



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Andover Township Municipal Building
134 Newton Sparta Road
Newton, NJ 07860
MINUTES
July 6, 2021
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:37 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 – Excused
John Carafello – Present
Suzanne Howell – Present
John O’Connell – Present
CeCe Pattison – Absent
Richard Skewes – Present
Steven Kepreos – Excused
Joseph Ordile – Present
Joseph Tolerico – Present
Eric Karr – Excused
Paul Messerschmidt – Present

Also Present:

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

ADMINISTRATIVE ITEMS:

Approval of Minutes: from June 15, 2021

A motion to approve the minutes of the June 15, 2021 meeting as presented was made by Mr. Skewes and seconded by Mr. O’Connell. Roll Call: Janis McGovern – yes, John Carafello – yes, Suzanne Howell – yes, John O’Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

RESOLUTIONS:

1.) Resolution Designating the Study Area as a Non-Condernation Area in Need of Redevelopment

Mr. Ordile questioned why block 155, lot 7, which was included in the resolution as a request of the property owner, was not added to the exhibits that were attached to the resolution. Mr. Briigliodoro said the Board was given certain blocks and lots to consider for the study. He said a member of the public requested the addition of block 155, lot 7, which the Board added for the Township Committee to consider adding if they felt it should belong in the study.

A motion to recommend the study to the Township Committee 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, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

H2M Presentation

Mr. Ryan Conklin, PP said H2M was awarded the contract to work on the Township’s Open Space and Recreation Plan update. He said he met with the subcommittee, consisting of members of various Township boards and committees. He gave the Board an outline of how the project will take place. He said he met with Mr. Darren Dickenson, Department of Public Works Supervisor, who took him on a site tour of the Township.

Mr. Conklin explained the Open Space and Recreation Plan is an element of the Master Plan. He explained what the plan consists of and how they will proceed with gathering information such as public input and demographic data. He said the document would help guide policy for the Township. Mr. Conklin said they would conduct surveys and have a website that displays the project. He said they would hold public, in-person, workshops in the fall as well as reaching out to the sports organizations in town. Mr. Conklin said draft recommendations would be presented to the Land Use Board and then a formal public hearing would be set up before sending the document to the Township Committee for adoption. He went over the timeline and said it should be adopted by the end of the year.

COMPLETENESS REVIEWS: None.

1.) Reinauer, Christian B:1 L:6.03 A21-4

An application for a proposed expansion to an existing detached garage accessory structure which will encroach into the front yard as shown on the submitted plans.

Mr. Jason Dunn, PP, said they were asking the application be deemed complete and went through Mr. Stoner's report. He said they are requesting a waiver from providing a Letter of Interpretation. He said Mr. Stoner's report recommended the application be deemed incomplete but the applicant is requesting the Board deem the application complete with the requested waiver with the understanding they will need to apply for the L.O.I. and any permitting that is deemed necessary. Mr. Dunn said the application was for the addition of three separate additions to an existing detached garage.

Mr. Dunn said he referenced a 1993 map, which had a 50-foot wetlands buffer when he prepared the current map. He said since so much time has passed, the Board Engineer recommended they check with the D.E.P. to make sure it is still 50 feet and a valid buffer. If it is in fact 150 feet now, they will need to apply for a transition waiver permit. He said Hemlock Lake is now classified as a C1 water body and they may fall under the permit by rule. Mr. Dunn said they did not want to apply to the D.E.P. without first getting approval from the Land Use Board.

Mr. Knutelsky said he was filling in for Mr. Stoner. Mr. Knutelsky went over Mr. Stoner's report of July 2, 2021. He went over the checklists and went over the waiver requested by the applicant. He felt the wetlands would require a greater buffer and recommended the Board grant a temporary waiver for completeness only so the application can move forward. He said it would not be a full waiver and the applicant would still have to supply the L.O.I. to establish the buffer as a condition of approval. He said they are recommending the application be found complete with the three full waivers and the one temporary waiver for completeness only.

