

ANDOVER TOWNSHIP LAND USE BOARD
ANDOVER MUNICIPAL BUILDING
134 Newton-Sparta Road, Newton, NJ 07860
MINUTES
February 16, 2021
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:32 p.m.

FLAG SALUTE:

Mr. Messerschmidt led the Board in a flag salute.

OPEN PUBLIC MEETINGS ACT NOTICE:

Mr. Messerschmidt read the following into the record.

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. No new testimony will be taken after 10:30pm. Both adequate and electronic notice of the meeting has been provided, due to the meeting being held remotely, specifying time, place and manner in which such notice was provided.

ROLL CALL:

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

ALSO PRESENT:

Richard Brigliadoro, Esq.
Cory Stoner, PE

MINUTES: February 2, 2021

A motion to approve the minutes of the February 2, 2021 meeting with the noted correction was made by Mr. O’Connell and seconded by Mr. Carafello. Roll Call: Janis McGovern – yes, John Carafello – yes, Suzanne Howell – yes, John O’Connell – yes, Steve Kepreos – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion carried.

RESOLUTIONS: None.

COMPLETENESS REVIEWS: None.

HEARINGS: None.

PUBLIC PORTION:

Mr. Messerschmidt opened the meeting to the public. The Board Secretary advised there were members of the public that had called in. With nobody requesting to speak, the meeting was closed to the public.

ORDINANCES:

1.) Cannabis Ordinance

Mr. Messerschmidt said the Township Committee was looking for the Board's input on the proposed ordinance.

Mr. Ordile said he had compiled a Power Point graph which he shared and went over with the Board. He expressed a concern that wholesaler and distributor were not defined in the ordinance. Mr. Ordile felt the definitions were conflicting. There was a discussion on the conflicting definitions.

Ms. Allison Kopsco, from J. Caldwell & Associates joined the Board and said she will look into the conflict. Mr. Carafello asked Ms. Kopsco to make sure the Township's definitions do not conflict with the State's definitions. There was a lengthy discussion on the definitions and the different types of licenses.

Ms. McGovern said the Township Committee was still considering allowing the retail of cannabis. There was a discussion on the local cannabis tax.

There was a lengthy discussion on the microbusiness requirements. The Board discussed excluding the microbusiness in the Township. Mr. Karr suggested that eliminating the microbusiness would attract the larger businesses. Mr. Messerschmidt preferred including the micro-business but limiting their location and the lot size. There was a discussion on the minimum lot size that should be allowed.

Mr. O'Connell suggested the ordinance should refer to the zones that Andover Township use; not the terminology the State is using. Mr. O'Connell felt the Township could be liable for a law suit if the cannabis use is not allowed in a zone other than commercial. Mr. Carafello agreed. Mr. Messerschmidt felt the cannabis use should not be allowed in a residential zone. Mr. Ordile felt the ordinance should only allow the use to be at least 1000 feet from a school. Mr. Messerschmidt felt this should only apply to retail. Mr. Karr said keeping cannabis retail at least 1000 feet from a school is consistent with the "drug free" zone.

Mr. Ordile felt the ordinance should be more specific on noise levels, security, and hours of operation. Mr. Ordile said he will send his list of questions and comments to the Planner and the Board Members. Mr. O’Connell felt the ordinance should also address trash, fertilizer use and septic issues. Mr. Messerschmidt felt these are site plan issues.

Ms. McGovern and Mr. Carafello will take the Boards suggestions back to the Township Committee.

VOUCHERS:

Weiner Law Group	Legal	\$980.03	
Weiner Law Group	Escrow – Richard Jump	\$128.00	
Vogel, Chait, Collins & Schneider	Escrow – BHT Properties Group	\$40.00	
Harold Pellow & Assoc.	Escrow – BHT Properties Group	\$987.00	

A motion to pay the bills as presented was made by Mr. Tolerico and seconded by Ms. Howell. Roll Call: Janis McGovern – abstain, John Carafello – abstain, Suzanne Howell – yes, John O’Connell – 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. Karr explained his proposed food truck ordinance. He said he did not want the ordinance to inhibit a resident from having a catering service come to their home. Mr. Karr proposed a \$25.00 permit application fee. Mr. Ordile agreed the private component should be removed from the ordinance. There was a discussion on the current peddler’s license ordinance. Mr. Karr was concerned about food delivery trucks.

Mr. Ordile felt the current peddler’s license needs to be tightened up. Mr. Carafello said the Township Committee is working on exempting food trucks from the peddler’s license ordinance. There was a discussion on ice cream trucks. Mr. Messerschmidt suggested limiting the peddler’s license by the amount of time a truck can stop to make a sale. The Board expressed a concern with enforcement.

Mr. Ordile suggested the ordinance should allow at least four trucks to allow for food variety but limiting the number of consecutive days the truck would be allowed to be on site. Mr. Ordile expressed a concern with a truck being parked close to a structure. Mr. Karr said fire and noise from a generator could be a concern. Mr. Carafello suggested having the food truck owners come in for sight distance issues.

Mr. O’Connell said Farmstead Golf Club has their own food truck on their property. There was a discussion on food trucks as an extension of a business. Ms. McGovern suggested removing the seating restriction. There was a discussion on the number of required parking spaces.

Mr. Karr will revise the proposed ordinance and send it to the Board for consideration.

NEW BUSINESS:

1.) Climate Change Hazard Vulnerability Assessment

Mr. Briigliodoro said it is a new statute which will need to be addressed in the Master Plan. The new legislation requires Towns to address threats to climate change. Mr. Briigliodoro explained the statute to the Board and what needs to be considered when doing the Master Plan Re-examination. He said the statute does not have a timeframe however, it has to be addressed with the next Master Plan Re-examination or amendment. Mr. Stoner said he will provide the Board with an estimated cost to add this to the Master Plan.

2.) Sample Outdoor Dining Ordinance

Mr. Briigliodoro gave some background on the Totowa sample outdoor dining ordinance. He said the sample ordinance requires the restaurant to get a one-time site plan approval and then get a license from the Municipal Clerk. Mr. O'Connell felt outdoor dining could double the amount of seating and create septic and well issues. Mr. Carafello agreed and felt the annual licensing was not a good idea. Mr. Carafello felt the restaurant owner should come in for site plan approval. Mr. Messerschmidt felt the Township should have an ordinance to allow outdoor dining. The Board agreed restaurants could apply for site plan approval and there is no need for an outdoor dining ordinance.

LIAISON REPORTS:

Township Committee:

Ms. McGovern said the Township Committee had their first budget workshop meeting.

Environmental Commission:

Ms. Howell said the Commission is moving forward on the Open Space Plan update. She said the estimate for the walking path came in higher than expected so they will look at different materials to lower the cost. Ms. Howell said the Commission is looking for grant money for the walking path. She said they discussed the signage at the Lakeside Nature Park at the Lake Iliff access. Ms. Howell said the Commission had a presentation by Ms. Michaeline Picaro, of the Turtle Clan of the Ramapo Nation, who has been mapping ceremonial stonescapes in the area. She will return to the Environmental Commission meeting in March and Ms. Howell invited everyone to attend.

Sustainable Andover:

Mr. Olsen was not present to give a report.

Redevelopment Subcommittee:

Mr. Ordile said they are setting up a date to meet with Ms. Jessica Caldwell, PP to get the Redevelopment Study and Plan underway.

Zoning Map Changes Subcommittee:

Mr. Carafello said they are trying to set up a meeting date.

UPCOMING MEETINGS: March 2, 2021, March 16, 2021

CORRESPONDENCE: None.

ADJOURNMENT:

With no further business to come before the Board, a motion to adjourn was made by Mr. O'Connell. It was seconded by Ms. Howell and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator