectors were at the meeting and had the opportunity then to discuss their objections and submitted to the Board that there is no jurisdiction to hear this application as this has already

been ruled upon. This was discussed along with regard to whether or not notice was required, statutory rights, and past testimony given by experts.

Germinario stated that the testimony to be heard tonight will be limited to “light industry” definition interpretation.

Erem presented her first fact witness, John Gallagher, as an expert in concrete products and facilities operation employed by Tremron Group with 25 years experience in managing manufacturing operations. Hefele determined that Gallagher has no engineering or planner degrees. Germinario stated that the Board recognizes that Gallagher is neither an engineer nor a planner but has experience and his testimony will be limited to that category.

Questions were asked of Gallagher with regard to truck deliveries, tailgate noise, storage sheds on the property, concrete composite, possible fire hazards, safety standards, noise, etc.

The chairman asked if anyone from the public wished to come forward. Members of the public came forward and asked Gallagher questions with regard fire damage and potential risks. Hefele questioned that a paving stone production place facility such as this is a low fire risk and Gallagher commented that in his opinion “yes”.

William Hinkes, Esq. stated that he is an attorney who represents some of the residents of Rolling Hills. Hinkes asked questions of Gallagher with regard to air conditioning of building, maintenance programs for equipment, sprinkler systems, etc.

After further testimony from professionals and questions from the Board and public the Chairman asked for a motion. Boyce made a motion to declare the project as “light industry”, second by Howell. Germinario restated the motion for further clarification in answer to one of the Board member’s question for clarification of motion being made. Germinario stated that motion would be to find that a plan of this type would constitute light industrial manufacturing as defined in the ordinance. Christodlous asked Boyce if she accepts the motion that a paver plant such as the one that was proposed would constitute “light industrial manufacturing.” Boyce answered “yes I do”, Howell answered “yes” also. In favor: Howell, Huelbig, Boyce, Bensley. In opposition: Spinney, Messerschmidt, Christodlous. Motion was carried.

ALMA LANE ASSOCIATES INC. – Block 156, Lots 1, 2, & 2.02 – Preliminary Subdivision and Site Plan Approval. Chairman announced that the applicant has requested to be carried to the next regularly scheduled meeting, with no further notice.

CUMBERLAND FARMS - Block 105.05, Lot 2, - Request for extension of time for resolution compliance. (last extension)

The chairman asked for a motion to approve the resolution extending the time for resolution compliance. Motion made by Boyce, second by Huelbig. In favor: Howell, Huelbig, Boyce, Bensley, Christodlous. Opposed: None. Motion carried.

RESOLUTION

CAMBRIDGE PAVERS INC., Block 108, Lot 4.02, - Interpretation of Zoning Ordinance 190-22J.

The chairman called for a motion to approve the resolution. Motion made by Howell, second by Spinney. In favor: Howell, Spinney, Messerschmidt, Christodlous. Opposition: None. Motion carried.

MINUTES – October 20, 2009 minutes – Motion was made by Howell to approve the minutes with revision, second by Boyce. In favor: Howell, Boyce, Huelbig, Bensley. Opposition: None. Motion carried.

October 6, 2009 minutes – Motion was made by Howell to approve the minutes, second by Huelbig. In favor: Howell, Huelbig, Boyce, Bensley, Christodlous. Opposition: None. Motion carried.

November 10, 2009 minutes – Motion was made by Howell to approve the minutes, second by Huelbig. All in favor: Aye. Opposed: None. Motion carried.

VOUCHERS – Christodlous requested a motion be made to approve all of the invoices with the exception of the Banisch Associates invoice dated for the year 2008. Motion was made by Huelbig, second by Howell to approve the vouchers. All in favor: Aye. Opposed. None. Motion carried.

ADJOURNMENT – Motion was made by Huelbig to adjourn, second by Howell. All in favor: Aye. Opposed. None. Motion carried.

Respectfully submitted,

Sue Howell, Vice-Chairperson

T. Linda Paolucci, Secretary