

**ANDOVER TOWNSHIP LAND USE BOARD
ANDOVER MUNICIPAL BUILDING
134 Newton-Sparta Road, Newton, NJ 07860
MINUTES
April 20, 2021
7:30 p.m.**

You are invited to a Zoom webinar.

When: Apr 20, 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 7:30 pm.

FLAG SALUTE:

Mr. Messerschmidt led the Board in a 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. The rules are generally as stated on the agenda. No new testimony will be taken after 10:30pm. Adequate and electronic notice to the meeting has been 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 – Present
Joseph Ordile – Present
Joseph Tolerico - Present
Eric Karr - Present
Paul Messerschmidt – Present

ALSO PRESENT:

Richard Brigliadoro, Esq.
Cory Stoner, PE
Thomas Molica, Esq.

MINUTES: April 6, 2021

A motion to approve the minutes with the noted corrections was made by Mr. O’Connell and seconded by Mr. Carafello. Roll Call: Eric Olsen – yes, John Carafello – yes, John O’Connell – yes, CeCe Pattison – yes, Steven Kepreos – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

RESOLUTIONS: None.

COMPLETENESS REVIEWS:

1.) BHT Properties Group B:151 L: 21

Mr. Messerschmidt explained the completeness process to the public.

Mr. Brigliadoro Mr. Carafello and Ms. McGovern recused themselves from the Board for this matter.

Mr. Robert Morgenstern, Esq., was representing the applicant. He said they are in agreement it is a new application and they will be submitting the appropriate fees and new checklists. He said the environmental impact statement has been previously submitted.

Mr. Stoner went through the comments in his report addressing completeness. He agreed a new checklist and fees must be submitted. He said the environmental impact statement is inadequate and needs more detailed information. He recommended the application be deemed incomplete until the new checklists and fees are submitted to the Board.

Mr. Ordile asked if the March 10, 2021 start date still applies to which Mr. Molica said no. The new start date will begin after the application is deemed complete. Mr. Ordile asked who the operator of the property will be. Mr. Molica said the applicant has provided an owner consent

form and felt that was sufficient for completeness purposes. Mr. Karr asked if the applicant will be required to identify the operator of the property during the hearing to which Mr. Molica said the applicant will not need to identify who the operator will be. He said they are within their rights to prosecute an action to seek site plan and variance approval without identifying the property operator.

A motion to deem the application incomplete based on Mr. Stoner's report was made by Mr. O'Connell and seconded by Mr. Tolerico. Roll Call: Eric Olsen – yes, 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. Motion passed.

Mr. Stoner asked that the application form be updated as a new application.

Mr. Brigliadoro, Mr. Carafello and Ms. McGovern returned to the Board.

HEARINGS:

1.) Jump, Richard B:151 L:19 A120-5

Mr. Messerschmidt said the hearing will not move forward at this time since the applicant had not noticed for the hearing. Mr. Brigliadoro gave a brief history of the progress of the matter. Mr. Brigliadoro recommended the Board carry the matter to a future date and make certain Mr. Kraemer and Mr. Jump are aware of the date. There was a discussion on when and in what format the hearing should be heard. Mr. Brigliadoro explained the municipal court process.

Mr. Gary Kraemer, Esq. was representing the applicant. He said the remote platform is not the way to handle a contested matter. Mr. Ordile asked if Mr. Jump would be able to appear for the hearing as soon as the Board goes back to in-person meetings to which Mr. Kraemer said yes. There was a lengthy discussion on the date to hold an in-person meeting. The Board and Mr. Kraemer agreed to hold the hearing on July 6, 2021. Mr. Brigliadoro asked Mr. Kraemer if he will provide the notices for the July 6, 2021 date as required under the Township's ordinances and to grant the Board an extension of time in which to decide the appeal, to which Mr. Kraemer said yes.

A motion to move the hearing to July 6, 2021 was made by Mr. Karr and seconded by Mr. O'Connell. Roll Call: Janis Mc Govern – yes, Eric Olsen – yes, John Carafello – abstain, John O'Connell – yes, CeCe Pattison – yes, Steven Kepreos – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed. Suzanne Howell was unable to vote due to technical difficulties.

PUBLIC PORTION:

Mr. Messerschmidt opened the meeting to the public. He reminded the public that they could not ask questions or make comments about any pending application before the Board because it could jeopardize the application for appeal processes.

Mr. Brian Dowling of 3 Westview Terrace, Andover asked if Mr. Stoner’s report on the BHT matter would be available to the public. The Board Secretary said the report has been posted on the Township’s website.

Mr. Dowling asked if the applicant in the BHT matter has to identify the user of the property. Mr. Molica explained the applicant has provided an owner consent form from the property owner and they do have the ability to seek the relief they are ultimately seeking before the Board and he felt it is not an issue at this time.

With nobody else from the public coming forward, the meeting was closed to the public.

ORDINANCES: None.

VOUCHERS:

Weiner Law Group	Legal	\$848.00	
Weiner Law Group	Escrow – Richard Jump	\$432.00	
Harold Pellow & Assoc.	Engineering	\$390.00	
Harold Pellow & Assoc.	Escrow – Guarda Enterprises	\$32.50	
Harold Pellow & Assoc.	Escrow – BHT Properties	\$653.88	
Harold Pellow & Assoc.	Escrow – Pace Glass	130.00	
Vogal, Chait, Collins & Schneider	Escrow – BHT Properties	\$2,600.00	

A motion to approve the vouchers was made Mr. O’Connell and seconded by Mr. Olsen. Roll Call: Janis Mc Govern – abstain, Eric Olsen – yes, 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. Motion passed.

OLD BUSINESS:

Mr. Kepreos asked about the annual financial disclosure statement filing deadline. The Board Secretary said she will follow up on this matter with the Township Clerk.

Mr. Messerschmidt asked if Mr. Stoner has had a chance to follow up on the progress of the PITFOA development. Mr. Stoner said he has not had a chance to follow up on the matter.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee:

There was a discussion on the cannabis ordinance. Ms. Mc Govern said it was adopted by the Township Committee. The food truck ordinance was sent back to the Township Attorney for revisions.

Environmental Commission:

Ms. Howell said, as of their last meeting, they have not had any proposals for the Open Space Plan update. Mr. Olsen said they had received three proposals to update the Open Space Plan since the last Environmental Commission meeting.

Sustainable Andover:

Mr. Olsen said they have submitted a grant for Sustainable Jersey funding which will be used for the printing of the Buy Local guides. They are still working on the sunflower festival.

Redevelopment Sub-Committee:

Mr. Ordile said he had received the list of property owners from the Tax Assessor. He said they are planning to hold the public hearing on June 1, 2021. The Board Secretary will look for an in-person venue. Mr. Briadoro explained the notice process to the Board. Mr. Ordile gave a brief background on the Redevelopment Study.

Zoning Map/ Zone Changes Subcommittee

Mr. Messerschmidt said the proposed changes and proposed marked up Zoning Map still need to be revised. When the proposed map has been revised, it will be sent out to the Board for discussion.

UPCOMING MEETINGS: May 4, 2021, May 18, 2021

Mr. Carafello said there has been some activity with the proposed rail station on Roseville Road. The rail line will go from Andover Township to Scranton, PA. He said internet lines for Planet Network have been installed in many parts of town and residents should contact them if they are interested in the service. Mr. Messerschmidt asked if Mr. Carafello would be the liaison for the Economic Development Committee to which he said he would.

CORRESPONDENCE:

- 1.) From: Sussex County Department of Engineering
Date: March 18, 2021
Re: Vesi Preliminary Site Plan – Green Township

- 2.) From: Sussex County Department of engineering
Date: March 24, 2021
Re: Perona Realty Corp Preliminary Site Plan

- 3.) From: PSE&G – David W. Grossmueller Ph.D.
Date: March 31, 2021
Re: Minor Road Crossing – Kilroy Road

- 4.) From: Mr. William Haggerty, Esq.
Date: April 14, 2021
Re: BHT Properties Group

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