A motion to deem the application complete with the three full waivers and the one temporary waiver for completeness only 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, Richard Skewes – yes, Joseph Ordile – abstain, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

HEARINGS:

1.) Grenewicz, Wayne B:158 L: 3 A21-3

An application to obtain a certificate of nonconformity for a pre-existing two-bedroom family ranch and a one-bedroom cabin.

Mr. Briigliodoro swore in Mr. Grenewicz.

Mr. Grenewicz said he recently purchased two pieces of property on Route 206 and one of the properties has two homes on it. The realtor had it listed as two homes. He said the town has the property listed as a single-family two-bedroom ranch with an accessory structure. He said he submitted septic repair information from 2001, which means the septic, has been in place for 21 years. Mr. Grenewicz said the power company replaced meter in 2007. He said his current tenant was in the apartment for the last 12 years and gave a history of the tenants for the past 19 years who lived in the home. He said he is trying to get financing and the bank is concerned there is not two sources of income from the property.

Mr. Messerschmidt asked if there have been any changes to the structure for the last 20 years to which Mr. Grenewicz said no. Mr. Grenewicz said he has approval from the County for septic repairs. Mr. Messerschmidt asked Mr. Grenewicz if he had any certification from the current tenants stating they have been residing in the house to which Mr. Grenewicz said he did not get that.

Mr. Briigliodoro asked Mr. Grenewicz if he was asking the Board to make a finding that there are two rental units on the property, they have been occupied for many years, and the properties are residential in a commercial zone. Mr. Grenewicz said he assumed the residences were there before the property was zoned commercial. He said for at least 20 years the property has been operating as two residential units.

Mr. O'Connell asked if the property could be subdivided, to which Mr. Grenewicz said it is only a half-acre lot. Mr. O'Connell asked if there are two septic tanks on the property. Mr. Grenewicz said there are two holding tanks and one pump tank with a shared field.

Ms. Mc Govern asked how the property is currently taxed, to which Mr. Grenewicz said he thought it was taxed as a single family home with an accessory structure.

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

A motion to approve the certification of a non-conforming use for the property located at Block 158, Lot 3 was made by Mr. Skewes and seconded by Mr. Tolerico. Roll Call: Janis McGovern – yes, John Carafello – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

2.) Jump, Richard B:151 L: 19 A20-5

An appeal of Notice of Alleged Violation dated June 1, 2020.

Mr. Gary Kraemer, Esq said they were before the Board with an appeal of a Notice of Violation dated June 1, 2020. He said they are appealing the violation, which cites the continuous use of truck parking for decades. He said the property is the former Andover Farmer's Market/ Auction

property on Stickle Pond Road. Mr. Kraemer said in addition to the farmer's market, there have always been separate oral leases for owner-operator truck parking. He said it was the case when Mr. Jump bought the property back in 1999. Mr. Kraemer said Mr. Jump recalls truck parking on the site, which predates his ownership of the property. Mr. Kraemer said they are not pursuing the other notice of violation for debris since it has been cleaned up. He said they are focusing on the issue of the use.

Mr. Briadoro swore in Mr. Richard Jump of Tucson, Arizona. Mr. Jump said he is the owner of 310 Stickle Pond Road, which is in the Business Airport zone. He said he acquired the property in December 1999. Mr. Jump said he was born and raised in Andover Township; his family has been in Andover Township for over 100 years and he was familiar with the property. He said his family owned the Newton Airport property, which is on Stickle Pond Road. He said there is an adjacent property between the airport property and the subject property, which is being used for shipping container storage.

Mr. Jump described the farmer's market to the Board. He said there was a problem heating the facility in the winter and it was cost prohibited to keep it open. He said part of the building used for the market is still there. He tore down some of the building that was in disrepair. There were several independently owned tractor-trailers parking on the property when he purchased it. The trucks had been parking there since 1999. Mr. Jump clarified he operated the farmer's market from 2000-2001. Mr. Jump named the independent owner trucks that are parked on the property. He said he had no written lease with the tenants. He explained the arrangement he had with the truckers for leasing the parking spaces. He said some of the current truckers were parking there prior to his purchasing the property. Mr. Jump said there are about five trucks there throughout the years. He said the truckers had no connection with the auction market. He said the farmer's market was indoor rental space and the truck parking was outdoor rental space.

Mr. Briadoro swore in Mr. Craig Bollmann, Andover Township Zoning Officer. Mr. Bollmann said he sent a Notice of Violation in June 2020 stating the use on the property is a non-conforming use, and failure to obtain a zoning permit, failure to submit a site plan, and outdoor storage without screening. With no response, he issued two summons. Mr. Bollmann said the use is not permitted and the outdoor storage has no screening. Mr. Bollmann said he supplied a resolution dated December 16, 2002 to Mr. Messerschmidt, which indicated the removal of parking on the property.

Mr. Kraemer said he had not seen the resolution and felt it was irregular that Mr. Bollmann had a consultation with one of the deciders of the case. The resolution of Andover Township Planning Board decided on November 4, 2002 and memorialized on December 16, 2002, entitled "Memorializing resolution of the Planning Board of the Township of Andover, approving the minor site plan application of Richard Jump relating to Block 151, Lots 19 & 20 for fill grading and certificate of authority for beneficial use of asphalt and concrete" was marked as exhibit 1 and a copy was given to Mr. Kraemer.

The Board took a five-minute break.

Mr. Briigliodoro said he had a discussion with Mr. Kraemer with regard to the resolution from 2002 and they agreed to adjourn the matter until Mr. Kraemer had time to review the resolution and the referenced site plan. Mr. Kraemer felt it was highly irregular to have the Chairman of the Land Use Board consulting with a witness in the case. Mr. Kraemer felt Mr. Messerschmidt should be disqualified from the case.

Mr. Messerschmidt felt there was no impropriety on his behalf however; he recused himself from the hearing. Mr. Kraemer asked Mr. Messerschmidt if he had discussed the matter with any of the Board Members to which he said no. The meeting was carried to September 7, 2021 with no further notice.

ORDINANCES:

1.) Ordinance Prohibiting the Operation of Retail and Delivery License of Cannabis Businesses within Andover Township

Mr. Messerschmidt said this was an amendment to the existing ordinance and would prohibit the retail and delivery of cannabis in Andover Township. Mr. Carafello explained the “opt out” option per the State regulations. Mr. Ordile noted two minor corrections in the proposed ordinance.

The Board Secretary will send the corrections back to the Township Committee.

OLD BUSINESS: None.

NEW BUSINESS:

Mr. Ordile said there are signs attached to utility poles that are not allowed per the ordinance. Mr. Messerschmidt advised Mr. Ordile to bring this matter to the attention of the Zoning Officer.

Mr. Briigliodoro discussed Board duties and responsibilities with the Board.

LIAISON REPORTS:

Township Committee – Janis McGovern

Ms. McGovern advised the Mobil Food Vendor ordinance had its first reading and is moving towards being adopted.

Environmental Commission – Suzanne Howell

Ms. Howell said the Environmental Commission went over the upcoming Land Use Board application to draft a report for the Land Use Board.

Sustainable Andover – Eric Olsen

Mr. Olsen was not present to give a report.

Economic Development Committee – John Carafello

Mr. Carafello had nothing to report to the Board.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt had no update for the Board.

VOUCHERS:

Company	Purpose	Amount	Paid By
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$1,184.00	Applicant's Escrow
Victoria Pizzulo	Monitor Zoom	\$137.50	Misc. Budget

A motion to pay the vouchers as presented was made by Ms. Howell and seconded by Mr. Skewes. Roll Call: Janis McGovern – yes, John Carafello – yes, Suzanne Howell – yes, John O’Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

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: July 20, 2021, August 3, 2021

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator