



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
The Barn/Hillside Park Hall  
146 Lake Iliff Road, Newton, NJ 07860  
MINUTES  
June 15, 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

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

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 7:30 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 – Present  
Steven Kepreos – Present  
Joseph Ordile – Present  
Joseph Tolerico – Present  
Eric Karr – Present  
Paul Messerschmidt – Present

**Also Present:**

John Miller, Esq.  
Thomas Molica, Esq.  
Cory Stoner, PE  
Stephanie Pizzulo, Secretary

Mr. Messerschmidt announced that the BHT Properties Group matter would not be heard due to a request to carry the hearing to July 20, 2021. He said there would be no further notice of the hearing. The hearing will be carried to July 20, 2021 and will be held at The Barn and held in-person only. There will be no remote access to the hearing. A member from the public asked why the meeting will not be held remotely to which Mr. Messerschmidt said the Board is not required by law to hold remote meetings any longer and the Township is not equipped electronically to hold a hybrid meeting without the possibility of something going wrong.

Mr. Molica stepped down and left the meeting since he was present for the announcement on the BHT Properties Group hearing.

Mr. John Miller, Esq. from Weiner Law was filling in for Mr. Brigliadoro as Board Attorney.

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** from June 1, 2021

A motion to approve the minutes of the June 1, 2021 meeting with the noted corrections was made by Mr. O'Connell and seconded by Ms. Pattison. 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 passed.

**RESOLUTIONS:** None.

**COMPLETENESS REVIEWS:** None.

**HEARINGS:**

1.) BHT Properties Group

*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 said the Board addressed this earlier.

**ORDINANCES:**

1.) Cannabis Ordinance

*An Ordinance amending the code of the Township of Andover to permit the cultivation and processing of cannabis and regulate the location of the cultivation, manufacture, wholesale, distribution, retail, and delivery of legal cannabis within the Township.*

Mr. Messerschmidt said the Township Committee would like the Board to review and provide recommendations on the cannabis ordinance. Mr. Tolerico asked which class pertained to packaging and labeling. Mr. Ordile said this is the second time the Board is reviewing the same ordinance. He said the definition of manufacture is a New Jersey State definition, and cannot be changed.

Mr. Carafello explained the opt-out option for retail of cannabis. He suggested the Board recommend the opt-out option for retail only.

Mr. Ordile went over some of recommendations that the Board had previously made, but were never changed, such as landscape buffering, fence height and signage. He said there was no mention of the Township's signage ordinance. Mr. Carafello agreed the signage language needs to be addressed. Mr. Ordile asked about the location of the delivery service buildings. Mr. Ordile was concerned with delivery services being allowed to store cannabis in their building.

There was a lengthy discussion on the delivery service and if a building would be associated with the service.

Mr. Karr felt the ordinance does not provide specific detail and is a repeat of the State guidelines.

Mr. Olsen felt the section entitled “Cannabis Market Place” was not a definition and should be moved somewhere else in the ordinance.

Mr. O’Connell suggested the fencing height should be no less than eight feet and the sign size should be the same as the sign ordinance which is 32 square feet and the ordinance should clearly state that there will be no façade sign allowed. He noted the ordinance does not address hours of operation on the delivery of cannabis.

Mr. Ordile felt the ordinance was very vague. There was a lengthy discussion on the setbacks and landscape buffering. Mr. Stoner felt the 50-foot setback and the 50-foot buffer did not make sense. Ms. Howell suggested the front yard setback should be 100 feet. Mr. O’Connell felt the 50-foot landscape buffer is an invitation for possible crime and felt the Chief of Police should weigh in on the matter. Mr. Messerschmidt felt the landscape buffer helps keep the rural character of the Township and the security is the responsibility of the business owner. Ms. McGovern felt the 50-foot landscape buffer was numerous trees that would need to be planted. She felt the height of the buffer is more important. Mr. Stoner suggested “for the purpose of screening” be added to the ordinance language to make it clear what the buffer is to accomplish. The Board Secretary went over the suggested changes with the Board.

There was a lengthy discussion on the delivery service license. Mr. Miller said the State controls the Class 6 delivery license conditions. He said the delivery service is not a retailer or a distributor. He said there would be further details on the licensing coming from the State.

A motion to recommend the suggested changes to the Township Committee was made by Ms. Howell and seconded by Mr. O’Connell. Roll Call: McGovern – yes, Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, John O’Connell -yes, CeCe Pattison – yes, Richard Skewes – yes, Steven Kepreos – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

**OLD BUSINESS:**

1.) Next Step in the Redevelopment Study Process

Mr. Ordile said the resolution would be drafted by Mr. Brigliadoro and then presented to the Board for memorialization. The resolution and the study would then be sent to the Township Committee to be adopted.

2.) Food Truck Ordinance

Mr. Messerschmidt said the Township Committee is making further changes to the Food Truck Ordinance, which is now called the Mobile Retail Food Vendor ordinance. It will have its first reading at their coming meeting.

**NEW BUSINESS:** None.

**LIAISON REPORTS:**

***Township Committee – Janis McGovern***

Ms. McGovern advised the Township has approved the milling and paving of certain roads in the Township.

***Environmental Commission – Suzanne Howell***

Ms. Howell said the Environmental Commission will have a joint meeting with the Land Use Board for a presentation on the start of the Open Space and Recreation Plan update. She said they are reviewing the environmental impact statement portion of the Township’s ordinance. She said the Commission would have a special meeting to address their report for the upcoming hearing before the Board.

***Sustainable Andover – Eric Olsen***

Mr. Olsen said they have received a grant, which will be used to print the Buy Local Guide.

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

Mr. Carafello had nothing to report.

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

Mr. Messerschmidt said the subcommittee needs to hold one final meeting to finalize the suggested changes.

**VOUCHERS:**

<b>Company</b>	<b>Purpose</b>	<b>Amount</b>	<b>Paid By</b>
Weiner Law Group	General Legal	\$400.00	Legal Budget
Weiner Law Group	Redevelopment Study	\$1,338.40	Redevelopment Budget
Harold Pellow & Assoc.	Pace Glass	\$65.00	Escrow
Harold Pellow & Assoc.	PITFOA	\$33.25	Escrow
Harold Pellow & Assoc.	BHT Properties Group	\$925.75	Escrow
Harold Pellow & Assoc.	Guarda Enterprise	\$170.00	Escrow
Harold Pellow & Assoc.	General Engineering	\$325.00	Engineering Budget

A motion to approve the vouchers as presented was made by Mr. Olsen and seconded by Mr. Skewes. Roll Call: Janis McGovern – yes, Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, John O’Connell -yes, CeCe Pattison – yes, Richard Skewes – yes, Steven Kepreos – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

**CORRESPONDENCE:**

Mr. Messerschmidt said he had received an email from the attorney for BHT Properties Group asking to carry the hearing to July 20, 2021 and that they would extend the decision time through the end of July.

**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. There was no in-person public present. There were no members of the public attending remotely that indicated they wished to ask a question. Mr. Messerschmidt closed the meeting to the public.

**UPCOMING MEETINGS:** July 6, 2021, July 20, 2021

Mr. Messerschmidt repeated that all further meetings would be held in-person. The July 6, 2021 meeting will be held at the municipal building and the July 20, 2021 meeting will be held at The Barn.

**ADJOURNMENT:**

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

Respectfully submitted,

Stephanie Pizzulo  
Land Use Administrator