

**ANDOVER TOWNSHIP LAND USE BOARD
ANDOVER MUNICIPAL BUILDING
134 Newton-Sparta Road, Newton, NJ 07860**

**Minutes
January 19, 2021
7:30 p.m.**

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:31 p.m. and led the Board in a flag salute.

FLAG SALUTE:

Mr. Messerschmidt read the following into the record:

OPEN PUBLIC MEETINGS ACT NOTICE: 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 as well as both adequate and electronic notice of the meeting has been provided due to meeting remotely specifying time, place and manner in which such notice was provided. The rules are generally as stated on the agenda. No new testimony will be taken after 10:30pm.

ROLL CALL:

Janis McGovern – Present
Eric Olsen – Present
John Carafello - Present
Suzanne Howell – Present
John O’Connell – Absent
CeCe Pattison – Present
Richard Skewes – Excused
Steven Kepreos – Present
Joseph Ordile – Present
Joseph Tolerico - Present
Eric Karr - Present
Paul Messerschmidt – Present

ALSO PRESENT:

Richard Briigliodoro, Esq.
Cory Stoner, PE

OATH OF OFFICE:

Ms. Janis McGovern, Class I Member, Mr. Joseph Ordile, Alternate Member, Mr. John Carafello, Class III Member, Mr. Joseph Tolerico, Alternate Member and Mr. Eric Olsen, Class II Member were sworn in by Mr. Briigliodoro.

MINUTES: January 5, 2021 Reorganization, January 5, 2021 Regular Meeting

A motion to approve the minutes of the January 5, 2021 Reorganization meeting with the noted correction was made by Ms. Howell and seconded by Mr. Kepreos. Roll Call: Suzanne Howell – yes, CeCe Pattison – yes, Steven Kepreos – yes, Paul Messerschmidt – yes. Motion passed.

A motion to approve the minutes of the January 5, 2021 regular meeting was made by Ms. Howell and seconded by Mr. Kepreos. Roll Call: Suzanne Howell – yes, CeCe Pattison – yes, Steven Kepreos – yes, Paul Messerschmidt – yes. Motion passed.

ENGINEER’S REPORT:

Mr. Stoner gave a report on the Pace Glass site. He said the one of the owners had passed away and the project was a start and stop. He said his inspectors had only minor access but they did find some violations such as soil erosion permit silt fence compromised and DEP permits since there was fill placed in the wetlands transition areas. He said he is going to issue a notice of violation and notify the Dep of the wetland’s violation. He said he is having a hard time getting in touch with the current owner. He has reached out to Bern Hefele who was the attorney for the applicant when they came before the Board.

Mr. Stoner said the bagged material are for the most part intact however they deteriorate over time. Mr. Stoner showed the Board photos of the site which his team had taken.

Mr. Carafello said representatives of Pace Glass had been in to see the Township Committee to give a status. He said they are continuing the project and the holdup is getting the machinery from Europe due to the pandemic. Mr. Carafello suggested contacting the owner’s son.

Mr. Stoner felt due to the environmental sensitivity of the area he said they need to be a little tough on them.

Mr. Stoner explained the photos to the Board. He expressed a concern with silt was going into the wetland and there was a stock pile in the transition area. He explained the structure that has been built already. He showed pictures of the bales of crushed glass which were breaking open and surrounded by vegetation. He said the issue is that nobody is on the site to maintain anything. He will try to get the owners to address his concerns. He will report back to the Board with any updates. He said there is a restoration bond that the Township may need to pursue if the site is not cleaned up.

Mr. Stoner said the State D.E.P. is requiring every municipality to update their Stormwater Control ordinances. He said they have new green infrastructure regulations. He explained instead of just underground pipes and dry wells they are looking for more green structures to take out impurities such as sand filters bio-retention systems, and rain gardens. He said every municipality will need to adopt new amendments to their ordinances. He said the Township Committee will have a first reading and then refer it to the land Use Board.

Mr. Stoner left the meeting at 8:03 p.m.

RESOLUTIONS: None.

COMPLETENESS REVIEWS: None.

HEARINGS: None.

PUBLIC PORTION:

Mr. Messerschmidt opened the meeting to the public. With no public on the remote meeting, the meeting was closed to the public.

ORDINANCES: None.

VOUCHERS:

Weiner Law Group	Legal	\$240.00	
Vogel, Chait, Collins & Schneider	Escrow – BHT Properties Group	\$128.00	

A motion to approve the vouchers as presented was made by Mr. Kepreos and seconded by Mr. Ordile. Roll Call: - Eric Olsen – yes, Suzanne Howell – yes, CeCe Pattison – yes, Steven Kepreos – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes.

OLD BUSINESS:

1.) Food Truck Ordinance

Mr. Messerschmidt said the Board Secretary had sent a sample food truck ordinance for the Board to consider. He said some of the Board Members had expressed a concern the ordinance may hurt the brick-and-mortar food establishments. The Board Secretary gave an overview of the sample ordinance.

Mr. Carafello said the Township Committee does not want the food trucks to hurt the brick and mortar and they did not want to encourage the food trucks. They felt the brick-and-mortar establishments had to go through the land Use application process and made an investment in the town. He suggested the Board review the sample ordinance. The Board Secretary advised the Township has a Peddler’s License ordinance that was very broad and would allow someone to get the license and have a food truck anywhere in town. Ms. McGovern felt the food truck would be beneficial to a seasonal or special event.

Mr. Karr said Lake Lenape has food trucks for special events or someone renting the lodge. He said the best use of food trucks is at farms or events. Mr. Carafello agreed they are beneficial at events. Mr. Karr suggested allowing licensed restaurants in town to have a food truck. Mr. Ordile suggested allowing food trucks from outside the area to invite food diversity into the area as an attraction to an event. Mr. Olsen was in favor of a food truck festival. He suggested limiting the number of food trucks based on the size of the event.

Mr. Messerschmidt felt the ordinance should allow the local restaurants to have a food truck on their property especially during the pandemic however there needs to be controls so they do not become an eyesore.

The Board Secretary suggested any food truck ordinance be tied to a Public Gathering permit.

2.) Cannabis Ordinance

Mr. Ordile asked what the Township Committee was working on. Ms. McGovern said there is a cannabis company interested in coming to Andover and they had been before the Township Committee and they are coming back. She said there was a concern with odor and security which she said has been address since everything is grown indoors.

Mr. Messerschmidt asked if the interested party file plans to which Ms. McGovern said no.

The Board agreed to send suggestions to Mr. Carafello to compile and coordinate and report back to the Board. Mr. Ordile felt people want the cannabis but not in their backyard. He suggested a public discussion and opening it to the residents for their input. Ms. McGovern felt that before the public is involved the Township should have the information and decision made on how to proceed. Then open it up to the public. Ms. Howell suggested the Township Committee present it to the public to which Mr. Carafello agreed. Mr. Olsen felt the ordinance should be drafted in coordination with the Land Use Board and the Township Committee. There was a discussion on the new Cannabis legislation in New Jersey. Mr. Ordile asked how many lots are conducive of such a facility. Mr. Olsen suggested the Engineer could figure that out. The Board Secretary suggested the Tax Assessor can run a list of properties with specific qualifications.

Mr. Messerschmidt asked the Board members to review the sample ordinance and send suggestions to Mr. Carafello.

3.) Zoning Map Review

Mr. Messerschmidt displayed a colorized version of the Township's Zoning map. The Board Secretary said she had colored in the different zones to emphasize the various zones. Mr. Messerschmidt said the Board had talked about rezoning, cleaning up or combining certain zones. He said this goes hand in hand with the redevelopment project and the Master Plan review. He said it highlights what needs to be talked about for rezoning. The Board Secretary said she started with the commercial and industrial zones because they need the most help. She said the zoning map is old and not updated so some of the subdivisions are not on the map.

Mr. Carafello said flex space is a hot item and felt Route 206 is a good place for office and ware house uses. Mr. Olsen said the Board had talked about digitizing the zoning map and said some of the properties are in two different zones. He felt digitizing would help with this. There was a discussion on the airport zone. There was a discussion on the outdated zoning map. The Board Secretary suggested a subcommittee work on the zoning map. Mr. Carafello and Mr. Messerschmidt agreed to be on the subcommittee.

NEW BUSINESS:

Mr. Ordile asked Mr. Messerschmidt to share his goals that he will present to the Township committee. Mr. Messerschmidt said he will discuss cleaning up the current zoning map and working on the cannabis and food truck ordinances, finalizing the redevelopment project, and the master plan review. He said if the Township Committee gives the funds for a full-blown Master Plan review, he will suggest a subcommittee to work on it with the Board Planner.

Mr. Ordile asked if the public portion of the agenda could be moved to the end of the meeting. There was a discussion on the placement of the public portion. The Board Secretary said she puts it towards the beginning so the public could speak and then they do not have to wait through administrative issues.

Mr. Ordile asked if the Board wanted to consider moving the meeting start time to 6:30pm. The Board Secretary said it may make it hard for people to get to the meeting on time. Ms. Howell felt the start time should accommodate the volunteer Board Members.

LIAISON REPORTS:

Township Committee

Ms. McGovern said Mr. Messerschmidt will address the TC at their next meeting. She said the TC Executive Session will start at 6pm and the regular meetings will start at 7pm.

Environmental Commission:

Ms. Howell said the Environmental Commission went over their goals for 2021 with the major goal of updating the Open Space Plan which is an element of the Master Plan.

Sustainable Andover:

Mr. Messerschmidt complimented the Buy Local Guide. Mr. Olsen showed the Board the final product. He said they will need to find some money for printing so they can be distributed to local businesses.

Redevelopment Sub-Committee:

Mr. Messerschmidt said Mr. Ordile will be filling his slot on the subcommittee. Mr. Karr expressed an interest in joining the subcommittee as well. The subcommittee will consist of Joseph Ordile, Richard Skewes, Steven Kepreos and Eric Karr.

UPCOMING MEETINGS: February 2, 2021, February 16, 2021

Mr. Messerschmidt said the Board needs to find out if the pending application will be returning to continue their hearing. He said he will reach out to the conflict attorney.

Mr. Messerschmidt asked the Board Secretary if she had reached out to the Attorney for the Richard Jump appeal to which she said yes. The Board asked the Secretary to reach out to the Attorney again.

CORRESPONDENCE: None.

ADJOURNMENT:

With no further business to come before the Board a motion to adjourn was made by Mr. Carafello. It was seconded by Mr. Olsen and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator