

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

**Minutes  
March 2, 2021  
7:30 p.m.**

**You are invited to a Zoom webinar.  
When: Mar 2, 2021 07:30 PM Eastern Time (US and Canada)**

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**Topic: Andover Land Use Board Meeting**

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**CALL TO ORDER:**

Mr. Messerschmidt called the meeting to order at 7:30pm.

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

**ALSO PRESENT:**

Richard Briadoro, Esq.  
Cory Stoner, PE

**MINUTES:** February 16, 2021

A motion to approve the minutes of the February 16, 2021 meeting as amended was made by Mr. O’Connell and seconded by Ms. Howell. Roll Call: Janis McGovern – yes, John Carafello – yes, Suzanne Howell – yes, John O’Connell – yes, CeCe Pattison – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

**RESOLUTIONS:** None.

**COMPLETENESS REVIEWS:** None.

**HEARINGS:** None.

**PUBLIC PORTION:**

Mr. Messerschmidt opened the meeting to the public. The Board Secretary advised there was one member of the public who had dialed into the meeting. With nobody from the public coming forward, the meeting was closed to the public.

**ORDINANCES:**

1.) Cannabis Ordinance

Mr. Messerschmidt said the Township Committee had sent a revised ordinance for the Board’s comments. Mr. Ordile noted that retail and microbusiness have been removed from the ordinance. He said it made more sense to focus on the manufacture and cultivation of cannabis.

Ms. McGovern said the only issue the Board needs to address is location of the facilities. There was a discussion on the definitions in the ordinance, but not used in the body of the ordinance.

Mr. Ordile expressed a concern with the proposed 50-foot buffer. There was a discussion on the requirement for a 50-foot landscaped buffer. The Board agreed this should be handled at site plan review. Mr. Briadoro said the language should be clarified. The Board agreed to suggest the removal of the requirement for a 50-foot landscaped buffer.

There was a lengthy discussion on the definition of “manufacture”. Mr. Messerschmidt felt the State was trying to remove packaging and labeling from the definition of “manufacture”. Mr. Messerschmidt said the various classes of State licensing need to be addressed in the ordinance. Mr. Ordile said the cultivator is a business that takes the product from seed to consumer. He said one operation may have all of the licenses and the retail may be a separate license. He said the various licenses are for the smaller microbusinesses. There was a discussion on the various licenses. Mr. Ordile suggested removing the retail element from this ordinance. Mr. Carafello suggested a separate ordinance for retail. Mr. Ordile suggested to specifically prohibit retail from the cultivation ordinance. Mr. Karr agreed and felt the retail is very different from the cultivation and it should be addressed in separate ordinances. Mr. Olsen felt they could be addressed in one ordinance with separate sections. There was a discussion on which zones retail should be allowed.

Mr. Ordile asked if the ordinance should address onsite security, noise levels, need for a generator, and light trespass and the distance from a C-1 waterway. Mr. Messerschmidt said all of these issues would be handled in a site plan application.

Mr. Messerschmidt felt the list of allowable blocks and lots should be removed from the ordinance. He said the ordinance should identify specific zones and not specific properties. Ms. McGovern felt the list was included more for informational reasons since they are the properties that meet the criteria. The Board agreed to remove the specific listed blocks and lots from the ordinance. The Board discussed other suggested changes to the proposed ordinance. The Board discussed the signage and agreed to allow one freestanding 32 square foot sign.

A motion to have the Board Secretary draft a red line version of the proposed ordinance with the noted changes and send it to the Township Committee was made by Mr. O’Connell and seconded by Mr. Olsen. Roll Call: Janis McGovern – yes, John Carafello – yes, Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, CeCe Pattison – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

**VOUCHERS:**

Harold Pellow & Assoc.	Engineering	\$65.00	
Harold Pellow & Assoc.	Escrow – BHT Properties Group	\$130.00	
Harold Pellow & Assoc.	Escrow – Pace Glass	\$1,165.00	

A motion to pay the bills with the noted correction was made by Ms. Howell and seconded by Mr. Tolerico. Roll Call: Janis McGovern – yes, John Carafello – yes, Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, CeCe Pattison – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

**OLD BUSINESS:**

1.) Food Truck Ordinance

Mr. Karr went over the changes the Board had discussed at the last meeting. He said he added a clause that any food truck as an incidental part of the existing business was exempt from the Township permit however, it must stay on the property. This does not exempt them from other required licenses such as a food handler’s license.

Mr. O'Connell suggested adding enforcement and a fine to the ordinance. There was a discussion on the amount of the fine and who would be responsible for the fine.

There was a discussion on the fees. The Board Secretary suggested the Zoning Officer look at the proposed ordinance for his input. The Board agreed to send the ordinance to the Township Committee as was presented and send the Zoning Officer's comments to the Township Committee separately.

A motion to recommend the proposed food truck ordinance to the Township Committee was made by Mr. O'Connell and seconded by Ms. Howell. Roll Call: Janis McGovern – yes, Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, John O'Connell – yes, CeCe Pattison – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion carried.

## 2.) Zoning Map Review

The subcommittee has not met and there was nothing to report.

Mr. Ordile noted that two businesses had recently opened and asked for an explanation on how it is determined a business is ready to open. Mr. Stoner explained the process to the Board. He said they have to get their final inspections from the construction department and then get approvals from his office for their site improvements. Mr. Stoner explained how a temporary Certificate of Occupancy is handled.

### **NEW BUSINESS:**

Mr. Messerschmidt reminded the Board about proper email procedures.

### **LIAISON REPORTS:**

#### ***Township Committee:***

Ms. McGovern said the Township Committee is aware of the new legislation requiring Boards to conduct a flood vulnerability assessment in the next review of the Master Plan. Mr. Stoner explained the Master Plan requirement.

#### ***Environmental Commission:***

Ms. Howell aid they have not met since the last Land Use Board meeting.

#### ***Sustainable Andover:***

Mr. Olsen reported the Sustainable Andover committee is ready to apply for Sustainable Jersey certification. Mr. Olsen explained the Sunflower Fest. He said farmers are onboard and they are reaching out to local restaurants to join the event. Mr. Olsen said he would talk with Mr. Messerschmidt on some sustainable action plans for the Land Use Board.

#### ***Redevelopment Sub-Committee:***

Mr. Ordile reported the sub-committee met with Ms. Caldwell, PP and they went over what has been done and what still needs to be done. He said Ms. Caldwell is going to do an inspection to make sure the properties in the study still conform. He said the draft proposal should be in front of the Board on April 6, 2021 and they have set a date of April 20, 2021 for a formal public presentation.

**UPCOMING MEETINGS:** March 16, 2021, April 6, 2021

Mr. Messerschmidt advised the Board of the pending applications that need to come before the Board.

**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. Pattison and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Land Use Administrator