

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
JUNE 19, 2012**

OPEN MEETING: Chairman O'Connell called the meeting to order at 7:30 p.m.

FLAG SALUTE: Chairman O'Connell led the flag salute.

ROLL CALL:

Diana Boyce – Excused
Suzanne Howell – Present
Gerald Huelbig – Present @7:35 p.m.
Gail Phoebus – Excused
Ellsworth Bensley Jr. – Present @7:35 p.m.
CeCe Pattison – Present
Christine Kretzmer – Present
Rick Melfi – Present
Paul Messerschmidt (Alt.1) – Present
Ken Roberts (Alt. 2) – Present
Chairman John O'Connell – Present

PROFESSIONALS PRESENT: Richard Brigliadoro, Esq., and Joseph Golden, P.E., P.P.

OPEN PUBLIC MEETINGS ACT NOTICE: Chairman O'Connell read the following statement: This is an open public meeting of the Andover Township Land Use Board. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85. The rules are generally as stated on the agenda.

RULES: Chairman O'Connell read the following rules: No new cases after 9:30 p.m. or testimony after 10:00 p.m. Comments from each member of the public are limited to 5 minutes during the public portion of the meeting. Transcript requests are to be in writing with check for 100% of costs. Material for the meeting is to be filed fourteen days before the next meeting once it has been heard for completeness. Individuals or members of a partnership must be present at the meeting or be represented by an attorney. Testimony is under oath. False testimony constitutes perjury.

MINUTES: A motion to approve the *Minutes of the Andover Township Land Use Board Meeting Held May 15 2012* was made by Suzanne Howell and seconded by CeCe Pattison. Roll Call: Suzanne Howell – yes; Gerald Huelbig – yes; Ellsworth Bensley, Jr., – yes; CeCe Pattison – yes; John O'Connell – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled for review.

COMPLETENESS REVIEW: There were no matters scheduled for review.

HEARING: A-4-12-1, Pittigher, Raymond & Susan. Minor Subdivision,

Block 124 Lots 11.03 and 14.01: Christine Kretzmer recused. Edward C. Maske, Esq., appeared on behalf of the Applicant. Mr. Raymond Pittigher was sworn. He stated the American Legion offered to sell him the property, which is a wooded lot with no structures on it other than his shed. He confirmed that this acquisition would provide him with ownership of the ingress and egress to his property. He presented that a paved driveway runs through the property he would like to acquire, and he has maintained the driveway without a formal agreement.

Mr. Maske confirmed that maintenance and snow removal are not part of the purchase agreement. Mr. Pittigher stated others also use that right-of-way, which provides ingress and egress to Newton-Sparta Road. He confirmed that the American Legion is formalizing the Applicant's right to use the right-of-way. Mr. Maske explained that the American Legion owns two hundred feet of the right-of-way that abuts the ¾-acre property the Applicant would like to acquire. He stated the ownership of the rest of the right-of-way has not been determined.

Mr. Maske confirmed that an easement would be incorporated into the deed.

Mr. Golden inquired about the right-of-way noting that the deed lines and lot lines are not consistent. Mr. Maske discussed the matter. He stated that a title search did not disclose ownership of the front portion of the right-of-way. Mr. Brigliadoro noted the first two hundred feet of the right-of-way are not part of the application before the Board.

Mr. Golden noted the property is a split-zoned property. He stated that both zones support residential, and there are no technical variances. Mr. Messerschmidt inquired about the maps accuracy relative to current ownership of a parcel shown on the map. Mr. Golden noted the matter would be filed by deed.

Chairman O'Connell opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to approve the application subject to the terms and conditions listed below was made by Paul Messerschmidt and seconded by Ellsworth Bensley, Jr. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Gerald Huelbig – yes; Rick Melfi – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried. In addition to the standard conditions, the specific terms and conditions of the approval were noted as follows: development shall be in accordance with the approved plan; the application shall comply with Mr. Golden's May 2, 2012 report; and the deed shall reference the resolution and include an easement to utilize the right-of-way.

UPCOMING MEETINGS: Chairman O'Connell confirmed the cancellation of the July 3 hearing date. He stated the next meeting date is July 17, 2012.

PUBLIC PORTION: Chairman O'Connell opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

VOUCHERS: Board members reviewed the June 2012 Finance Summary Report and associated vouchers. A motion to forward a recommendation to pay the bills to the Township Committee was made by Rick Melfi and seconded by Ken Roberts. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Gerald Huelbig – yes; Christine Kretzmer – abstain;

Rick Melfi – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O’Connell – yes. The motion carried.

OLD/NEW BUSINESS: Board members reviewed a Township Committee request for Land Use Board input at an upcoming committee meeting. A motion to select Joseph Golden, P.E., P.P., and Rick Melfi to represent the Board at the committee meeting was made by Paul Messerschmidt and seconded by Rick Melfi. Roll Call: Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Gerald Huelbig – yes; Christine Kretzmer – yes; Rick Melfi – yes; CeCe Pattison – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O’Connell – yes. The motion carried.

Chairman O’Connell and Mr. Messerschmidt reported on their attendance at the Grand Opening of the Andover Animal Hospital.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Paul Messerschmidt. All were in favor. The motion carried. The meeting adjourned at 8:25 p.m.

Minutes respectfully submitted by:

/s/ Anne-Marie Wilhelm

Anne-Marie Wilhelm
Land Use Administrator