



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

## MINUTES

May 18, 2021

7:30 p.m.

You are invited to a Zoom webinar.

When: May 18, 2021 07:30 PM Eastern Time (US and Canada)

May 18, 2021 07:30 PM

Please download and import the following iCalendar (.ics) files to your calendar system.

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Topic: Andover Land Use Board Meeting

Please click the link below to join the webinar:

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### CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:34 pm.

### PLEDGE OF ALLEGIANCE:

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. Adequate and electronic notice to the meeting has been provided.

**ROLL CALL:**

Janis McGovern – Absent  
Eric Olsen – Present  
John Carafello – Present  
Suzanne Howell – Present  
John O’Connell – Present  
CeCe Pattison – Present  
Richard Skewes – Excused  
Steven Kepreos – Present  
Joseph Ordile – Present (at 8:48pm)  
Joseph Tolerico – Present  
Eric Karr – Present  
Paul Messerschmidt – Present

**Also Present:**

Richard Brigliadoro, Esq.  
Cory Stoner, PE  
Thomas Molica, Esq.  
Stephanie Pizzulo, Secretary

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** from May 4, 2021

A motion to approve the minutes of the May 4, 2021 meeting with the noted corrections was made by Mr. Tolerico and seconded by Mr. O’Connell. Roll Call: Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

**RESOLUTIONS:** None.

**COMPLETENESS REVIEWS:**

1.) BHT Properties Group B:151, L: 21 A21-2

An application for Preliminary and Final Major Site Plan approval and variances to permit the applicant to demolish all existing structures, regrade the lot and utilize the property for storage of construction vehicles and construction equipment and materials. In addition, the applicant will install a pedestrian walkway, commercial off building and provide all necessary subsurface and surface stormwater facilities. The runway will be maintained and used for access and storage.

Mr. Messerschmidt advised that this was a completeness review and there will be no public comment at this time.

Mr. Briadoro recused himself from the matter and went offline. Mr. Molica stepped in as the Board Attorney for this matter. Mr. John Carafello recused himself from this hearing and went offline.

Mr. Molica gave a brief history of the application. The application had been deemed incomplete at the April meeting due to some missing items as per Mr. Stoner's report.

Mr. Roger Thomas, Esq. of Dolan & Dolan was representing the applicant. He said they have submitted the missing documents, additional escrow, and application fees. He said they have reviewed Mr. Stoner's report and felt they have address the missing items and the other comments in Mr. Stoner's report could be dealt with during the hearing process.

Mr. Stoner explained a completeness hearing is to make sure enough information has been submitted to start the hearing. He said it does not mean the Board or its Professionals agree with everything that was submitted and the Board can ask for additional materials. Mr. Stoner went through his report dated May 14, 2021. He said the missing items have been supplied to the Board. He said the applicant has also provided a written description of why the requested variance should be granted.

Mr. Molica advised everyone that the application, which was filed last year, was withdrawn, this is a new application seeking a different use, and new application materials have been filed.

Mr. Stoner went over a few checklist items, which the applicant was requesting waivers. He said the applicant provided an Environmental Impact Statement however, some of the areas of the report were not detailed and he said additional information might be requested. He said the document did provide the basic information. He recommended the Board should consider deeming the application complete with the waivers as per his report.

Mr. Olsen asked about checklist # 7 and the items marked as n/a. He said they were details related to the environmental resources on the property. Mr. Stoner said that information is if the application is proposing construction over a stream and felt those items did not apply to this project. There was a discussion on the non-applicable items on the checklist.

A motion to deem the application complete, with the noted waivers was made by Mr. O'Connell and seconded by Ms. Howell. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John

O'Connell – yes, CeCe Pattison – yes, Steven Kepreos – yes, Joseph Tolerico – yes, Eric Karr – abstain, Paul Messerschmidt – yes. Motion passed.

Mr. Thomas discussed meeting dates. The Board agreed to hold the hearing on June 15, 2021.

Mr. Briadoro and Mr. Carafello returned to the Board.

**HEARINGS:** None.

**ORDINANCES:** None.

**OLD BUSINESS:**

1.) Discussion on new application format

Mr. Messerschmidt said Mr. Ordile had sent a list of his suggestions. The Board Secretary went over the list provided by Mr. Ordile. The Board Secretary will compile a draft application from the listed suggestions and submit it to the Board for consideration. Mr. Messerschmidt suggested adding instructions for the applicant. Mr. Karr had a concern with adding meeting dates to the application. There was a discussion on what should be included in the application packet. Mr. Stoner suggested adding a zoning table and requiring a description of the project. Mr. Olsen suggested the narrative ask for key pieces of information. There was a discussion on the fee schedule. Mr. Stoner said he had a fee schedule for surrounding towns and can submit it to the Board to see how Andover's fees compare.

2.) Review of EIS requirements

The Board Secretary said she sent the current Environmental Impact Statement requirements to the Board for review. Mr. Olsen suggested the Environmental Commission look at the ordinance and give their feedback. He felt there are areas that may need to have more information required. The Board Secretary will send the ordinance to the Environmental Commission for their suggestions.

**NEW BUSINESS:**

1.) In-Person Meetings

Mr. O'Connell asked when the Board would resume with in-person meetings. There was a discussion on the lifting of State restrictions and how the future meetings would be held. There was a discussion on holding hybrid type meetings. Mr. O'Connell felt the meetings should be in person only.

Mr. Ordile joined the meeting at 8:48 pm.

