

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
FEBRUARY 5, 2013**

OPEN MEETING: Chairman O'Connell called the meeting to order at 7:45 p.m.

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

ROLL CALL:

Diana Boyce – Present
Ellsworth Bensley, Jr. – Present
Suzanne Howell – Present
Rick Melfi – Present
CeCe Pattison – Present
Christine Kretzmer – Present
Dolores Blackburn – Present
Ken Roberts – Present
John O'Connell – Present
Paul Messerschmidt – Present

PROFESSIONALS PRESENT: Richard Briigliodoro, 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: *Minutes of the Andover Township Land Use Board Reorganization Meeting Held January 15, 2013* — A motion to approve was made by Ellsworth Bensley, Jr., and seconded by Suzanne Howell. Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Dolores Blackburn – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

Minutes of the Andover Township Land Use Board Meeting Held January 15, 2013 — A motion to approve was made by Suzanne Howell and seconded by Ken Roberts. Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe

Pattison – yes; Christine Kretzmer – yes; Dolores Blackburn – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

Minutes of the Andover Township Land Use Board Executive Session Held January 15, 2013 —
A motion to approve was made by Ellsworth Bensley, Jr., and seconded by John O'Connell. Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Dolores Blackburn – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

RESOLUTIONS: *TOWNSHIP OF ANDOVER LAND USE BOARD REPORT ON VARIANCE APPLICATIONS AND AMENDMENT RECOMMENDATIONS DECIDED ON FEBRUARY 5, 2013 MEMORIALIZED ON FEBRUARY 5, 2013:* A motion to approve and memorialize the resolution was made by CeCe Pattison and seconded by Christine Kretzmer. Roll Call: Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Dolores Blackburn – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

COMPLETENESS REVIEW: There were no matters scheduled.

HEARING: A-1-13-1, Occhifinito, Robert. *Site Plan Waiver*, Block 111 Lot 3 & 4 — Megan Ward, Esq., appeared on behalf of the Applicant. Allen J. Campbell, P.E., P.P., was sworn.

Ms. Ward stated the application is based on an approved plan in Newton.

Mr. Campbell stated the property is located at 46 Hicks Avenue, Newton. He noted the site plan was reviewed and approved in Newton. He stated the rear of Andover Township property abuts the Newton property. He described the property as being shaped like a bowtie with seven acres on each side of a thin strip that runs parallel to Hicks Avenue. Mr. Campbell clarified that the rear of the Newton property abuts the Andover Township municipal boundary. He explained the nature of topography caused placement of buildings at rear of Newton property via a rear yard variance where the Applicant agreed to a 36 x 300 ft. setback easement on the Andover property where no development will take place. It was noted the disturbance is 6700 ft. from the property line. Ms. Ward stated the easement would be from and to Mr. Occhifinto. Ms. Ward agreed to provide a copy of the easement to the Board. He stated the rear yard of the residential lots in Andover.

Mr. Campbell stated all that is proposed is simple grading in Andover to facilitate the grades in the Newton development. He stated run-off goes toward Newton. He stated 174 sq.ft. of grading, which is the size of one parking space, is proposed; and that is within ordinance requirements. He stated the stormwater devices would address run-off in Newton. Chairman O'Connell confirmed that the site plan waiver is for the grading.

Joseph Golden, P.E., P.P., presented that one person owns the entire property. He stated all the Applicant is doing is minimal grading on the Andover Township property. He stated there is no

effect on the Township, and the intent is to avoid the construction of large retaining walls. He stated the amount of disturbance is de minimus relative to the overall lot that the Applicant owns.

Ms. Ward explained that variances are not required because the tract is one tract that crosses the municipal boundary. She confirmed that the warehouses are to contain nonhazardous materials.

A motion to approve the site plan waiver was made by Diana Boyce and seconded by Ken Roberts. Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Dolores Blackburn – yes; Ken Roberts – yes; John O’Connell – yes. The motion carried.

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

OLD/NEW BUSINESS: Christine Kretzmer announced the Annual Winter Farmer’s Market event scheduled to take place on February 24, 2013 at the barn. Diana Boyce inquired about Board procurement of updated MLUL and ordinance books. Chairman O’Connell advised that MLUL books were cost prohibitive, and the township land use code would be provided upon request. Mr. Golden advised he would provide the ordinance development subcommittee with additional alternative energy ordinances.

VOUCHERS: Board members approved a recommendation to the Township Committee to pay the bills noted on the *LAND USE BOARD MONTHLY EXPENDITURE SUMMARY AND FEE DEPOSIT RECORD JANUARY 2013* report via a motion made by Suzanne Howell and seconded by Ken Roberts. Roll Call: Diana Boyce – yes; Ellsworth Bensley, Jr., – yes; Suzanne Howell – yes; Rick Melfi – yes; CeCe Pattison – yes; Christine Kretzmer – yes; Dolores Blackburn – yes; Ken Roberts – yes; John O’Connell – yes.

UPCOMING MEETING: Hearing dates of February 19, 2013 and March 5, 2013 were confirmed.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Ellsworth Bensley, Jr., and seconded by Dolores Blackburn. All were in favor. The motion carried. The meeting adjourned at 8:05 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm
Land Use Administrator