

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
JULY 21, 2015**

OPEN MEETING: Chairman Howell called the meeting to order at 7:30 p.m.

FLAG SALUTE: Chairman Howell led the flag salute.

ROLL CALL:

Ken Roberts – Present
Vincent DeLuca – Present
Rick Melfi, Vice Chairman – Present
CeCe Pattison – Present
Christine Kretzmer – Present
Dolores Blackburn – Present
Wayne Grenewicz – Present
John O'Connell – Present
Suzanne Howell, Chairman – Present
Paul Messerschmidt, Alternate 1 – Present
Richard Skewes, Alternate 2 – Present

PROFESSIONALS PRESENT:

Richard Brigliadoro, Esq., and Joseph R. Golden, P.E., P.P., C.M.E.

OPEN PUBLIC MEETINGS ACT NOTICE: Chairman Howell 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 Howell 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 June 16, 2015* was made by John O'Connell and seconded by Ken Roberts. There was no discussion. Roll Call: Ken Roberts – yes, Rick Melfi – yes, CeCe Pattison – yes, Dolores Blackburn – yes, Wayne Grenewicz – yes, John O'Connell – yes, Paul Messerschmidt – yes, Richard Skewes – yes, Suzanne Howell – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled.

COMPLETENESS REVIEWS: A-4-15-2, F. William LaVigne, Appeal, Block 60 Lot 5: F. William LaVigne, Esq., appeared. Allen J. Campbell, P.E., P.P., was sworn. Mr. LaVigne presented an overview of the matter. Board members reviewed completeness. A motion to deem the application complete was made by John O'Connell and seconded by Ken Roberts. Roll Call: Ken Roberts – yes, Vincent DeLuca – yes, Rick Melfi – yes, CeCe Pattison – yes, Christine Kretzmer – yes, John O'Connell – yes, Suzanne Howell – yes. The motion carried.

A-3-15-1, Holland, Barry. Minor Subdivision, “C” Variances, Block 38 Lot 11: Ken Roberts recused. Joseph R. Golden, P.E., P.P., C.M.E., reviewed completeness with the Board. He recommended granting waivers of *Technical Checklist 2* Items 9 and 17. He recommended a waiver for completeness only of Item 38. He recommended the Board consider the application complete. He identified the C Variances for lot area and all dimensional requirements for undersized lots. A motion to deem the application complete was made by John O'Connell and seconded by Paul Messerschmidt. Roll Call: Vincent DeLuca – yes, Rick Melfi – yes, CeCe Pattison – yes, Christine Kretzmer – yes, Dolores Blackburn – yes, Wayne Grenewicz – yes, John O'Connell – yes, Paul Messerschmidt – yes, Suzanne Howell – yes. The motion carried.

A-6-15-1, Sutherland, T. and I. Linck. Minor Subdivision/Lot Line Adjustment, Block 38 Lots 6 & 7: Ken Roberts and Dolores Blackburn recused. Joseph R. Golden, P.E., P.P., C.M.E., reviewed completeness. No completeness issues were noted. A motion to deem the application complete was made by John O'Connell and seconded by Paul Messerschmidt. Roll Call: Vincent DeLuca – yes, Rick Melfi – yes, CeCe Pattison – yes, Christine Kretzmer – yes, Wayne Grenewicz – yes, John O'Connell – yes, Paul Messerschmidt – yes, Suzanne Howell – yes. The motion carried.

A-5-15-1, One Way Focused Holdings, LLC, Preliminary Site Plan, Block 151 Lot 16: F. William LaVigne, Esq., appeared on behalf of the Applicant. Allen Campbell, P.E., P.P., was sworn. Board members reviewed completeness. With reference to a waiver request regarding payment of taxes, Mr. LaVigne explained the Applicant is a contract purchaser of the property, and taxes would be paid at closing. Mr. Brigliodoro stated that as the Applicant is only the contract purchaser, payment as proposed is a fair way to address the issue. Mr. Golden reviewed his completeness report dated July 19, 2015 with the Board and discussed waiver requests for *Technical Checklist 5* Items 21, 23, 34, and 35. Mr. Golden presented no objections to the requests and stated he would follow up on the wetlands information to confirm there are no wetlands.