Mr. Karr said the world has changed and remote meetings are here to stay. He felt getting more people involved in government is important. He felt it was important for people to have access to watch the meeting. Mr. Olsen said more public have attended meetings because of Zoom. Mr. Carafello said if the Board keeps the Zoom platform, it would need to be the

professional account. Mr. Messerschmidt asked Mr. Brigliadoro to look into the legalities of holding a hybrid meeting after the Covid pandemic has ended. There was a discussion on the legal concerns. Mr. Brigliadoro expressed a concern with the public asking questions and then making statements that then becomes testimony. Mr. Ordile felt the Board needs to consider the hybrid meeting and not be as concerned with the cost. He felt the value of having the public involved outweighs the cost of the Zoom platform. Mr. Brigliadoro advised the Board that once the State of Emergency has ended, the Board will need to consider what is legal.

2.) 2021 Budget

Mr. Messerschmidt advised the Board the Township Committee has approved the budget for 2021 and can start working on the Master Plan. The Master Plan subcommittee will consist of Mr. Olsen, Mr. Karr, Mr. Ordile and Mr. Carafello.

**LIAISON REPORTS:**

***Township Committee – Janis McGovern***

Mr. Carafello said there was nothing to report.

***Environmental Commission – Suzanne Howell***

Ms. Howell reported the Environmental Commission has chosen H2M Associates to prepare the Open Space Plan Update and that choice was sent to the Township Committee for approval.

***Sustainable Andover – Eric Olsen***

Mr. Olsen said there was nothing to report.

***Redevelopment Sub-Committee – Joseph Ordile***

Mr. Ordile advised the Board the Redevelopment Study hearing would be on June 1, 2021 at the Hillside Park/Barn. He gave an overview of the progress of the notice.

***Economic Development Committee – John Carafello***

Mr. Carafello said there is some interest in development in town. He said there has been interest in the Abbey property.

***Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt***

Mr. Messerschmidt said the subcommittee would be moving forward with looking at the permitted uses.

**VOUCHERS:**

<b>Company</b>	<b>Purpose</b>	<b>Amount</b>	<b>How Paid For</b>
Vogel, Chair, Collins & Schneider	Conflict Counsel – BHT Properties	\$2,720.00	Applicant’s Escrow
Weiner Law Group	General Legal	\$528.00	Legal Budget
Weiner Law Group	Redevelopment Study	\$976.00	Redevelopment Budget
Weiner law Group	Richard Jump Application	\$112.00	Applicant’s Escrow

A motion to approve the vouchers as presented was made by Mr. O'Connell and seconded by Ms. Pattison. Roll Call: Eric Olsen – yes, John Carafello – 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 carried.

**CORRESPONDENCE:**

1.) From: Mr. Donald Menard

Re: Application submitted to D.E.P. for freshwater wetlands approval

Date: April 28, 2021

**PUBLIC PORTION:**

Mr. Messerschmidt read the following into the record:

If a member of the public has a question or comment, please raise your hand and wait to be recognized by the Chairperson to speak. When called, please come to the microphone, state your full name and address and spell your last name for the record. Please refrain from asking questions or making comments about any pending application before the Board as the applicant may not be present for cross examination. The Chairperson has the right to limit the amount of time a person from the public has to ask questions and make comments so all members of the public may have a chance to speak.

Mr. Messerschmidt opened the meeting to the public.

Ms. Linda Gianni, 135 Stickle Pond Rd, Andover requested the meetings continue to be handled in a hybrid fashion. She said it would be a convenience and a benefit to the public.

Ms. Eileen Ibranyi, 259 Stickle Pond Road, Andover asked how the public could participate in the Master Plan. Mr. Briadoro said the Master Plan will be subject to a public hearing and the public will be able to hear the presentation from the Board's Planner and the public will be able to offer comments. Mr. Stoner gave some further detail on the Master Plan process. He said there could be a public workshop. He suggested the public attend the meetings for more information. Ms. Ibranyi felt the public wants to have input in the Master Plan.

Mr. Brian McGrath, 20 Tallyho Lane, Andover thanked the Board for considering the continuation of using the Zoom platform at the meetings. He felt the benefits outweigh the shortfalls of a remote meeting. He felt the public feels it is more transparent.

Mr. McGrath asked if an application is deemed complete, must it be 100% complete. Mr. Stoner explained the completeness review process. There was a discussion on how applications are deemed complete.

Mr. McGrath asked for an explanation of the Environmental Impact Statement. Mr. Stoner explained the Environmental Impact Statement. Mr. Messerschmidt directed Mr. McGrath to the Township Code for further details.

Mr. McGrath asked if a Board Member must give a reason for abstaining. Mr. Briigliodoro said they do not have to provide a specific reason why they abstained.

Mr. Ray Wexler of 121 Andover-Sparta Road, Andover advised the Board that dirt is being dumped behind the old agriculture building on Route 206. Mr. Stoner said it is on the Abbey property and they are leveling out the property and they do have a soil erosion permit. Mr. Stoner gave an update on the project. Mr. Messerschmidt advised Mr. Wexler to follow up with the Township Clerk since this matter is not within the Board's jurisdiction.

Ms. Eileen Ibranyi asked again for information on how the community can give input on the Master Plan. Mr. Messerschmidt said more information would follow after the Master Plan Subcommittee has met.

**UPCOMING MEETINGS:** June 1, 2021, June 15, 2021

**ADJOURNMENT:**

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

Respectfully submitted,

Stephanie Pizzulo  
Land Use Administrator