



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
The Barn/Hillside Park Hall
146 Lake Iliff Road, Newton, NJ 07860

MINUTES

June 1, 2021

7:30 p.m.

You are invited to a Zoom webinar.
When: Jun 1, 2021 07:30 PM Eastern Time (US and Canada)
Jun 1, 2021 07:30 PM

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Daily:

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

Also Present:

Richard Briigliodoro, Esq.
Cory Stoner, PE
Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: from May 18, 2021

A motion to approve the minutes of the May 18, 2021 meeting as presented was made by Ms. Howell and seconded by Mr. O’Connell. Roll Call: Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, John O’Connell – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

RESOLUTIONS: None.

COMPLETENESS REVIEWS: None.

HEARINGS:

1.) Area in Need of Redevelopment Study

A hearing for the purpose of determining whether the proposed area described as set forth in a document entitled “Area in Need of Redevelopment Study Andover Township, Sussex County, U.S. Route 206 and Stickles Pond Road” as a preliminary investigation report, or any part thereof, be determined, or not be determined, to be an “Area in Need of Redevelopment”

according to the criteria set forth under the Local Redevelopment and Housing Law pursuant to N.J.S.A. 40A:12A-5 et. Seq.

Mr. Briigliodoro explained the process of the Redevelopment Study and the Redevelopment Law and said the Board's responsibility is to make a recommendation to the Township Committee. He said the study was prepared by Ms. Jessica Caldwell, who is a licensed Planner in the State of New Jersey. Mr. Briigliodoro explained the study may include parcels that do not reflect any of the eligibility criteria in the statute. He said the Land Use Board will not make any recommendations in regards to zoning standards, permitted uses or bulk requirements.

Ms. Jessica Caldwell, PP was sworn in by Mr. Briigliodoro. Ms. Caldwell gave her background and credentials which were accepted by the Board. She said the purpose of the hearing was to go through the Redevelopment Study dated April 2021, which was submitted to the Board for their review based on a recommendation from the Township Committee. The study was for lots along Route 206 and Stickles Pond Road in Andover Township. The purpose of the study is to determine if all or a portion of the study area should be designated as a non-condemnation area in need of redevelopment. The study encompasses 804.70 acres and 43 parcels, which are divided into three subareas. Ms. Caldwell explained each of the three areas to the Board. Ms. Caldwell explained that there are advantages to being in the Redevelopment Area. She explained the existing uses in the area as well as the environmental constraints in the study area. She then explained each property, the zone it is located in and the existing structures located within the three study areas. She said they looked for property maintenance and police reports however, they found very few of them. She explained building to land value and the underutilized properties. She went over the redevelopment criteria analysis. Ms. Caldwell finds the Study Area as delineated meets the statutory criteria to qualify as an area in need of redevelopment and recommended the Board recommend it to the Township Committee as an area in need of redevelopment pursuant to N.J.S.A. 40:A-12A-1 et seq.

Mr. Carafello said Route 206 has some functionally obsolete buildings and properties. He said the Township looked at this as a tool to help move forward and develop Route 206. He felt it would be good for the tax base, quality of life for the residents and provide services to the community. Mr. Carafello explained the positive advantages of the study. Mr. Carafello asked for the demographics of the area and a traffic count. Ms. Caldwell said the next part of the study can look at those items as well as the market and marketability and to start working with interested parties.

Mr. Karr asked if a number of the properties in the study were for sale to which Ms. Caldwell said they were and that creates a lot of opportunity. Mr. Karr asked if it increases the property value. Ms. Caldwell said yes in the sense that it creates more opportunity to get zoning and a plan on the site that makes sense. Mr. Karr asked if the study will bring infrastructure and utilities to the area. Ms. Caldwell said once a plan is in place, that can become part of the process.

Mr. Ordile asked if the Board should look at the areas from a zoning prospective as they go through the Master Plan. Ms. Caldwell said the next step is to look at the zoning of the properties in the study area.

Mr. Messerschmidt asked Ms. Caldwell to explain how the process is voluntary for the property owner. Ms. Caldwell explained the study is a non-condemnation study of the area and that gives the property owners a choice to do something with their property or not. The plan would be an incentive.

Mr. Messerschmidt asked why the study focuses on Route 206. Ms. Caldwell said there are two commercial areas in Andover; Newton-Sparta Road and Route 206. She said Newton-Sparta Rd is developing nicely on its own however, Route 206 is not. She said the designation will help move things along.

Mr. Messerschmidt asked how the study helps a residential property. Ms. Caldwell said it gives the property owner the option to develop it into commercial property.

Ms. Howell asked how the study will affect the Mount Laurel zone. Ms. Caldwell felt the study could help the area by getting some development into the area and recommended the Township keep the inclusionary zoning in the area. She said it will not hurt Andover's affordable housing numbers.

Mr. Olsen asked how the study helps a property that is in good shape and not in need of repair or development. Ms. Caldwell said those properties in good repair and within the study because of their location. They can continue to function as they are doing so today.

Mr. Olsen asked what the next step is for the property owners who wish to redevelop their properties. Ms. Caldwell said once the study is approved by the Township, the property owners would develop a plan and present it to the Township. The plan allows for flexibility with properties on a location by location basis.

Ms. McGovern noted that Route 206 is in need of redevelopment and clarified that residential property owners can continue with the residential use on their properties.

Mr. Tolerico asked if the designation would inhibit someone from selling their development rights to the State. Ms. Caldwell said it would not stop anyone from selling their property to Green Acres or to put it in Farmland Preservation.

Ms. Pattison asked if there was a list of the properties within the study that are for sale. Ms. Caldwell said she noticed various properties were for sale however, she did not have a list. Ms. Pattison asked what happens after the Board makes a recommendation to the Township Committee. Mr. Messerschmidt gave an outline of the process.

Mr. Messerschmidt opened the meeting to the public.

Ms. Maria Tsitsiragos of 27 Quarry Road, Newton, NJ and owner of a property identified in the study. Mr. Briigliodoro said Ms. Tsitsiragos is an attorney and has provided a letter dated June 1, 2021, which was marked and entered as exhibit P-1.

Ms. Tsitsiragos said she owns property located at block 155, lot 5.01, which is part of the study, as well as an adjacent property known as block 155, lot 7, which was not part of the study. She said the two parcels are adjoining. She explained the two parcels and said if the parcel in the back is not included, it will become unusable. She asked that the Board include the adjacent parcel in the study.

Ms. Tiffany Heineman Esq. was representing The Abbey. She asked for clarification on the future wastewater treatment facility that Ms. Caldwell had mentioned. Ms. Caldwell said the Sussex County Wastewater Management Plan, that designates all of the new development as future sewer service areas, identifies the area as a potential area for sewer services. Ms. Heineman asked if the study could help expedite infrastructure to which Ms. Caldwell said yes. Ms. Heineman asked if the study would slow down development that is in the works. Ms. Caldwell felt the redevelopment plan would speed things up in the end. Ms. Heineman asked if a developer could still proceed with conventional development, which Ms. Caldwell said yes. Ms. Heineman asked if there would be incentives, reduced fees, or an expedited time line. Ms. Caldwell said yes to the extent they are within the municipality's control. Such things as construction permits would be outside the municipality's control. Ms. Heineman asked about tax abatement incentives. Ms. Caldwell said there could be opportunity for something like that. Ms. Heineman asked about State regulations to which Ms. Caldwell said developers would have to work within State guidelines.

Mr. Briigliodoro swore in Mr. Ray Wexler of 121 Andover-Sparta Rd, Andover, NJ. Mr. Wexler asked the Board to consider the property values and environmental concerns of the properties on Stickles Pond Road.

Mr. Briigliodoro swore in Mr. Charles Winkler of 66 Main Street, Andover Borough, NJ. Mr. Winkler said he was the owner of Block 1, Lot 5.03 and he was interested in allowing for flex space buildings on his property. Mr. O'Connell explained the history of the zoning on that parcel. Mr. Briigliodoro said that whatever happened as a matter of record is the situation that exists.

Mr. Briigliodoro swore in Mr. David LaTorre of 11 Country Squire Lane, Lafayette, NJ. Mr. LaTorre said he owns the property known as Block 151, Lot 16. He asked if the Redevelopment process would delay his development plans. Ms. Caldwell suggested he talk to the Township about what he wants to do with his property and that could possibly be incorporated into the plan.

Mr. Messerschmidt opened the meeting to people on Zoom. There appeared to be a caller who wanted to ask a question however, the technology was not allowing the caller to speak. After a

5- minute break, the caller had hung up. There were no further zoom participants who indicated they wanted to ask a question.

Mr. Briigliodoro swore in Mr. Mehul Tamakuwala of 708 Route 206, Andover, NJ. He said his parents own Block 158, Lot 14.01 which is the Holiday Motel. He asked if the results of the study are set in stone. Ms. Caldwell explained the study designates the area as an area in need of redevelopment and that empowers the Township to do certain things, so if his parents want to present a plan to the Township that would be allowed.

Mr. Messerschmidt closed the meeting to the public.

Mr. Olsen asked how the individual plans get approved and how does that affect future development. Ms. Caldwell explained a plan can be prepared by the Township or the Land Use Board and then it is reviewed by the Land Use Board for consistency with the Master Plan and then goes back to the Township Committee for a second reading and gets adopted. She said the redevelopment plan is the zoning for the property and then if someone wants to develop under that plan, they come before the Land Use Board with a Site Plan application and the zoning would be the redevelopment plan in place.

Mr. Stoner explained that if a developer deviates they will have to amend the plan. Ms. Caldwell said the way to address this is to be a little more general in the event the development does not go through.

Mr. Briigliodoro said the Board will be making a recommendation to the Township Committee. He advised the Board to make a separate recommendation for the lot that was requested to be included in the study area.

A motion to recommend the document entitled “Area in Need of Redevelopment Study Andover Township, Sussex County, US Route 206 and Stickles Pond Road” in its entirety to the Township Committee was made by Mr. O’Connell and seconded by Mr. Ordile. 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.

A motion to recommend Block 155, Lot 7 be added to the area in need of redevelopment was made by Mr. O’Connell and seconded by Mr. Tolerico. 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.

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS:

Mr. Ordile asked for the status on the revised cannabis ordinance. The Board Secretary said it will be on the June 15, 2021 agenda. Mr. Carafello gave a brief history of the ordinance.

LIAISON REPORTS:

Township Committee – Janis McGovern

Ms. McGovern said the Township Committee is sending the Land Use Board an ordinance to amend the Township’s Cannabis ordinance. The amendment will address the retailing of cannabis in the Township.

Ms. McGovern said the Township awarded a contract to H2M to work on the Open Space and Recreation Plan update. Ms. McGovern said there are seven farms in Andover operating under the SAGE (Sustainable Agricultural Enterprise) program, which makes preserved farms accessible for affordable long-term leases.

Environmental Commission – Suzanne Howell

Ms. Howell said they have not met since the last land Use Board meeting and had nothing to report.

Sustainable Andover – Eric Olsen

Mr. Olsen said they are developing a Buy Fresh, Buy Local campaign.

Economic Development Committee – John Carafello

Mr. Carafello had nothing to report.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt said the subcommittee is still working on the changes.

VOUCHERS: None.

CORRESPONDENCE: None.

PUBLIC PORTION:

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

UPCOMING MEETINGS: June 15, 2021, July 6, 2021

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