A motion to grant the waiver requests and deem the application complete was made by Rick Melfi and seconded by John O'Connell. Roll Call: Ken Roberts – yes, Vincent DeLuca – yes, Rick Melfi – yes, CeCe Pattison – yes, Christine Kretzmer – yes, Dolores Blackburn – yes, Wayne Grenewicz – yes, John O'Connell – yes, Suzanne Howell – yes. The motion carried.

A hearing date of August 18, 2015 was set, and the Applicant was advised to notice.

HEARINGS: A-4-15-2, F. William LaVigne. Appeal, Block 60 Lot 5: Notice was reviewed and Richard Brigliodoro, Esq., determined the Board had jurisdiction. Applicant, F. William LaVigne, Esq., provided a summary of the case history. He explained that the offices were in use before the 1986 site plan as he, and Engineer Campbell, personally knew they were there.

Allen James Campbell, P.E., P.P., was sworn, qualified, and accepted as an expert. Referencing the 1986 site plan, Mr. Campbell identified a .996 acre portion of the property designated on the plan for business. He also referenced 1986 architectural plans showing rooms labeled as office space. He stated the site had previously hosted business uses that he knew of as he worked on projects at the site prior to 1986. He stated that there were offices used for various purposes by Hussy businesses.

Richard Briigliodoro, Esq., stated the Board took judicial notice of the following resolutions: *Andover Township Zoning Board of Adjustment Resolution approved July 28, 1986 in the matter of Paul Dupont and Julia Dupont-Variance Application; and 2006 Andover Township Planning Board Resolution in the matter of Jersey Central Power & Light Company Minor Subdivision, Conditional Use, Preliminary and Final Site Plan Approval, Block 60 Lot 5 Application No.-713-06.* He stated that the 2006 resolution confirmed prior residential, business, office, and commercial uses. He provided a summary of the procedural history of the matter.

Mr. Golden questioned if a law office could be considered an office use as defined in the ordinance. Board members agreed the use is a continuation of the previous use. Following discussion, the Applicant agreed to abandon the research and development use.

Chairman Howell opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to grant the appeal to allow the law office in the barn, conditioned upon the abandonment of the research and development use approved in the 1986 Zoning Board Resolution, was made by Ken Roberts and seconded by John O'Connell. Roll Call: Ken Roberts – yes, Vincent DeLuca – yes, Rick Melfi – yes, CeCe Pattison – yes, Christine Kretzmer – yes, John O'Connell – yes, Suzanne Howell – yes. The motion carried.

A-6-15-1, Sutherland, T. and I. Linck. Minor Subdivision/Lot Line Adjustment, Block 38 Lots 6 & 7: William Kehoe, Esq., appeared on behalf of the Applicant.

Joseph R. Golden, P.E., P.P., C.M.E., reviewed the matter with the Board noting the Applicant presented the lot line adjustment would provide land needed to construct a septic system by annexing a 40' strip of land from Lot 7 to Lot 6. He noted the adjustment would not increase or create any nonconformance, and an existing nonconformance would be eliminated. Applicant Thomas Sutherland was sworn. He affirmed Mr. Golden's comments about the septic system.

No members of the public addressed the Board.

A motion to grant the request for a lot line adjustment was made by Wayne Grenewicz and seconded by Paul Messerschmidt. Roll Call: Vincent DeLuca – yes, Rick Melfi – yes, CeCe Pattison – yes, Christine Kretzmer – yes, Wayne Grenewicz – yes, John O'Connell – yes, Paul Messerschmidt – yes, Suzanne Howell – yes. The motion carried.

A motion to grant the Applicant's request to waive the reading of the resolution was made by John O'Connell and seconded by Paul Messerschmidt. All were in favor. The motion carried.

A-3-15-1, Holland, Barry. Minor Subdivision, “C” Variances. Block 38 Lot 11: Ken Roberts recused. Roger Thomas, Esq., appeared on behalf of the Applicant. He provided an overview of the application and stated the Applicant’s intent is to divide one lake front lot into three nonconforming lots. He stated the purpose of the subdivision is to create two open-space lots for pedestrian access to Lake Lenape. Barry Holland was sworn. The Applicant submitted the following exhibits and described them as follows:

Exhibit A-1: Property survey titled *Property Survey Proposed Subdivision Lines, Tax Map Block 38 Lot 11, Township of Andover, Sussex County, New Jersey*, prepared by Robert J. Wesp, P.L.S., Sheet 1 of 2, revision date 6/25/15 - to show individual lot areas and the easement to remain in the original location;

Exhibit A-2: Property survey titled *Supplement to Property Survey Showing Proposed Subdivision Lines Tax Map Block 38 Lot 11, Township of Andover, Sussex County, New Jersey*, prepared by Robert J. Wesp, P.L.S., Sheet 2 of 2; and

Exhibit A-3: *Deed Description D-1862-030, Tax Block 38, Lot 11, Township of Andover, Sussex County, New Jersey*, noting the ten-foot wide easement to the Lake Lenape Association, which the Applicant stated would remain.

Mr. Holland confirmed that the use of the proposed new lots would be to give his neighbors pedestrian access to Lake Lenape. He stated he would agree to a deed restriction limiting the use to pedestrian access. He also confirmed that the proposed lots were not under contract. He also affirmed the following statements made by Mr. Thomas: “the application attempts to minimize environmental impacts and secure and control lands for open space minimizing infrastructure improvement;” he was attempting to maintain natural features based upon the restrictions discussed; and “the intent and purpose is to discourage development along steeply sloped areas and to preserve the visual rural environment.” Mr. Thomas presented the positive criteria had been met as the Applicant has minimized environmental impacts and agreed to preserve the natural features of the land. He stated there was no negative impact. Mr. Holland confirmed that the property’s access easement, which Lake Lenape retains, was not utilized during the fifteen years he has owned the property. He stated the original access easement would remain in effect.

Additional deed restrictions were discussed and the Applicant agreed to the following: a *No Parking* requirement with signage noting same; a restriction prohibiting the removal of trees other than dead fall; a restriction confining land disturbance to a pedestrian path without the removal of trees; a restriction prohibiting a storage facility exceeding a 100 sq.ft.; and an option to install a boat dock subject to the deed restrictions. Mr. Brigliadoro confirmed the Applicant is subject to any agency having jurisdiction within or without Andover Township jurisdiction over the matter, including the Andover Township Land Use Board. It was further noted the deed restrictions would apply to all of the lots, including remainder Lot 11.

Board members reviewed Mr. Golden’s July 16, 2015 report. Board Engineer Golden identified an existing drainage pipe serving Hemlock Avenue. The Applicant agreed to obtain a drainage discharge easement subject to Mr. Golden’s approval.

Chairman Howell 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 and grant the "C" Variances for lot area and all dimensional requirements was made by Paul Messerschmidt and seconded by Rick Melfi. Roll Call: Vincent DeLuca – yes, Rick Melfi – yes, CeCe Pattison – yes, Christine Kretzmer – yes, Dolores Blackburn – yes, Wayne Grenewicz – yes, John O'Connell – no, Paul Messerschmidt – yes, Suzanne Howell – yes. The motion carried. Specific conditions of approval noted include: compliance with Mr. Golden's report dated July 16, 2015; the installation of *No Parking* signage; inclusion of a deed restriction prohibiting a storage facility exceeding 100 sq. ft.; provision of a drainage easement as discussed; and a notation that the restrictions apply to all the lots.

The Board recessed from 8:30 p.m. to 8:40 p.m.

PUBLIC PORTION: The meeting was opened to the public. There were no participants. The meeting was closed to the public.

OLD/NEW BUSINESS: Dolores Blackburn advised that the Township Committee adopted the Ordinance regarding sidewalk cafes.

VOUCHERS: Board members reviewed the vouchers attached to the July 2015 Finance Report. A motion to approve the vouchers was made by John O'Connell and seconded by Ken Roberts. There was no discussion. Roll Call: Ken Roberts – yes, Vincent DeLuca – yes, Rick Melfi – yes, CeCe Pattison – yes, Christine Kretzmer – yes, Dolores Blackburn – yes, Wayne Grenewicz – yes, John O'Connell – yes, Suzanne Howell – yes. The motion carried.

UPCOMING MEETINGS: Chairman Howell confirmed the August 18, 2015 and September 1, 2015 hearing dates.

ADJOURNMENT: Having no further business, a motion to adjourn was made by John O'Connell and seconded by Rick Melfi. All were in favor. The meeting concluded at 9:20 p.m.

Minutes respectfully submitted by:

/s/Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land Use Administrator